

Southern Planning Committee

Agenda

Date:	Wednesday, 11th August, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place, as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Code of Conduct - Declarations of Interest/Pre-Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes (Pages 1 - 10)

To approve the minutes of the meeting held on 21 July 2010.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/1865C Proposed Detached Dwelling (4 Bed) within the Garden of 6 Rowan Close, Sandbach, 6, Rowan Close, Sandbach, CW11 1XN for Mr Flowers** (Pages 11 - 42)

To consider the above planning application.

6. **09/3498C Demolition of four dwellings, a coach and HGV depot building, a workshop and various outbuildings and construction of twenty dwellings with associated garages and car parking and alterations to access road (resubmission of 08/1019/FUL), Land at Forge Lane, Congleton for Mirwell Homes Ltd c/o Emery Planning Partnership** (Pages 43 - 56)

To consider the above planning application.

7. **10/1491C Change of Use from Residential to Office, Business Training and Dance Class Accommodation, Senate House, 81 Crewe Road, Alsager for Mr P Keeling** (Pages 57 - 62)

To consider the above planning application.

8. **10/1575C Extension of Time Limit - Development of an 80 Bed Residential Care Home, Former Arclid Hospital Site, Newcastle Road, Arclid for Mr R Woodcock** (Pages 63 - 70)

To consider the above planning application.

9. **10/1983C Application for a removal or variation of a condition following planning permission - construction of new food store, Land at West Heath Shopping Centre, Congleton for Hollins Murray Group & Aldi Stores Ltd** (Pages 71 - 78)

To consider the above planning application.

10. **10/2076N Extant to Approved Planning Permission P07/0403 for 11 Industrial Units, Old Creamery, Station Road, Wrenbury for NSW Engineering (2000) Ltd Lockside, Thelwell Lane, Latchford, Warrington** (Pages 79 - 86)

To consider the above planning application.

11. **10/2222N First Floor Extension, 5 Petersfield Way, Weston CW2 5SH for Mr & Mrs I Rogers & J Taylor** (Pages 87 - 92)

To consider the above planning application.

12. **10/2281N Reserved Matters for Outline Application for erection of One Dwelling (Re-submission of P07/1625), 10 Cheyne Walk, Nantwich, CW5 7AT for Mr C Turner** (Pages 93 - 100)

To consider the above planning application.

13. **Appeal Summaries** (Pages 101 - 102)

To note the Appeal Summaries.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 21st July, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors T Beard, D Bebbington, B Dykes, S Furlong, S McGrory, R Walker
and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors E Alcock and D Topping

OFFICERS IN ATTENDANCE

Sheila Dillon	Senior Solicitor (for Minute 36 only)
Rachel Goddard	Senior Lawyer
David Townsend	Interim Business Lead Development Management (South)

APOLOGIES

Councillors S Davies, B Howell, J Jones, S Jones, A Kolker and J Weatherill

34 DECLARATIONS OF INTEREST

Councillor Walker had previously declared that, as Vice Chairman of the Public Rights of Way Committee, he would not participate in the debate or vote on Application No.09/4240C (Marsh Farm, Congleton) to avoid fettering his discretion in respect of a Right of Way on the site. Having received clarification from officers that the location of the Right of Way would not be affected by the application, he considered that the grounds on which he had made his previous declaration no longer applied. Therefore, he stated his intention to take part in the debate and vote on item 5 (Application No. 09/4240C).

Councillor Merry: Personal Interest in item 6 (Application No. 10/1179C) as residents in the vicinity of the application were known to her.

Councillor Dykes: Personal and Prejudicial Interest in item 8 (Application No. 10/1409N) as a Wulvern Housing Board Member. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor Westwood: Personal and Prejudicial Interest in item 8 (Application No. 10/1409N) as a Wulvern Housing Board Member. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor Beard: Personal and Prejudicial Interest in item 8 (Application No. 10/1409N) as a Wulvern Housing Board Member. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

The Senior Lawyer and Legal Advisor to the Committee, Ms R Goddard declared a Personal and Prejudicial Interest in item 13 (Application No.10/1659N) as her brother was employed by the applicant. In accordance with the Code of Conduct, she withdrew from the meeting during consideration of this item.

