

Application No: 10/4059C

Location: HENRY ALTY, KNUTSFORD ROAD, CRANAGE, CW4 8HU

Proposal: Demolition of Derelict Building and Erection of 14no Family Homes with Associated Parking and Landscaping. Change of use from B1 to C3 Usage

Applicant: Mr R Chawla, Goldcrest Finance Ltd

Expiry Date: 13-Jan-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of Development

Residential Amenity

Trees and Landscape

Design and Layout

Highway Safety

Ecology

Contaminated Land

Open Space

Affordable Housing

REFERRAL

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The site lies in the open countryside to the north of Holmes Chapel on the A50. It forms part of a chain of ribbon development leading out of the town and into the open countryside. The main part of the site is given over to the existing Henry Alty commercial premises which have been used for the retail sale of gardening products and the associated car park to the front. The business has since closed.

In addition, the northern and western (rear) parts of the site are characterised by a large number of trees which define the nature of the area. A tree preservation order (Cranage TPO 1988) covers the site but some of the trees are self set and of poor amenity value.

The existing building on the site had been developed over a series of stages comprising the former two storey dwelling house which was more recently used for office accommodation and a newer single storey element at the front which was used for the sale of horticultural goods. The property is characterised by three gable elements that project forward and are connected by short interlinking sections. The property is brick built with rendered walls and a tiled roof and dates from the 1930's

Surrounding the site to the south and west are a number of other properties, including a number of residential dwellings some of which directly back onto the site.

2. DETAILS OF PROPOSAL

This application seeks consent for an alternative scheme comprising the erection of 14 family homes with associated parking and landscaping.

3. RELEVANT PLANNING HISTORY

Although there are a number of applications relating the historic use of the site, there are two key applications for consideration as detailed below. In January 2007, approval (ref. 06/1173/FUL) was granted for to redevelop to industrial / retail premises specifically for the sale and repair of AGA cookers. This was granted in 2007. There is also an extant planning permission for the development of a serviced B1 office block with associated parking and landscaping. The gross internal office floorspace to be provided amounted to 2,100m².

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 – Spatial Principles
DP4 – Make best use of resources and infrastructure
DP5 – Managing travel demand
DP7 – Promote environmental quality
DP9 – Reduce emissions and adapt to climate change
RDF1 – Spatial Priorities
L4 – Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
MCR4 – South Cheshire

Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTEES

Jodrell Bank

We have reviewed the design for Knutsford Road and believe from the drawing issued that the architects have covered all the items that we requested.

Environmental Health

No objection subject to the following

- The application area has a history of a garage and a depot and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- Therefore a full contaminated land assessment is required by condition
- A condition is also required to secure a noise impact assessment.
- Development shall be restricted to Monday to Friday 08.00 to 18.00 hrs Saturday 09.00 to 14.00hrs Sunday and bank holidays nil

Highways

- In making this response the Strategic Highways Manager must also take into consideration that this site has an extant permission for development which would include for some B1 office use and an appliance sales/service facility.
- The Traffic Statement provides an analysis of the traffic generation for the site and also offers an assessment of the sustainable travel choices together with a junction design to an acceptable standard.
- The proposed development is for a low number of residential dwellings and therefore the salient issues for this site are: parking provision and access.
- Previous applications – including the extant permission – have all had a higher traffic generation than this proposal and required a higher level of parking provision. It therefore follows that as the extant permission has a higher traffic generation that this proposal will not give any concern from this perspective.
- In any event an acceptable trip rate for residential development is 0.6 trips per household and the offered trip rates for the site are slightly in excess of this level. This means that the calculations for traffic generation in numbers are robust for the site and therefore calculated amounts of traffic will provide genuine analysis.
- The numbers of vehicle trips for the site in the morning and evening peak hours are 8 and 9 trips respectively meaning that one vehicle will either leave or enter the site once every six or seven minutes, on average.
- This traffic generation onto the A50 against the base traffic flow is negligible under Chartered Institute of Highways and Transportation guidelines and the Strategic Highways Manager would advise that this level of traffic generation is considered acceptable, especially given the likely traffic generation from the extant permission use-class.
- It is a highway requirement that one junction should serve the site, reducing existing access points from two to one, and that there should be sufficient parking provision to mitigate concern over displaced parking onto the public highway.
- The proposal offers a new junction with the A50, designed to highway authority standards and a ghost island right turn lane to serve the right-turn traffic into the site which will be designed in accordance with national standards.
- The existing centre hatching accommodates the design of a right turn lane for the site and has appropriate spacing from local junctions.
- This level of design was available for the extant permission and has been previously ratified by the Strategic Highways Manager within the extant permission.

