

Application No: 10/0346M

Location: WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER,
KNUTSFORD, WA16 8TN

Proposal: ERECTION OF 15 NO. AFFORDABLE HOUSES

For DEAN JOHNSON FARMS LTD/ DANE HOUSING

Registered 02-Mar-2010

Policy Item No

Grid Reference 378108 373981

Date Report Prepared: 17 December 2010

SUMMARY RECOMMENDATION

**Approve subject to conditions &
the prior completion of a S106
legal agreement**

MAIN ISSUES

- Whether the consultation on the amended plans raises any new issues that need to be considered
- The impact of the proposal on protected species
- Whether the design and appearance of the proposal is acceptable

REASON FOR REPORT

On 15 September 2010, the Board delegated power to the Head of Policy & Planning to determine the above planning application after reconsultation regarding amended plans submitted at/just before the meeting. The amendments repositioned 6 houses 2m further from a boundary with neighbouring properties. There was an underlying understanding that the delegated decision would be based on the report recommendation plus consultation responses commenting on the repositioning. However, during the reconsultation period a new issue has arisen regarding Great Crested Newts. In these circumstances the Head of Planning and Housing exercised his discretion to refer the application back to the Board for decision. The Board considered the application again on 8 December 2010 where it was deferred to enable the parallel application for the conversion of the retained building to offices (10/3506M) to also be considered by the Board at the same time and to allow further discussions to take place with the applicants regarding the overall design and appearance of the proposal. Further discussions have now taken place with the applicants and the substance and outcome of these will be dealt with in the main body of the report.

The background to the application is set out in the attached committee report, update report and minutes prepared for 15 September 2010.

DESCRIPTION OF SITE AND CONTEXT

See original report.

DETAILS OF PROPOSAL

See original report.

RELEVANT HISTORY

See original report.

POLICIES

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

At the time of considering the application on 15 September 2010, no RSS policies were referred to as at that time, the RSS did not form part of the Development Plan. However, as it does now form part of the Development Plan, the relevant policies of the RSS need to be considered.

These policies are:

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

RDF4 Green Belts

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

OTHER MATERIAL CONSIDERATIONS

Draft Interim Planning Statement on Affordable Housing

Additionally, subsequent to the Committee on 15 September, the Council has recently produced a Draft Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The draft statement was approved by the Strategic Planning Board on 6 October 2010 and is currently out to public consultation until 17 December 2010.

Strategic Housing Market Assessment (SHMA)

The SHMA carried out on behalf of Cheshire East Council was only at a draft stage when the application was previously considered in September 2010. This document has now been published and reports that there are 271 households in need in the Knutsford Rural Area (the area within which Over Peover falls) and a need for 31 dwellings per annum within the Knutsford Rural Area between 2009/10 to 2013/14.

CONSULTATIONS (External to Planning)

The following consultations have been received in relation to the reconsultation on the amended plans.

Environment Agency – no objection subject to the imposition of a condition regarding potential contamination.

CEC Landscape – as previously, no objections to the proposal subject to conditions.

Housing – no comments.

Manchester University (Jodrell Bank) – would like to see the incorporation of materials to reduce electromagnetic interference.

OTHER REPRESENTATIONS

No additional representations were received in relation to the amended plans.

However, following the preparation of the report for the meeting on 8 December 2010, two further representations have been received from one of the occupiers of the properties on Stocks Lane that adjoin the site. The main points raised are summarised below:

- Query what stage funding for the proposed affordable housing was and is at
- Question the independence of the affordable housing statement submitted by the applicants
- Do not feel that the points raised by the QC appointed by local residents were accurately reported to Members
- Continue to question the need for low cost housing in this location and question the opinion of the Council's Rural Housing Enabler
- Question how drainage is to be provided to the development
- Request that the S106 agreement also covers the removal of asbestos from the site

APPLICANT'S SUPPORTING INFORMATION

See original report.

Additionally, the applicants have clarified that there are no mains drains on Grotto Lane but that it is their intention to connect to mains drains located on Stocks Lane. It has also been stated the development would be built to Code for Sustainable Homes Level 3 which is 25% above the level currently required by Building Regulations.