Councillors Beard and Westwood reported that they had received correspondence in respect of item 5 (Application No.09/4240C) but had not responded to it nor had they formed an opinion on the item referred to.

35 MINUTES

RESOLVED:

That the Minutes of the meeting held on 30 June 2010 be approved as a correct record.

36 **10/1659N - BOMBARDIER TRANSPORTATION, WEST STREET, CREWE, CW1 3JB: TO ERECT TWO STOREY 81 BED CARE HOME (CLASS C2: RESIDENTIAL INSTITUTION) FOLLOWING SITE REMOVAL OF AN EXISTING CAR PARK FOR KEENRICK CARE HOMES & SEDDON**

The Committee gave consideration to a report on Planning Application 10/1659N (West Street, Crewe) together with an update.

Note: Having declared a personal and prejudicial interest in this item, Ms Goddard withdrew from the meeting prior to discussion and voting on the item. Ms S Dillon (Senior Solicitor) took her place as Legal Advisor to the Committee for this item only.

RESOLVED:

That Application 10/1659N be DEFERRED contrary to officer recommendation for the following reason –

To enable issues relating to outstanding highway matters (i.e. accurate information about bus services serving the site, the provision of bus stops/bus shelters and the provision of a pelican crossing) to be resolved.

**37 09/4240C - MARSH FARM, NEWCASTLE ROAD, CONGLETON:
RESIDENTIAL DEVELOPMENT OF 52 UNITS ON MARSH FARM,
CONGLETON FOR JS BLOOR (WILMSLOW) LTD & JANE LOWE**

The Committee gave consideration to a report (including an oral report on the site visit) on Planning Application 09/4240C (Marsh Farm, Congleton).

Notes: (1) Councillor D Topping, the Ward Councillor, was in attendance and addressed the Committee on this matter;

(2) Ms J Unsworth (objector) was in attendance and addressed the Committee on this matter; and

(3) Mr M Waite (representing the applicant, Bloor Homes) was in attendance and addressed the Committee on this matter.

RESOLVED:

That application 09/4240C be APPROVED subject to the completion of a Section 106 Agreement relating to affordable housing and public open space provision and the following conditions -

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission and implementation of a scheme of tree protection measures
5. Submission and implementation of a method statement for construction in relation to trees and landscaping on the site
6. Submission and implementation of a scheme of landscaping of the site
7. Submission and implementation of details of boundary treatments
8. Submission of a detailed drainage scheme
9. Limits on hours of construction
10. Limits on hours of piling
11. Submission of detailed access and junction plans
12. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
13. Omission of the lateral deflections on the submitted layout plan
14. Submission of surveys and mitigation methods for the protection of breeding birds
15. Submission of details of features for breeding birds and bats
16. Submission of details of Local Equipped Area of Play
17. Submission of scheme to limit surface water run-off
18. Submission of a scheme to manage flood risk
19. Submission of a scheme to deal with the risks associated with contamination on the site
20. Submission of a scheme of acoustic measures required to protect the amenities of future occupiers

21. Before the development is commenced, the applicant to submit details of the siting and design for a pedestrian refuge on the A34 for the purposes of improved highway safety. If details acceptable to the Highways Authority are forthcoming, the pedestrian refuge shall be provided before any dwelling is occupied.

38 10/1179C - 14 SMITHFIELD LANE, SANDBACH: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 7 NO. 3 AND 4 BEDROOM HOUSES (RE-SUBMISSION OF APPLICATION NO. 09/3069C FOR MR S BOURNE, BRIGHOUSE HOMES (SANDBACH) LTD

The Committee gave consideration to a report (including an oral report on a site visit) on Planning Application 10/1179C (14 Smithfield Lane, Sandbach).

Notes: (1) Councillor E Alcock, the Ward Councillor, was in attendance and addressed the Committee on this matter;

(2) Mr D Smith (objector) was in attendance and addressed the Committee on this matter; and

(3) Ms J Naylor (Emery Planning on behalf of the applicant, Brighouse Homes) was in attendance and addressed the Committee on this matter.