- This access and junction design, together with upgrades to frontage footpaths will be subject to a legal agreement under the Highways Act 1980 and the S.H.M. will recommend suitable conditions and informatives.
- The A50 is a Red Route for accidents and was treated with a safety scheme 2008. The Cheshire Safer Roads Partnership report dated 14th October 2009 demonstrates a 33% drop in accidents on the A50 in the previous 18 months.
- The Strategic Highways Manager therefore considers that the traffic generation for this site, managed by a junction and right-turn lane controlled by a Section 278 Agreement is an acceptable level of traffic generation onto the A50, which does have significant traffic capacity, above its normal traffic-flow levels.
- The site layout proposals offer 200% parking provision with a total of 28 parking spaces serving the 14 dwellings.
- The LPA have agreed a revised option for the internal layout which removes frontage parking from a number of the dwellings giving a better quality layout whilst still maintaining internal dimensions which support all junction movements including for service vehicles.
- The S.H.M. considers this to be an acceptable position and endorses the layout design offered in the drawing: 10037(PI)004* - designated 'option 2'.
- It is considered that 200% parking provision in this rural area mitigates concern over the likelihood of displaced parking onto the A50 and is in line with other similar local permissions which have been granted.
- Previous applications have recognised that this site is not well served by sustainable transport options, though the Traffic Statement does demonstrate that there are some available bus services locally and a limited amount of footpath links.
- Nonetheless the site fits with planning policy in terms of rural housing provision and the parking provision for the site will support the likely extra traffic movements which, for a development of this limited scale still number in single figure trips for the peak flow hours.
- It is not considered that the developer should provide an information pack on Travel Planning for the development, as it is also recognised that this provision will only offer limited advice.
- It is not therefore considered necessary that a Travel Plan be provided for this development.
- The SHM finds that there is no sustainable reason to object to the proposed development and recommends the following conditions be attached to any planning permission which may be granted:

1. Prior to the commencement of development the applicant will provide detailed design drawings for: the construction of the new access, the full closure of the existing southern access and its reinstatement to footway/verge, resurfacing of the frontage footpath and the design of a ghost island right turn lane to serve the site, for the approval of the LPA. This will form part of the off-site highway works.
2. Prior to the commencement of development the applicant will provide a plan demonstrating visibility splay provision in accordance with the Design Manual for Roads and Bridges and provide for verge cutting within the extent of the provisional splays. This will form part of the off-site highway works.
3. The applicant will enter into and sign a Section 278 Agreement under the Highways Act 1980 in relation to the off-site highways works in the above conditions. Via this agreement the design specifics of the off-site highway works will be under the control of the Highway Authority.

Housing

- As the application for this site is for 14 units there would not normally be any affordable housing requirement. However as it is a rural windfall site in Cranage where there is a population of less than 3,000 there is an affordable requirement on the site.
- The Interim Planning Statement for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 Strategic Housing Market Assessment, subject to substantiating evidence.
- It goes on to state: Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.
- The Housing Section have gone through the affordable housing information available for Cranage to establish the need for affordable housing in the area where the Henry Alty site is, taking into account the sites at Big Stone House and 5 Middlewich Road which are close to the Henry Alty site and have planning.
- For the SHMA Cranage is shown in the Holmes Chapel Rural sub-area. There is shown need in the SHMA for 9 affordable homes per year, 4 applicants for housing in Cranage on Cheshire Homechoice and 3 people on the affordable housing waiting list

we have in Housing Strategy. There is also the last Rural Housing needs survey of Cranage which showed a need for 9 affordable homes.