OFFICER APPRAISAL

Policy

Whilst the RSS policies listed above are now relevant to the consideration of the application, with the exception of Policy EM18, it is not considered that any of the RSS policies raise any new issues that were not previously considered by officers and Members when considering the proposal in September. At that time it was acknowledged that the site does not score well in terms of locational sustainability but it was recognised that this is difficult to achieve in rural locations and that in relative terms, Over Peover has many more services than other rural locations.

Policy EM18 requires that all residential developments comprising more than 10 units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design that this is not feasible or viable. This matter could be addressed by an additional condition if necessary. However in this case given

that the scheme is for 15 dwellings (only 5 dwellings above the threshold) and given that the scheme is for 100% affordable housing, it is not considered feasible or viable to attach a condition regarding decentralised energy supply. Additionally it has now been confirmed by the applicants that the scheme would be built to Code for Sustainable Homes Level 3 which would be 25% above current Building Regulations requirements.

With regard to the Draft Interim Planning Statement on Affordable Housing, as this is still subject to public consultation, it is considered that limited weight should be afforded to it in the consideration of the application. Nevertheless, it is not considered that the proposal is inconsistent with the interim statement.

The publication of the SHMA adds weight to the fact that there is a general need for affordable housing within the wider Knutsford Rural Area.

Consultations

It is not considered that the additional comments received from the landscape officer, the housing department or Manchester University raise any new issues that were not previously considered by Committee or were not covered by the conditions attached to the original recommendation.

With regard to the comments received from the Environment Agency, these replicate those previously received in relation to the original scheme. Whilst the condition suggested by the Environment Agency was not attached to the original recommendation, a condition proposed by the Council's contaminated land officer was. This requires the submission of a Phase II Contamination report and would cover the requirements of the Environment Agency.

Representations

Each of the additional points raised by the additional representations will be dealt with in turn.

When the application was considered at the meeting in September, Members were advised that HCA (Homes & Communities Agency) funding for the proposal would rest on the outcome of the application and that if the application was refused, then funding could potentially be placed in doubt. Following the approval of the application in September, the HCA confirmed to Plus Dane Housing that their bid for funding for Woodside Poultry Farm has been approved. The grant allocation for the site has now been secured and it is intended to submit a 'start on site' claim in the New Year.

A question mark has been raised as to the independence of the affordable housing statement submitted in behalf of the applicants. This statement was referred to in the original committee report dated September 2010 when it was concluded that the statement, together with other evidence available to the Council, was sufficient to adequately demonstrate that a need existed for the number of houses proposed. The statement submitted by the applicants was prepared by Pioneer Property Services Ltd, a company which specialises in

housing market analysis and the provision of affordable housing. At the time of considering the application in September, officers were satisfied with the evidence available which did not rest solely on the affordable housing statement submitted by the applicants but as stated, was based on a combination of evidence. Whilst the Council's Rural Housing Enabler has been involved with the application, the opinions expressed within the committee reports and at the meeting in September represented the view of the Head of Planning and Housing and followed extensive consultation and discussion with numerous officers and specialists within the Council.

The points raised by the QC appointed by residents were considered by officers at the time of making the recommendation and were also summarised within both the original report and the update report.

The application form submitted with the application states that foul sewage is to be disposed of via mains sewers. However, it has been stated by third parties that main drainage is not available on the site. The Council's building regulations department has confirmed that there are no mains drains on Grotto Lane and that drainage would therefore have to be provided by connecting to drains on Stocks Lane or by the provision of septic tanks. This would be dealt with at the building regulations stage and whilst it could also be dealt with by a drainage condition, given the scale of the development this is not considered necessary.

With regard to the request to contain a clause regarding asbestos removal within the S106 agreement, this is not considered reasonable or necessary as the removal of asbestos is covered by other legislation and can be adequately dealt with by an informative.

Ecology

Another issue that has become apparent since the proposal was considered at committee is that whilst there were a number of conditions listed regarding nature conservation issues (provision of a bat loft, bat nesting boxes, protection and provision for breeding birds), no conditions were suggested regarding great crested newts which were recorded in garden ponds adjacent to the proposed development. In order to mitigate the risk of killing, injuring or disturbing any animals present on site, the applicant's ecologist has recommended the removal and exclusion of newts from the development site by means of amphibian fencing and pitfall trapping in association with Natural England guidelines. This is standard practice and is acceptable to the Council's Nature Conservation Officer. However, in order for this to be ensured, this would need to be covered by a condition which requires the development to be carried out in accordance with the submitted ecological reports. This additional condition has therefore been added to the list attached to the original report.