RESOLVED:

That Application 10/1179C be REFUSED contrary to officer recommendation for the following reasons –

1. The proposal is out of keeping with the character of the area by reason of the scale of the dwellings, the form of layout and the density of development, contrary to Policies GR1 and GR2 of the Congleton Borough Local Plan.

2. The proposal would result in additional traffic and parking on Smithfield Lane, which has a narrow carriageway and is often obstructed by parked vehicles. The proposal would be contrary to the interests of highway safety and the free flow of traffic. The development is contrary to Policy GR9 of the Congleton Borough Local Plan.

39 10/1125N - ASTON LOWER HALL, DAIRY LANE, ASTON JUXTA MONDRUM, CW5 6DS: PROPOSED AGRICULTURAL HAY, STRAW AND FARM IMPLEMENTS STORAGE BUILDING FOR MR J THOMASSON

The Committee gave consideration to a report on Planning Application 10/1125N (Aston Lower Hall, Aston) together with an update.

RESOLVED:

That Application 10/1125N be APPROVED subject to the following conditions –

1. Commence development within 3 years
2. Development in accordance with the approved plans
3. Materials as specified in application forms
4. Recommendations of Protected Species Survey to be implemented
5. Building not to be used for livestock housing

**40 10/1409N - NOVA COURT, WEST STREET, CREWE, CW1 3JD:
CONSTRUCTION OF 18 NEW TOWN HOUSES FOR WULVERN
HOUSING**

The Committee gave consideration to a report on Planning Application 10/1409N (Nova Court, Crewe) together with an update.

Notes: (1) Having declared a personal and prejudicial interest in this item, Councillors Beard, Dykes and Westwood withdrew from the meeting prior to discussion and voting on the item; and

(2) Mr Dunne, an objector to the application, was in attendance at the meeting but had exceeded the deadline to register his intention to speak. The Committee agreed that in the interest of balance, he be allowed to speak in accordance with paragraph 2.8 of the Protocol for Public Speaking Rights. Accordingly, Mr J Dunne addressed the Committee on this matter.

RESOLVED:

That Application 10/1409N be APPROVED subject to the completion of a Section 106 Agreement and subject to the following conditions –

1. Commence development within 3 years
2. Submission of sample materials
3. Development in accordance with the approved plans
4. Removal of all permitted development rights
5. Submission of boundary treatment details
6. Submission of sample surfacing materials
7. Submission of noise attenuation details
8. Implementation of renewable energy measures as specified
9. Submission of landscaping plan
10. Implementation of landscaping plan
11. Car parking and turning head shown on plans to be provided and maintained
12. Submission of cycle parking and bin storage details
13. Implementation of mitigation measures specified within protected species survey

14. Submission of drainage details
15. Contaminated land condition
16. Submission of details for lighting scheme

**41 10/1551N - AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM:
EXTENSION IN TIME LIMIT FOR P05/0007 RELATING TO
EXTENSIONS AND ALTERATIONS TO EXISTING CARE HOME TO
PROVIDE SELF CONTAINED ACCOMMODATION FOR THE ELDERLY**

The Committee gave consideration to a report on Planning Application 10/1551N (Audlem Country Home, Audlem: Extension of Time Limit for Application P05/0007).

Note: Mr R Woodward (representing the applicant) was in attendance and addressed the Committee on this matter.

RESOLVED:

That Application 10/1551N be APPROVED subject to the following conditions –

1. Commence development within 3 years
2. Development in accordance with approved plans
3. Samples of materials to be submitted, approved and used in the construction of the building
4. Use of the premises as a nursing home together with self contained units for persons needing close care and other persons who may wish to live more independently where nursing care may be available if required and for no other purpose whatsoever. Occupants of the independent living units including close care units should be aged 60 years or more, or in the case of 2 bed units at least one of the occupants should be aged 60 years or more
5. Details of boundary treatment to be submitted, approved and implemented
6. Details of appearance of ramps, guides, rails and finishes to be submitted, approved and implemented
7. Details of appearance of balconies and galleries to be submitted, approved and implemented
8. Details of surfacing materials to be submitted, approved and implemented
9. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved
10. Implementation and maintenance of landscaping and tree protection measures
11. Archway between the reception area/lift and unit 12 shall not be enclosed without prior submission and approval of a separate planning application
12. Prior to first use of the development, provision of car park as per site layout and retention