- There are 2 affordable housing sites in Cranage one is currently being built, Big Stone House, which is 10 units for shared ownership, 8 of these have been sold. The other site next to 5 Middlewich Road, Cranage will provide 10 affordable homes. So the Big Stone House development will meet the need shown in the SHMA for this year and the one next to 5 Middlewich will meet the annual requirement for another year, these will all be shared ownership, the SHMA shows a need for a mix of social/affordable rent and intermediate tenures on a 65%:35% split, so there is need for affordable housing in Cranage as no social/affordable rent has been provided.
- The current information from Cheshire Homechoice and the affordable housing waiting list provide additional evidence of affordable housing requirements in the SHMA. The Rural Housing needs survey also does, but it was carried out in 2006/07, and the total annual affordable housing requirement in the SHMA for Holmes Chapel Rural sub-area is the total requirement for a number of parishes not just Cranage.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- Objection.
- Local services already over loaded.
- Statements inaccurate.
- No garages and no storage space.
- The density needs to be reduced considerably and the homes should be in keeping with the rural area and conform with the design and access statement particularly number 5, 8 and 10 dwellings.
- Highways need to consider access, numbers and movements are suitable for the red route it is situated on.
- This application should be reduced in numbers before it is considered further. It is not for affordable homes and therefore the fact that this site is not designated for housing in the local plan is a key factor and should be considered.

6. OTHER REPRESENTATIONS

Representations have been received from 2, 4 Northwich Road, The Gables, Pump Cottage, Two Oaks, Fontainbleu and Swan Cottage making the following points:

Highway Safety

- This scheme has inadequate parking provision and would result in parking on the A50 and surrounding areas. This would be extremely dangerous, particularly because the A50 is already designated a Red Route
- The play area shown is open and adjacent to the A50 and would therefore be highly dangerous especially at busy times and on the frequent occasions when the M6 is congested or closed and the A50 is used as an alternate route.

- There are no local transport facilities which means that each property will have to own AT LEAST one vehicle, this would cause a serious danger of road traffic accidents as the entry/exit is onto a fast stretch of the A50.
- The scheme has inadequate levels of parking. In many places a ratio of 2 spaces per dwelling would be adequate but, in this location, the lack of any meaningful public transport means there would be insufficient spaces for both occupants and visitors. As a result, cars would attempt to park on the A50 (a Red Route) adding to the existing dangers at its junctions with New Platt Lane and Northwich Road. The application documents refer to garages in numerous places but these appear to be absent from the actual dwelling plans.
- The applicant has also on this submission attempted to alleviate concerns on traffic movement from the development by presenting a set of statistics which may be appropriate for a town development. These are totally meaningless for the locality where all would-be residents would use cars to get around as there are no alternative transport means in the area.
- Bicycle storage is a red herring, it may well be that some residents will own bicycles but it is very unlikely that they will be used for commuting; the A50 is the third most dangerous road in Cheshire and there are no dedicated cycleways along that stretch. Cyclists rarely use the A50 and certainly not during commuting hours.
- How can 14 houses, potentially 28 cars, generate only 8 movements at am peak and 9 at pm peak? The TRICS system may well predict that but on close examination of the sampling, I notice that the urban samples dominate, i.e.. 99.13% urban, 0.87% rural. Urban vehicle movements are always fewer than rural because commuting can often be accomplished by walking, cycling or public transport, none of which are appropriate in this case. TRICS is not an appropriate model for estimating traffic movement at the location, common sense and local knowledge are appropriate.

Character and Appearance

- The design and scale of the scheme is completely out of character for the local area which is semi rural and primarily comprises detached houses set within good-sized gardens.
- The applicants have made broad and inaccurate statements about the housing in the local area such as the existence of 2.5 storey properties when in fact there are none
- The number of properties is far too many compared to the size of the plot.
- This Application bears all the hallmarks of someone trying to maximise their return on the resale value of the site at the expense of the local inhabitants.
- The proposed development is wholly inappropriate for the area and is not of the type that will enhance the local area or the immediate surroundings. The proposed development is wholly inappropriate because it will not enhance the existing residential properties, quite the contrary.