Design

As stated in the original committee report to Members in September, officers are satisfied that the design and appearance of the scheme is acceptable and is of a good quality and respects and reflects the rural location of the site. The design of the scheme was amended during the course of the application and prior to the meeting on 15 September 2010 to take account of the views of local residents and of the Council's Design Officer. An additional amendment was also made to the scheme just before the meeting which involved a change to the proposed layout to move the proposed semi detached dwellings 2m further away from the boundary with properties on Stocks Lane. This amendment was considered to be acceptable on design and Green Belt grounds as whilst it moved the houses further across the site beyond the footprint of existing buildings, the overall scheme was still considered to be a significant visual improvement when compared with the existing situation.

At the meeting in September, most Members were comfortable with the design and layout of the scheme as reflected by the decision of Committee that it was minded to approve the application subject to reconsultation on the amended plans and subsequent delegation of the decision to the Head of Planning and Housing in conjunction with the Chairman (the minutes of the previous meeting are attached for information). However, at the meeting on 8 December 2010, it was clear that some Members remained concerned about the proposed design and officers were asked to engage in discussions with the applicants to see whether the design of the scheme could be further improved. Discussions have taken place and the applicants are currently in the process of looking at officer suggestions as to how the scheme could be improved and deciding whether these suggestions can be taken on board. In brief the discussions have focused on the elevation and roof materials to be used in the scheme, the window and door design of the dwellings, the appearance of the front elevation of the properties, the design of the single storey dwelling, the front boundary treatment to the dwellings, the surface materials to be used for roads, parking areas and pathways. Amended/additional information is currently being prepared by the applicants and will be presented to Members at the meeting. The aim with the scheme has always been to ensure that it is a quality development that respects its surroundings. Many of the matters that have been discussed with the applicants would have been the subject of conditions that were attached to the original recommendation regarding materials, window details, landscaping etc. However, it is now anticipated that these details will be agreed up front meaning that officers and Members will have more certainty as to how the dwellings will appear when built. Subject to the amendments/additional details being acceptable, it is considered that it would be unreasonable to refuse the application on design grounds given the view of the Committee in September.

Heads of Terms

Should the Council be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Over Peover and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Plus Dane Housing and the Parish Council)
- provision of off site ecological works and habitat management plan
- commuted sum of £45,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Over Peover

CONCLUSION

As stated at the last meeting, the reason that this application needed to come back before Committee was to address the need for an additional condition regarding protected species. The principle and detail of the proposal was fully considered at the meeting on 15 September 2010 when Members of the Committee were minded to approve the application. At the meeting on 8 December 2010 the application was deferred to allow it to be considered at the same time as the office application on the same site and to allow further discussions to take place with the applicants regarding the design of the scheme. Discussions have now taken place and amended/additional details which will serve to improve the design of the scheme are expected before the meeting. In any event, given the view of Committee in September, it is considered that it would be unreasonable for the application to be refused on design grounds.

It is not considered that there are any new issues that have arisen or that have been raised in representation that result in the need to amend the original recommendation or decision, other than to add an additional condition regarding protected species. Any need for further additional conditions regarding the detail of the scheme will be dealt with either in a written update or verbally at Committee once a response on these issues has been received from the applicants.