13. Programme of archaeological work to be submitted, approved and implemented
14. Access to the site only via School Lane between Roseleigh and The Smithy and sign to be provided at entrance to the site to confirm this in accordance with details to be submitted and approved

42 10/1912N - AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM: EXTENSION IN TIME LIMIT FOR P05/0710 RELATING TO EXTENSION AND ALTERATIONS TO EXISTING CARE HOME TO PROVIDE SELF CONTAINED ACCOMMODATION FOR THE ELDERLY

The Committee gave consideration to a report on Planning Application 10/1912N (Audlem Country Home, Audlem: Extension of Time Limit for Application P05/0710).

Note: Mr R Woodward (representing the applicant) was in attendance and addressed the Committee on the matter.

RESOLVED:

That Application 10/1912N be APPROVED subject to the following conditions –

1. Commencement within 3 years
2. Plans as per P05/0710
3. Samples of materials to be submitted, approved and used in the construction of the building
4. Detailed schedule of works and drawings together with a materials schedule for windows, doors, brickwork, stone work, plaster, roof materials, rain water goods, to be submitted, approved and implemented
5. Details of surfacing materials to be submitted, approved and implemented
6. Details of appearance of balconies and galleries to be submitted, approved and implemented
7. Details of boundary treatment to be submitted, approved and implemented
8. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved
9. Implementation and maintenance of landscaping and tree protection measures
10. Details of appearance ramps, including guides, rails and finishes to be submitted, approved and implemented

43 10/1555C - FORMER CARDBOARD FACTORY, BETCHTON ROAD, MALKINS BANK: EXTENSION TO TIME LIMIT - REDEVELOPMENT OF FORMER FACTORY TO PROVIDE 28 NO. NEW HOMES TO INCLUDE 12 AFFORDABLE HOMES PROVIDED BY RSL FOR JOKARO LTD

APPLICATION WITHDRAWN

44 10/1588N - LAND NORTH WEST OF TRAVELODGE AND SOUTH WEST OF RETAIL UNIT, BESWICK DRIVE, CREWE: ERECTION OF AN OFFICE DEVELOPMENT (B1 USE CLASS) WITH ASSOCIATED LANDSCAPING, CAR PARKING AND ACCESS ARRANGEMENTS FOR SWANSWAY GARAGES LTD

The Committee gave consideration to a report on Planning Application 10/1588N (Beswick Drive, Crewe) together with an update which gave details of the Environment Agency's comments. In response, it was explained that points 1 and 2 of the Agency's comments had already been dealt with either in the application or in the recommended conditions. Point 3 had been partly dealt with in the recommended conditions and to deal with the remainder, an additional condition was recommended requiring implementation of the flood risk assessment.

RESOLVED:

Application 10/1588N be APPROVED subject to the following conditions –

1. Commence development within 3 years
2. Development in accordance with approved plans
3. Samples of materials to be submitted, approved and implemented
4. No trees shown to be retained in the Tree Survey, Assessment, Landscape Design and Management document shall be removed from the site without the prior written approval of the Local Planning Authority
5. Surface materials to be submitted, approved and implemented
6. Implementation of tree protection measures prior to the commencement of development and any site works, as detailed in the Tree Survey, Assessment, Landscape Design and Management prior to the occupation of the development
7. Implementation of the remedial works to trees including coppicing and work to remove Himalayan Balsam as detailed in the Tree Survey, Assessment, Landscape Design and Management prior to the occupation of the development except that T3 (Crack Willow) to be retained
8. Before development commences details of a revision to the submitted landscape scheme to be submitted and approved in writing for the provision of the perimeter planting on the southern side of the site. Implementation of revised landscape scheme as detailed in the Tree Survey, Assessment, Landscape Design and Management
9. Maintenance and management of landscaping as detailed in the Tree Survey, Assessment, Landscape Design and Management
10. No change of levels around the retained trees
11. Boundary treatment to match that on the existing western boundary to be provided
12. Withdrawn permitted development rights for other means of enclosure