- The application does not comply with the policies set out for the Rudheath Woods area in the Congleton Local Plan. Policy PS6 in particular states that 'within the infill boundary line of these settlements, limited development only in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance'. In all respects, this application fails this test. There is not one single development in the area that comes even close to this application in intensity, scale or height.
- It does not fall within any one of the 6 categories in Policy H6
- The scheme is not "infill". This would be one or 2 houses.
- Three storey houses so close together can in no way "reflect the rural character of the area".

Amenity

- Properties in Northwich Road will be overlooked from the rear of the dwellings which run along the western boundary of the site. The proposal to have windows at roof level makes this intrusion particularly uncomfortable.
- In rearranging the homes the applicant has now positioned all the 2.5 floors high buildings (which are at a height of 9.6m - far and above any other houses in the area) such that the upper windows at the rear will overlook neighbouring properties.

Other Matters

- The scheme has an inadequate level of affordable housing
- The scheme includes a 222sqm play space. This is a miniscule provision for 14 dwellings and there are no other play areas within reasonable walking distance.
- This site desperately needs to be developed and the failure of commercial applications makes a residential use both sensible and in keeping with the local character which is enshrined in the Local Plan. However, a successful scheme must comply with the policies contained in that plan rather than being driven by a need to recoup the high price that was paid for the land at the height of the market
- The applicants state that there may be a potential source of contamination from past uses and do not state how they will deal with the issue.
- They state that there was no community involvement due to the small scale of the development and yet this is the largest housing development to ever take place in this area. Offers to meet with the developer has been declined. As community involvement is one of the 6 key principles of sustainable development in PPS1
- The applicants claim "The site is well served with amenity and leisure facilities" is not true, the nearest public, affordable and comprehensive amenity is Holmes Chapel Leisure Centre approximately 4 miles away.
- The developers claim that the site is below the threshold for affordable housing provision. However, para 3.6 of SPD6 makes it absolutely clear that for rural

communities of less than 3000 population lower thresholds apply. The application is larger in both hectares and number of dwellings than these thresholds.

- The supporting documents are full of errors, inconsistencies and meaningless statements

7. APPLICANT'S SUPPORTING INFORMATION:

- The development proposal is similar in terms of impacts on trees, to the extant planning permission and can be implemented with the removal of several low value trees and one moderate value tree and the pruning of several retained trees, which collectively will have a modest impact on amenity as viewed from outside the site. All trees proposed for retention can be protected for the duration of site construction works in accordance with current best practice guidance within BS5837.
- New tree, shrub hedge plant as part of a wider scheme of landscape enhancements across the site can mitigate trees lost to the development, enhance the landscape setting of the site and strengthen the site boundaries.
- In terms of impact on trees, the development proposal as amended by the schedule and drawing appended hereto and as supplemented by a suitable landscape scheme is broadly neutral.

Transport Statement

- The site is on previously developed land
- The site is readily accessible by bus given its location
- The site can be accessed safely and efficiently from Knutsford Road.
- The proposals will rationalise the two existing access points into one formal vehicular access
- The proposals will generate a negligible increase in traffic on the local highway network when compared to the existing operation of the site
- The internal layout is considered to be acceptable by CEC
- In conclusion there should be no reason to object to the planning application on transport and highways grounds.

Sustainability Study

- The study demonstrates that the site can provide a sustainable development; it falls within an established residential area. The development meets the requirements of the UDP
- Due to the inherent nature of this development, recycling and sustainability is the fundamental ethos behind this entire venture

Contaminated Land

The data examined in this risk assessment indicates that there may be a potential for land contamination on this site.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the Infill Boundary Line for the settlement of Rudheath Woods, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The site was formerly in use as a retail establishment selling garden, building and hardware products. It therefore constitutes an existing employment site and consequently Policy E10 should apply. This states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Planning permission was granted in 2009 for a large office building on the site. However, during the intervening period no developers have come forward who are willing to implement that permission. This indicates that there is no market for office accommodation of this nature locally and is probably due to the isolated location of the site, away from shops, services and other town centre facilities necessary to support the needs of the business and the staff that work there.

