

Application No: 15/2439C

Location: ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, SANDBACH, CHESHIRE, CW11 1YG

Proposal: Proposed plot substitution of previously approved house types on plots: 3, 23-25,28-30, 36-38, 41,44, 50, 52, 67-70, 89, 92 including the repositioning of house types to facilitate the above. (Previously approved under ref: 12/2426C. APP/R0660/A/13/2196044)

Applicant: J Gould, Rowland Homes

Expiry Date: 26-Aug-2015

#### **SUMMARY**

**The proposed development is a minor change to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore considered to be sustainable development.**

#### **RECOMMENDATION**

**Approve subject to conditions and a deed of variation**

#### **PROPOSAL**

Planning permission 12/2426C gave permission for 88 dwellings and for associated works including roads, sewers, pumping station, drainage works and balancing pond.

This application seeks minor changes to the approved house types on plots: 3, 23-25, 28-30, 36-38, 41,44, 50, 52, 67-70, 89, 92 including the repositioning of house types to facilitate the above.

#### **SITE DESCRIPTION**

The site lies on the northern edge of the settlement of Elworth. The site comprises agricultural land which has predominantly been used for grazing in recent years. It is located off Dean Close and Wrenmere Close, two minor cul-de-sacs off Grange Way and Lawton Way in Sandbach, approximately 1500m east of the centre of Sandbach. The surrounding urban area is predominately residential in character and includes a variety of forms, architecture and materials.

The site originally formed part of a larger agricultural holding. The site of these buildings, extending to around 1 hectare is an ongoing construction site where planning permission has previously been granted for 25 dwellings (Phase 1). This approved development is accessed by a private driveway

between Nos. 14 and 16 Dean Close, which serves 4 of the dwellings currently under construction with the remainder served from an extension of Wrenmere Close.

The Phase 2 area comprises of the remaining agricultural holding extending to some 13.6 hectares (33.7 acres). This comprises an area of fallow agricultural land divided into a number of field parcels. These fields are separated by a mix of post and wire fencing and established trees and hedgerows.

## RELEVANT HISTORY

- |           |      |   |
|-----------|------|---|
| 09/3245C  | 2008 | Partial demolition of the existing site (including modern agricultural buildings and the existing dwelling) the conversion of the remaining existing buildings to form 8 dwellings and the erection of 13 additional dwellings within the curtilage of the existing residential property - Withdrawn  |
| 10/1765C  | 2010 | The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property. - Approved  |
| 10/2006C  | 2010 | The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works. – Refused / Appeal Allowed  |
| 11/ 4396C | 2012 | Variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15. – Resolution to approve subject to Section 106  |
| 12/0281C  | 2012 | Change Of House Type On Plot 16 From Bonham To Bonnington And Re-Siting Of Plot 17 Marlborough House Type. – Refused / Appeal Dismissed   |
| 12/2426C  | 2014 | The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) Approved under Appeal APP/R0660/A/13/2196044   |
| 13/4491C  |      | Full Planning Application - The Erection of 96 dwellings together with associated works including the creation of approximately 10 hectares of open space and recreation land (Phase 2), and the amendment of Plots 16 and 17 previously approved under reference 10/2006C (Phase 1) - Resubmission of Application 12/2426C – no decision   |
| 15/1079D  |      | Discharge of Conditions - The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) – no decision  |
| 15/1806D  |      | Discharge of Conditions - Discharge of conditions 5, 8, 9, 15, 16, 17, 26, 29, 33 and 34 attached to planning permission 12/2426C. Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) – no decision |

15/2040D Discharge of Conditions - Discharge of Conditions 11, 28 and 31 on Application  
12/2426C - no decision

15/2248C Non-Material Minor Amendment - Non material amendment relating to  
12/2426C (proposed residential development) – no decision

## **NATIONAL AND LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development  
56-68. Requiring good design

### **Development Plan**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG6 – Spatial Distribution of Development  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity

SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management

## **CONSULTATIONS**

**CEC Highways:** No comments received at time of writing this report.

**CEC Strategic Housing Manager:** No objection - The proposed re-plan does not relate to any of the affordable housing plots. The substitution of house types maintains the same number of total dwellings across the site so the number of affordable housing units required will not change.

**CEC Education –** No comments received at time of writing this report.

**CEC Environmental Health:** No objections

**Environment Agency -** No comments received at time of writing this report.

**United Utilities -** No comments received at time of writing this report.

## **PARISH/TOWN COUNCIL**

Members have no objection to the proposed plot substitutions, however, request all agreed conditions relating to the 10 hectares of open space/recreation land and supply of 29 affordable homes remain as approved.