13. Surface Water Regulation scheme to be submitted, approved and implemented based on the Flood Risk Assessment
14. Building to be set at specified level (still to be agreed through FRA) unless otherwise first agreed in writing
15. Contaminated land survey to be submitted and if necessary, remediation measures with site completion report when mitigation implemented
16. Details of pile driving if required to be submitted, agreed and implemented
17. Details of location of bat boxes and their provision
18. Details of the location of bird nest boxes and their provision
19. Details of waste recycling facilities to be submitted, approved and implemented. Provision of bin store and waste recycling facilities in accordance with submitted details
20. Provision of cycle store
21. Provision of showers to be available for use by all staff
22. Provision of car parking
23. Scheme to be submitted and approved for the provision of energy saving measures in the design of the building, its operation and implementation of the measures
24. Details of the construction of the tarmac pedestrian link within the application site (which links the shops and the development off Electra Way across the Valley Brook) to be submitted and approved before development commences. This shall include "no dig" construction where the path falls within Tree Root Protection Areas as identified within the Tree Survey, Assessment and Landscape design and Management document. The pedestrian route to be provided before the offices are first brought into use and thereafter retained.
25. Scheme for the maintenance of the pedestrian link to the shops to be submitted, approved before the pedestrian link is provided and implemented
26. Scheme for works to the bridge across the Valley Brook to be submitted, approved and implemented before the building is first occupied. In the event that third party land ownership issues (outside the control of the Council and the developer) prevent implementation of the scheme evidence of the explanation for the non-implementation shall be submitted in writing to the Local Planning Authority, which upon receipt of satisfactory evidence, shall agree in writing to the non-implementation
27. Scheme for maintenance of the bridge
28. Use for B1 office development only and no other purpose
29. Withdraw permitted development rights for extensions, alterations and hardstanding for offices
30. A scheme for working method statement to explain how the buffer zone to the Valley Brook will be protected during construction to be submitted before development commences, approved and implemented
31. Implementation of flood risk assessment

- 45 **10/2096N - LAND TO THE REAR OF 58 WELLINGTON ROAD, NANTWICH: AMALGAMATION OF 58 AND 58A WELLINGTON ROAD AND CONSTRUCTION OF NEW HOUSE WITHIN GROUNDS OF EXISTING PROPERTIES FOR MR AND MRS RICHARDS**

APPLICATION WITHDRAWN

- 46 **10/1887M - LUMB BROOK LIVERY, WOODFORD LANE, NEWTON, MACCLESFIELD - EXTENSION TO EXISTING MANEGE, ERECTION OF NEW TIMBER STABLE AND NEW ENTRANCE TO YARD (RETROSPECTIVE) FOR MR P JACKSON**

The Committee gave consideration to a report on Planning Application 10/1887M (Woodford Lane, Newton, Macclesfield).

Note: At this point in the meeting, each Member of the Committee present declared a personal interest in the application as the application site was owned by a fellow Cheshire East Councillor.

RESOLVED:

That Application 10/1887M be APPROVED.

- 47 **10/2026M - 11 MANOR PARK, SOUTH KNUTSFORD: SINGLE STOREY FRONT AND SIDE EXTENSION REAR CONSERVATORY ROOF LIGHT FOR MS O HUNTER**

The Committee gave consideration to a report on Planning Application 10/2026M (11 Manor Park, South Knutsford).

Note: At this point in the meeting, each Member of the Committee Present declared a personal interest in the application as the application site was owned by a fellow Cheshire East Councillor.