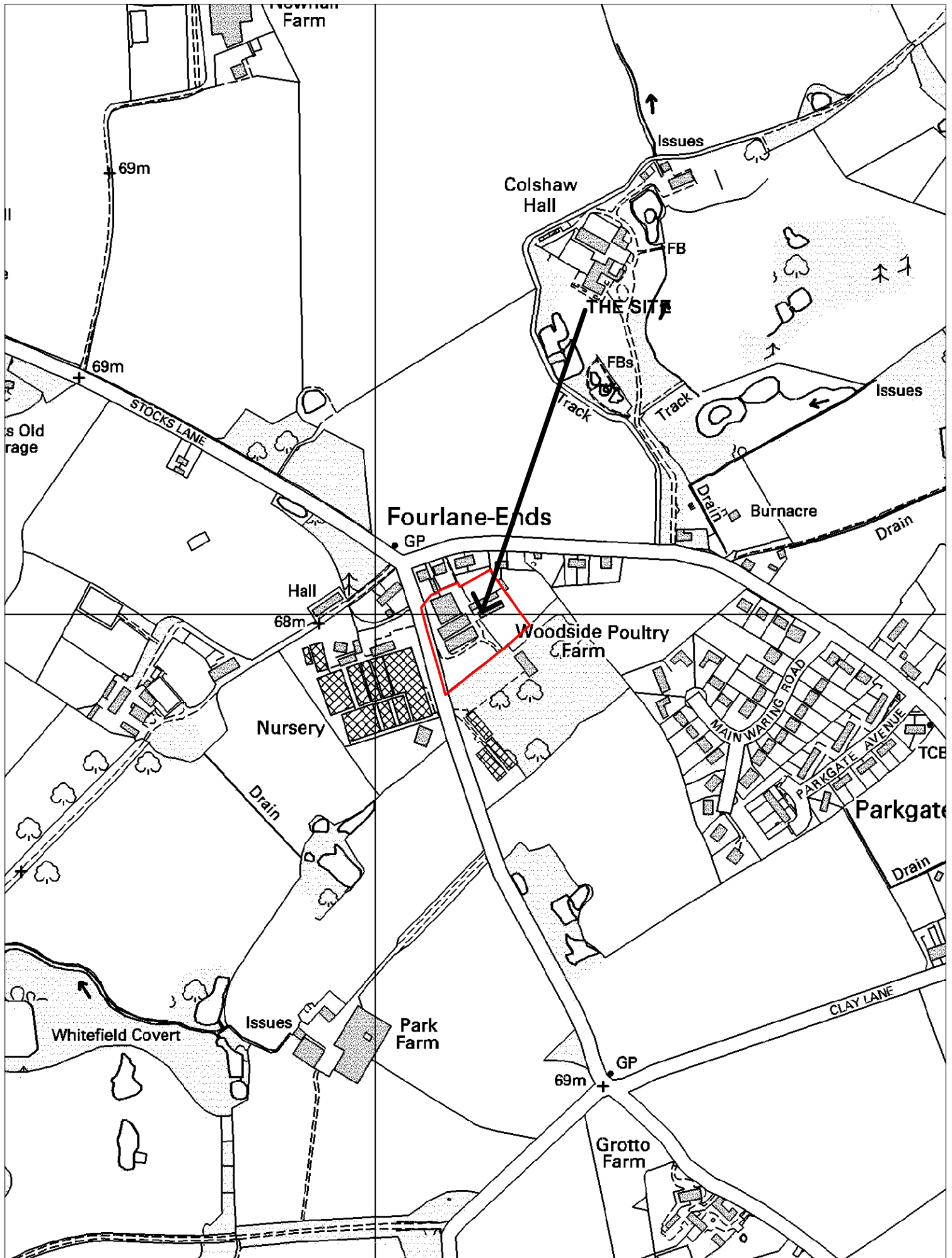
Application for **Full Planning**

RECOMMENDATION : Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
10. A12HA - Closure of access
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A30HA - Protection of highway from mud and debris
14. A01LS - Landscaping - submission of details
15. A04LS - Landscaping (implementation)
16. A12LS - Landscaping to include details of boundary treatment
17. A04MC - Electromagnetic protection (Jodrell Bank)
18. A08MC - Lighting details to be approved
19. A17MC - Decontamination of land (Phase II Report required)
20. A19MC - Refuse storage facilities to be approved
21. A06NC - Protection for breeding birds
22. A01TR - Tree retention
23. A02TR - Tree protection
24. A05TR - Arboricultural method statement
25. A02NC - Implementation of ecological report
26. Construction of new junction prior to construction of any other part of the development
27. Construction of highways (manual for streets layout)
28. Provision of Bat Loft
29. Provision of Barn Owl Nesting Boxes

30. Provision of facilities for breeding birds

Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment having been implemented, Building A shall be demolished



WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNU

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