It is also considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the approved office building. Thirdly the proposal would bring back into beneficial use, a derelict and redundant site, to the benefit of the surrounding area. Finally, the proposal would be more sustainable than the previously approved office building in terms of reducing the need to travel. 14 families travelling out from the site to work or school, will generate significantly less vehicle trips than approximately 300 office workers commuting to and from the site daily.

On balance, therefore, it is considered that the lack of interest in developing the site for commercial purposes since its closure in 2005, and in particular since the grant of planning permission for the office building in 2009 demonstrates that it is no longer suitable for employment purposes. Moreover, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and sustainability and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

Jodrell Bank

The University of Manchester objected to the proposals as originally submitted on the basis of the potential interference from electrical items within the properties affecting the working of the telescopes at Jodrell Bank. However, negotiations have taken place between the University and the developer which have resulted in amended plans that show the dwellings re-orientated so that they stand with their gable ends facing towards the telescope. The University has confirmed that it is satisfied with the amendments.

Residential Amenity

The surrounding development comprises a commercial garage premises to the south side, an area of woodland to the north side and residential property to the rear. Open Countryside lies on the opposite side of the A50. The Council's Supplementary Planning Guidance recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

In this case, following the submission of the amended plans, a distance of approximately 23m will be achieved, at the closest point between the proposed dwellings on plots 8 to 14 and the property known as Two Oaks to the south of the site. Furthermore, the two dwellings would be separate by the garage site. A distance of approximately 19m would be maintained between the gable elevation of the proposed dwelling on plot 7 and the property to the rear of site, known as 2 Northwiche Road. It should be noted that this measurement is taken at the closest point from the corner of Plot 7 to the corner of no.2, and that the dwellings do not face each other directly, which further limits the potential for loss of privacy and light. This is considered to compensate for the fact that the proposed dwellings would be more than 2 storeys in height. In addition, the overall height and massing of the proposed dwellings would be significantly less than that of the approved office building and, the site is well screened by a belt of mature trees.

The revised layout has further improved the level of residential amenity afforded to the dwellings to the rear in Northwiche Road. Both rows of proposed houses are now situated with their gable ends facing towards these dwellings, where previously, there had been a row of principal windows.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

Design and Layout

The dwellings are laid out in two rows, facing each other across a central, parking and turning area, which also incorporates an area of open space. The two rows of houses are orientated at right angles to the main A50, with blank gables facing on to the highway. Whilst this is not normally considered to be appropriate as it fails to create active frontage to the road, in this situation it is considered to be acceptable for a number of reasons. As stated above, this is the only layout which will overcome the objection from Jodrell Bank. It is also commonplace within the rural landscape to find dwellings which are sited at right angles to the road with their gable ends immediately abutting the highway.

The layout minimises the potential for noise and disturbance to future occupants from the busy main road, and thirdly, the layout create a sense of enclosure and community as well as natural surveillance of the parking areas and open space. This sense of enclosure is enhanced by the fact that the dwellings to either side of the site access are stepped forward slightly. This will provide further screening against noise and disturbance to the central area. The courtyard layout of the development is also reminiscent of the many converted farmsteads in the locality. The amended layout has also enabled the relocation of the public open space to the rear of the site, which has addressed a number of local resident's concerns, about the proximity of this facility to a busy main road.

To turn to the elevational detail of the scheme, the properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Local residents have expressed concern about the height of some of the dwellings. However, from a design perspective, there are many substantial detached properties and farmhouses in the vicinity and taking into consideration the overall height of the previously approved office building, it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Highway Safety.

In the light of the previous use of the site, and the extant permission for the office building, the Strategic Highways Manager has concluded that the proposal will not result in an unacceptable level of traffic generation to and from the site. He has commented that the applicant has provided an adequate junction design which will allow vehicles to enter and leave the site, without causing detriment to highway safety on the A50, which it is acknowledged is a road with a poor accident record. The site layout proposals offer 200% parking provision with a total of 28 parking spaces serving the 14 dwellings, which is considered to be adequate for the development, taking into account its rural location. Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Highways Engineer, it is not considered that a refusal on highway safety grounds could be sustained.