RESOLVED:

That Application 10/2026M be APPROVED subject to the following conditions –

1. Approved plans
2. Obscure glazing
3. Materials
4. Standard time

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor G Merry (Chairman)

Planning Reference No:	10/1865C
Application Address:	6, Rowan Close, Sandbach, CW11 1XN
Proposal:	Proposed Detached Dwelling (4 Bed) within the Garden of 6 Rowan Close, Sandbach
Applicant:	Mr Flowers
Application Type:	Full Planning
Grid Reference:	374676361100
Ward:	Sandbach
Earliest Determination Date:	28-Jun-2010
Expiry Dated:	09-Jul-2010
Date of Officer's Site Visit:	17-Jun-2010
Date Report Prepared:	18-Jun-2010
Constraints:	

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of Residential Development
- Drainage
- Flood Risk
- Sustainability and Climate Change
- Protected Species
- Nature Conservation and Habitats
- Trees
- Amenity
- Design
- Highway Safety
- Contaminated Land

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor B Moran for the following reasons:-

- “1. The proposed development would result in the erection of a dwelling in close proximity to house no.7 Rowan Close which may have a harmful impact to residential amenity by reason of the residents' enjoyment of their property may be adversely impacted, and that this aspect should be assessed, in due course. Policy GR1[iii] is designed to afford protection.
2. The proposed dwelling could be unsympathetic to the character and form of the small development of 7 houses and should be assessed against Policy GR2 [i].
3. The proposed dwelling may not respect or enhance the area. Policy GR5 should be reviewed to assess any adverse impact.

4. Visual intrusion impact, and any detrimental effect, should be assessed against Policy GR6 [iii].
5. Any adverse impact on wildlife in the pond should be reviewed carefully against Policy NR3.
6. Appropriate flood mitigation measures should be assessed against Policy GR21 in view of the expected part pond infill to effect the development, and the subsequent, possible effect on other nearby ponds.”

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 1023 sq. m and comprises an existing two storey detached dwelling and its residential curtilage known as no. 6 Rowan Close which contains half of a large pond which is shared with the neighbour at no. 7 Rowan Close and a number of mature deciduous trees. The site is a Greenfield site located within the settlement boundary of Sandbach. The site backs onto Sandbach golf course which is a designated recreational facility located in the open countryside.

3. DETAILS OF PROPOSAL

The proposals relate to the infilling of half of the existing pond and the construction of a four bedroomed, two storey detached dwelling on garden land forming part of the residential curtilage of 6 Rowan Close, Sandbach. The dwelling would have a footprint of 304 sq. m. The existing dwelling on the site has a floor area of 334 sq. m. The overall area of the site is 1023 sq. m and the revised size of the plot which would serve the existing dwelling would be 896 sq. m.

The area of private garden space to be provided to serve the proposed dwelling would amount to some 150 sq. M.

The house would be sited in the garden to the north east of the host dwelling utilising the part section of the garden pond which is within the applicant's ownership. The proposed dwelling would front towards and have its own dedicated vehicular access onto Rowan Close.

The following is to occur:

- subdividing of existing pond with a York stone wall and infilling of existing pond and planting of a proposed reed bed
- proposed retaining structure
- proposed driveway
- proposed tree root protection measures and bridge
- 2m high fencing and hawthorn hedging to boundaries
- proposed wildlife pond
- waste/recycling storage area.
- turning area
- The dwelling would measure 15.3m x 11.8m reaching a height of 9.6m to the ridge of the pitched roof. The design incorporates a half hipped roof, gabled dormers, projecting gables, bay windows and integral garage, chimney breast, Juliet balcony and tile cladding.
- The front garden area would provide car parking space, turning space and a driveway approach across a short landscaped bridge

Amended plans have been received demonstrating that the dwelling has been lowered by 450mm.

4. RELEVANT HISTORY

10/1987T Fell Maple and Prune Other Trees not determined

5. POLICIES

Local Plan Policy

PS3 Settlement Hierarchy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 New Development

GR17 Car Parking

NR1 Trees and Woodland

NR3 Habitats

NR5 Non Statutory Sites

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance 13 (Transport)

Planning Policy Statement 23 (Planning and Pollution Control)

SPG2: Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Cheshire Wildlife Trust; objects on the following grounds

- Incomplete ecological survey and assessment

The Report on Great Crested Newts etc does not include 3 ponds that are within 500m of the proposed site; one on the opposite side of the Middlewich Road and two on Sandbach Golf Course. Best practice requires that ponds within this range should be included in Great Crested Newt surveys in order to ascertain the presence of local populations and their potential movements between water bodies.