## **REPRESENTATIONS**

Representations have been received from 2 occupants. The main issues raised are;

- The new layout will leave the existing houses exposed to crime and disorder. Contravenes the NPPF as existing fencing along Boothsmere Close will remain as it, 4 ft post and rail fencing backing on to the public open space and lay by.
- This application will over ride the conditions placed on 12/2426C by the Inspector
- Issues of amenity raised regarding the rear of No.7 Boothsmere Close

## **APPRAISAL**

The key issues are:

- Design and impact upon character of the area
- Amenity of neighbouring property

### **Principle of Development**

Given that the principle of development has been established by the granting of full planning permission as part of application 12/2426C this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates solely to minor changes to the house types on this site.

### **Design**

The layout would be very similar to the approved scheme with the position of the access point, location of the public open space, internal access roads and location of the affordable housing all remaining unchanged.

The changes relate to 20 dwellings which will replace the 20 approved previously at plots: 3, 23-25, 28-30, 36-38, 41, 44, 50, 52, 67-70, 89 and 92 inc. Plot 15 has been moved forward from the boundary allowing greater interface differences from the existing houses to the rear of Boothsmere Close. Plots 26, 27, 31, 42, 43 and 71 have been repositioned in order to facilitate the plot substitutions.

At plots 3, 25, 28, 36, 52, 68, 89, 92 the Bonnington house type will be replaced with Brantwood, plot 23 the Howell house type will be replaced with the Renishaw house type, plot 24 the Holbrook house type will be replaced with the Renishaw house type, plot 29 the Haywood house type will be replaced with the Bowes house type, plot 30 the Howel house type will be replaced with the Bowes house type, plot 37 Bonnington house type will be replaced with Reynold house type, plots 38, 41 and 44 the Bonnington house type will be replaced with Bellingham house type, plot 50 the Reynold house type will be replaced with Marlborough house type, plot 67 the Howell house type will be replaced with the Holbrook house type, plot 69 the Holbrook house type will be replaced with the Renishaw house type, plot 70 the Howell will be replaced with the Renishaw house type.

In line with conditions 3 and 4 attached to the original permission, Plot 64 has been amended to pull it in line with the adjoining dwellings, and there is no longer a dwelling on plot 49.

There are three new house types Bowes, Bellingham & Brantwood which are new to the scheme. However these new house types are similar to the existing approved housing and retain a good mix and variety across the site and are considered to be consistent with the wider development as a whole on the site.

These minor changes would still respect the character and appearance of the area and would comply with Policy GR2 (Design) of the Congleton Local Plan.

### **Amenity**

With the exceptions of plots 15 and 71 the development will have no impact on residential amenity over and above the originally approved scheme. Both units 15 and 71 have been moved slightly from their original positions. However they will increase the separation distances and therefore will create an improvement to the scheme.

The remained changes relate to internal amenity and there is no greater impact to the future occupants amenity over and above that which has already been approved.

Therefore the proposal is considered to comply with the requirement of policy GR1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Trees**

There are no direct implications in respect of the protected trees on the site in relation to the proposed plot substitutions, which are mainly located within the central core of the site.

The arboricultural conditions agreed previously at the inquiry still prevail and should be attached to any Decision Notice. Note protective fencing should not just take into consideration protected trees but also those located privately off site; and where applicable updated British Standards (BS3998:2010 & BS5837:2012) should be used. The amendments which form part of this application do not raise any additional arboricultural issues.

## **Highways**

The changes to the house types are considered to be minor and it is unlikely that these would raise any greater issues than the approved plans. The access to serve the development would not change as part of this application. The Strategic Highways Manager has yet to comment on the application and therefore any comments will form part of an update report to the committee.

## **Affordable Housing**

The development would still provide the same level of affordable housing. The Strategic Housing Manager has raised no objection to this application.

## **CONCLUSIONS**

Full planning permission has already been given for residential development on this site.

The proposed amendments to the house types and housing layout would not raise any amenity, design, highways, tree or ecology issues and the development is considered to be acceptable.

## **RECOMMENDATIONS**

**That the application be approved subject to completion of Section 106 Deed of Variation to include the amended scheme application number to secure, affordable housing provision, and secure education and highway contributions and provision of public open space and a management company for future maintenance in relation to application 12/2426C**

**Approve subject to the following conditions (as per the appeal decision);**

### **1. Approved Plans**

**2. No development shall take place until an Environmental Management Plan for all construction and remediation operations has been submitted to and approved in writing by the Local Planning Authority. The plan shall address environmental impact in respect of air quality, vibration, noise, waste management, parking, loading and unloading of contractor's vehicles and the use of plant on existing residents during the remediation and construction phase. Development shall be carried out in accordance with the approved details.**

**3. No remediation / construction works or deliveries shall be undertaken at the site outside the hours of Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs nor at any time on Sundays, Bank or Public Holidays.**

**4. Any piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. No piling operations shall be undertaken at the site outside the hours of Monday – Friday 09:00 to 17:30 hrs; Saturday 09:00 to 13:00 hrs nor at any time on Sundays, Bank or Public Holidays.**

**5. A method statement for any necessary piling to include the following details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of such operations:**

- Details of the method of piling,**
- Duration of the pile driving operations (expected starting date and completion date),**
- Prior notification to the occupiers of potentially affected properties,**
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint**

**Development shall be carried out in accordance with the approved details.**

**6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to**

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7. No development shall take place until full details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours: proposed ground levels and finished floor levels for the buildings hereby permitted; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Notwithstanding the details shown on the approved plans, the parking area within the area of public open space adjacent to

the southern boundary shall be substituted for lay-by parking along the access road.

9. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected on the common boundary with 7 Boothsmere Close or on the northern boundary to plots 45-48, 50, 51 and 56-64 unless approved pursuant to condition 17 of this consent or a further planning permission has first been granted on application to the Local Planning Authority.

12. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme, which shall be in place prior to the commencement of work. The approved protection scheme shall be complied with for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the Local Planning Authority. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil

or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

13. No development shall commence until a Construction Method Statement (for the adoptable highway and access footways which extend within the Root Protection Areas as defined within BS5837:2012), a Tree Pruning/Felling Specification, a Levels Survey as existing and proposed and measures for the protection of existing hedges have been submitted to and approved in

writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved Construction Method Statement.

14. No development shall take place until a scheme of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment pertaining to that dwelling has been implemented in accordance with the approved details. The scheme shall make provision, inter alia, for post and wire fencing and native hedge planting to the north and eastern boundaries with the open space / agricultural land.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) the hedge to the north and eastern boundaries with the open space / agricultural land shall not be replaced with any gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order unless a further planning permission has first been granted on application to the Local Planning Authority.

16. Prior to the commencement of development details of bollards to prevent vehicular use of the pedestrian /cycle ways adjacent to plot 72 and plot 15 shall be submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

17. No dwelling hereby permitted shall be occupied until the parking and vehicle turning areas associated with that dwelling have been constructed in accordance with the details shown on the approved plans. These areas shall be reserved thereafter exclusively for the parking and turning of vehicles and shall not be obstructed in any way.

18. No development shall take place until full details of the construction and surfacing of the access road and shared surfaces have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access road and shared accesses have been laid out to base course level in accordance with the approved drawings and the 95th dwelling shall not be occupied until the access road and shared surfaces have been surfaced in the approved manner.

19. No development shall take place until a drainage scheme for the site, in accordance with the requirements of the approved Flood Risk Assessment (Ironside Farrah Ltd, 3890/SRG, June 2012) together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved drainage scheme and timetable.

20. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. No development shall take place except in complete accordance with the approved scheme.

21. No development shall take place until an assessment into the potential for disposing of surface water by means of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. In the event that the approved assessment identifies that the site has potential for the use of SUDS, these shall be incorporated within the scheme of drainage to be submitted pursuant to condition 22.

22. No development shall take place until a scheme for the management of overland flow from the surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed building finished floor levels. No development shall take place except in complete accordance with the approved scheme.

23. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority, has been carried out. The work shall be carried out strictly in accordance with the approved scheme.

24. Prior to the development commencing, a detailed Contaminated Land Remediation scheme shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme shall then be carried out and a Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any part of the development hereby approved.

25. No development shall take place until a scheme for the laying out, management and maintenance (including measures associated with the mitigation of ecology issues) of the proposed public open space, areas of wildlife habitat and the recreation area coloured pink on the plan attached to the Section 106 Agreement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site, including the ditches and ponds and shall include, inter alia:

- the detailed extent and type of new planting (NB planting to be of native species),
- details of maintenance regimes,
- details of any new habitat created on the site,
- details of the treatment of buffers around water bodies,
- details of all management responsibilities,
- detailed design and planting specifications for habitat creation, within the open space areas, including the detailed design of the pond,
- a timetable for implementation,
- proposals to safeguard the stream,
- planting to protect the privacy of existing residents,
- no additional planting shall be undertaken along the banks of the stream;

The scheme shall be implemented in its entirety and the open space shall be laid out strictly in accordance with the approved details and in accordance with the approved timetable.

26. No development shall commence until an updated survey to record the presence of any badgers at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person approved by the Local Planning Authority. If any evidence of badgers is found then the report shall include provisions for the timing of the approved development works, measures for the protection of badgers during development and for the retention of existing or provision of alternative habitat.

27. Prior to any commencement of works between 1st March and 31st August

in any year, a detailed survey shall be carried out to check for nesting birds and the results submitted to and approved in writing by the Local Planning Authority. Where nests are found in any, hedgerow, tree or scrub to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

28. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

29. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation on occupation have been carried out. All other measures

contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the

approved scheme of monitoring and review, so long as any part of the development is occupied.

30. No development shall take place until a scheme of sustainable design features to be incorporated into the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the features pertaining to that dwelling have been installed in accordance with the approved scheme.

31. The development hereby permitted shall secure a minimum 10% reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report confirming the achievement of the specified design fabric shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