The Highways Engineer has also commented that the amended layout appears to be acceptable, and an updated formal comment will be reported to members at their meeting.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and

- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy [insert policy number and summary of content as appropriate]

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, the Council’s Ecologist has examined the application and commented that it is supported by an acceptable protected species survey.

Evidence of limited bat activity in the form of what are possibly ‘feeding perches’ and a transitory roost of a relatively common bat species has been recorded within the buildings at this site. The usage of the buildings by bats is likely to be limited to a single or small numbers of animals using the buildings for short periods. The loss of the buildings on this site in the absence of mitigation is likely to have a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The submitted report recommends the installation of features suitable for roosting bats into the proposed houses as a means of compensating for the loss of the roost and also recommends the timing of the works to reduce the risk posed to any bats that may be present.

The submitted recommendations relating to the timing of the works are acceptable; however the proposed replacement roosts are more suited to crevice dwelling species. The species recorded within the buildings at this site is usually considered to be a 'loft dwelling' species. The provision of a purpose designed bat loft would be more appropriate to the needs of the species recorded on site.

The Council's Ecologist recommends that a bat loft designed in accordance with the Natural England Bat mitigation guidelines is incorporated into the proposed development. The bat loft should be located in close proximity to trees on the site boundary. An architects drawing together with a written specification for the design of the bat loft should be provided. In addition the submitted bat mitigation method statement should be amended to include the provision of the bat loft. This can be secured by condition.

Contaminated Land

The supporting documentation submitted with the application suggests that there is potential for ground contamination on the site. The Council's Contaminated Land Officer has examined the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

Affordable Housing

As the application is for 14 units, under the terms of the adopted Local Plan policy it would not normally generate any affordable housing requirement. However according to the Council's Interim Affordable Housing Policy, which accords with advice contained in PPS3, in settlements of less than 3,000 population, lower thresholds will apply. It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

With regard to the issue of local need, in the Council's Strategic Housing Market Assessment (SHMA), Cranage is shown in the Holmes Chapel Rural sub-area, where a need is identified for 9 affordable homes per year. Furthermore, there 4 applicants for housing in Cranage on the Cheshire Homechoice waiting list and 3 people on the Council's affordable housing waiting list. The last Rural Housing needs survey of Cranage also showed a need for 9 affordable homes. However, there are 2 affordable housing sites in Cranage one is currently being built, Big Stone House, which is 10 units for shared ownership, and the other site next to 5 Middlewich Road, Cranage will provide 10 affordable homes. Consequently, it is considered that the current affordable housing requirements for Cranage have been met. Whilst the comments of the housing department, regarding the mix of tenure on these sites are noted, it is not considered that this alone is sufficient to justify additional affordable housing provision on this site.

Furthermore, the site is not in close proximity to local services and facilities and the applicants have provided a viability appraisal which advances an economics of provision argument, that this site cannot financially support the provision of affordable housing. Rendering the scheme unviable through the provision of affordable housing would jeopardize the regeneration of this site and the delivery of much needed housing supply for the Borough of Cheshire East.

Therefore, in the light of the above, and having regard to the advice within the Council's Interim policy it is not considered that the Council is in a position to justify an affordable housing requirement as part of this development.

Trees and Landscape.

Most of the site lies within Woodland W1 of the Northwich Road, Cranage TPO 1988. Although the area is designated woodland, there are only a few protected trees within the main body of the site. The crowns of trees overhang the site from woodland to the north and west and a line of trees on the boundary with the property to the south.

The approved developments would have involved the removal of certain mid site trees. For the current proposed layout, the mid-site trees would be removed, together with some boundary trees identified as being in poor condition. Other boundary trees would be retained including a prominent protected Oak tree to the north east frontage of the site. A submitted arboricultural statement recommends some remedial works to retained trees, together with measures for their protection.