The ponds have not been surveyed for protected invertebrate species.

The use of the site by bats has not been acknowledged – however, bats are anecdotally known to forage across this site

The Report itself contains several inconsistencies with other documentation:

Para 3.2.1 refers to ‘two mature trees scheduled for removal’ – however, the Arboricultural Implication Assessment (March 2010) states that no trees will be removed or pruned to facilitate the development (para 9.6 page 6)

South and North are confused in the Executive Summary (third paragraph) and para. 4.2

- Lack of assessment of potential impact on local hydrology

The application fails to consider and make provision for the potential hydrological implications of backfilling this area of open water on:

- Water supply and levels in the surviving retained area of open water (on adjacent property, under different ownership)
- Ground water levels in general on the site and adjacent property
- Run-off to adjacent land (Golf Course)
- Loss of historical pond and inadequate replacement

Review of earlier Ordnance Survey and Tithe Maps indicates that there has been a substantial pond in this location since at least the mid-C19th.

The replacement of the major part of a substantial well-established natural pond with a new, much smaller, semi- formal pond is not considered to be acceptable either with regard to maintaining/enhancing biodiversity or to retaining local natural amenity.

- Conflict with local planning policy

This proposal is contrary to Policies H12 (Tandem/Backland development), GR2 (Design) and NR3 (Habitat – ponds) of the adopted Congleton Local Plan 2005.

With regard to backland development, the Government's Coalition Agreement of 20th May 2010 includes a commitment to 'giving councils new powers to stop 'garden grabbing' – an indication of the importance now placed on this subject.

Further comments received after completion of the original report:

As previously advised we intended to do a survey of the pond affected by the above planning application. This was carried out 15th June 2010, and our observations are as follows:

- None of the species recorded are of conservation significance, however earlier observations, and photographic evidence, requires the need for further investigations. In this respect English Nature guidelines on Newts, section 5.7 survey standards, 5.7.1 Presence/Absence survey states: Timing, mid March to mid June, with at least two of these mid April to mid May.
- Therefore to conclude the next survey will have to be as above, 2011.

Having read through the Planning Officer's draft report, the Cheshire Wildlife Trust has the following comments in addition to those previously submitted:

- English Nature Great Crested Newt Guidelines require ponds within 500m to be surveyed for Great Crested Newts. Although, in some opinions, this is a conservative estimate of how far Great Crested Newts will range, all professional surveyors look at ponds within 250m as a minimum distance.
- This type of large individual house is unlikely to be meeting a specific housing need or target.
- The Planning Officer's reference to Eric Pickles (page 57) is not strictly accurate in that EP's letter of 27.5.10 to all Council Leaders said: *'consequently decisions on housing supply ... will rest with LPAs without the framework of regional numbers and plans... I expect LPAs ... to have regard to this letter as a material planning consideration in any decisions they are*

currently taking'. Thus the references to RSS requirements on page 58 now appear to be irrelevant to the consideration of this application.

- The Planning Officer's point about demand for additional land, which also rests on RSS provision, appears also to be irrelevant, for the same reason (i.e. the RSS no longer applies). In any case the argument to justify the extra dwelling is unsupported, given a) the current over-allocation and b) the fact that the allocations are based on inapplicable provisions.

- In the absence of any suitably qualified person's opinions in the Design and Access Statement, there remain reasons for doubt over the potential result of piling and filling in half of such a sizeable pond, and the applicant should, before being given consent, provide an impact assessment to show that there will not be a damaging outcome on the local water table and water levels in the retained pond area.

- It is unlikely that the carbon footprint of resourcing the materials for and building the house will be less than that of reduced car use by the occupants.

- Local Planning Authorities have a duty to conserve and enhance biodiversity. The CWT does not consider the new much smaller pond to be an adequate replacement for the loss of half of the existing pond. Most Cheshire ponds are 'man-made' for various purposes – this is mostly irrelevant to their wildlife value, especially if they are as well-established as this one is (at least 135 years old).