The Senior Landscape Officer has examined the proposals and accepts that there are trees in the vicinity which, on grounds of poor condition, do not merit retention. She does not object to the removal of the specimens identified for felling in the submitted tree survey and subject to appropriate protection measures and sympathetic pruning works, she is satisfied that in the short term, the impacts of the development on retained trees could be minimised. An arboricultural method statement and tree protection measures could both be secured by condition.

However she considers this version of the layout to be the least sympathetic to the protected trees in the long term. The layout would result in the private amenity space of several plots being dominated by trees. Furthermore, the plots to the north of the site, would be shaded by the dwelling themselves. In particular, whilst it is shown for retention, it is likely that the development would result in pressure in the long term for the removal of the Oak tree, referred to above, which is indicated as being located in the garden of plot 1. The tree was afforded a Grade A for retention in the submitted tree report.

Whilst previous plans have demonstrated that a more acceptable layout could be achieved, which would ensure the retention of all the protected trees on the site, both in the long term, and the short term, the alternative layout would generate an objection from Jodrell Bank. In this case, it is considered that the need to satisfy the requirements of Jodrell Bank outweighs the long-term potential threat to a single tree.

To turn to the matter of proposed landscaping within the development, whilst indicative planting is shown on the site layout plan, no landscape or boundary treatment details are provided. However, this can be easily secured by condition.

Open Space

According to the Council's Supplementary Planning Guidance, developments of 7 or more family dwellings will generate a requirement for public open space and children's play space.

The Applicant's Design and Access Statement says that "The proposed scheme is for 14 units, and therefore the requirement for open space is only required where practical. The proposed site layout has been designed to provide an area of open space of approximately 222m², considerably in excess of the requirement. This also provides a focus for the development".

The Greenspace Officer has commented that in pre-application discussion she commented that on a scheme, of 14 dwellings of 3 and 4 bedrooms there would be a deficiency in quantity of provision but did not indicate the exact size of area which would be expected only that a play area should be provided.

Given that this scheme is very small it is deemed to be impractical to provide the total requirement on site, and therefore consideration needs to be given to financial contributions to off-site works.

The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. This case is unusual in that there is no provision at all within 800m. Consequently, there is no opportunity to provide or improve off site open space in a location where it could be argued that it would be reasonably related to the development.

In summary therefore, whilst it is acknowledged that the level of on-site provision is deficient, it is considered that due to the limited size of the site, it would be unreasonable to insist on additional on-site provision. Given that there are no opportunities to spend commuted sum at a location which is accessible to residents of the new development, it is also considered to be unreasonable to require such a contribution.

9. CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. Although it would result in the loss of an existing employment site, it is considered that the applicant has demonstrated that the premises are no longer suitable for employment uses and that there would be substantial planning benefits in permitting an alternative use.

The submission of revised plans has addressed concerns regarding the impact on Jodrell Bank, residential amenity and the location of the play area. The proposal will provide for the retention of protected trees during the course of development. Whilst the revised layout is less sympathetic to trees, in terms of potential for long term pressure for pruning

or removal, it is considered that these concerns are outweighed by the benefits arising from the replan in respect of the impact on Jodrell Bank. Although the proposal does not make any provision for affordable housing, it is not considered that a refusal on these grounds could be sustained at appeal, given that according to the Council's housing section, there is no identified need for further affordable housing in the immediate vicinity. The proposal is considered to be acceptable in terms of design and layout, highway safety, ecology and open space. Consequently, it complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Landscaping**
- 5. Implementation of Landscaping**
- 6. Boundary Treatment**
- 7. Tree Protection Measures & Arboricultural Method Statement.**
- 8. Implementation of Tree Protection**
- 9. Removal of Permitted Development Rights**
- 10. Contaminated Land Condition**
- 11. Submission / approval and implementation of access drawings**
- 12. Submission / approval and implementation of visibility splays**
- 13. Provision of parking**
- 14. A noise impact assessment.**
- 15. Development shall be restricted to Monday to Friday 08.00 to 18.00 hrs Saturday 09.00 to 14.00hrs Sunday and bank holidays nil**
- 16. Scheme for provision and maintenance of open space including children's play space.**
- 17. Timing of works**
- 18. Provision of bat roost**

Location Plan



The Site