- It is proposed to create a narrow reed bed below the new piled pond edge. The health and longevity of this feature will rely on the maintenance of water levels in the remaining area of original pond. Owners of the new property will have no control over the retained pond area or its water level.

Environmental Health: no objections

Environmental Health Advisory Notes:

- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.
- Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

Contaminated Land Comments:

This section has no objection to the above application subject to the following comments with regard to contaminated land:

- The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

Please ensure the following condition is attached to the above planning application to ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

Prior to the commencement of development:

(a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

(b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.

(c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.

(d) Should remediation be required, 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 LPA prior to the first use or occupation of any part of the development hereby approved.

Forestry and Landscaping section;

Policy NR1 of the Adopted Congleton Borough Local Plan First Review provides protection for trees.

The site lies within Area A4 of the Middlewich Road No 2. Sandbach TPO 1988.

There is insufficient information within the submission to allow full consideration of the impact on the protected trees:

1. The site layout plan does not provide a true representation of the crown spread of trees on the site. (The plans in the Lowther tree survey report are not reproduced to scale therefore comparison is not possible).
2. The levels data does not show how levels would alter in the vicinity of the pond in relation to the banking to the north and east of the site and trees thereon. (In addition to datum points, site sections showing existing and proposed levels may assist).
3. The Tree Data table is missing from the tree survey report.
4. The tree report states that the driveway access bridge would provide access to the property once construction is complete and that the bridge would not be used for construction access. If this is the case, information needs to be provided on how the site would be accessed and managed for construction without breach of tree root protection zones or threat to trees.

In the absence of the above, the application could be refused. Please re consult should further information be obtained.

Additional comments received after completion of the original report and receipt of further details:

I have reached the following conclusions:

1. I anticipate that the proposed new dwelling, the retaining structure and the 2 metres high boundary fence could appear incongruous when viewed from the house and garden of No.7 Rowan Close. Whilst stone facing appears to be proposed for at least part of the length of the retained ground, it is not entirely clear if it is intended that such facing would extend to the section facing west. The submission does not provide definitive levels for the base of the pond although it appears that this is at least 2.1 metres below the water level. Unless I have mis-interpreted the proposals, with water at such depth, I am not clear how a temporary waterproof membrane divide across the pond would operate and I am not convinced that the sheet piling could be stone faced or a reed bed established without draining the whole pond

and engineering works outside the site edged red. Without stone facing and any mitigating soft landscape treatment the appearance of the retaining structure would be completely unacceptable in my view.

2. Notwithstanding the statement at 12.4 of the arboricultural statement, 'There are no trees to be removed or pruned to facilitate development', from recommendations in the tree table and my assessment of the proposals it is clear that some pruning would be necessary. Provided the pruning proposed was undertaken in accordance with the relevant British Standard, this action would not necessarily harm the health or amenity value of the trees in question. Nonetheless, if screening of the site is considered important, the present level of screening in the vicinity of the access would be reduced when viewed from Rowan Close.

3. It is clear from the submission that the proposed development would involve complex engineering operations. Whether or not such operations could be implemented successfully without harm to TPO protected trees would be entirely reliant on comprehensive tree protection measures and close arboricultural supervision. Whilst protection measures have been proposed, and in principle these appear reasonable, I consider it would be prudent to secure a greater level of information in this respect. In particular I would want assurance in respect of arboricultural supervision throughout construction works. This could be covered by a condition requiring an amended Arboricultural Method Statement, together with approval and adherence thereof.

Strategic Highways Manager: No objection

Further response In light of local and member concern regarding the issues of construction traffic visiting the site – in particular heavy commercials delivering materials:

The Strategic Highways Manager considers that this would be a temporary situation for the duration of the build with some of that time generating heavy commercial deliveries for materials.

Any issue regarding damage to the highway can be addressed through before and after site inspections to identify necessary remedial works which would be the liability of the developer.

Should the Local Planning Authority wish to attach Grampian conditions in this regard the Strategic Highways Manager would recommend the following:

Condition: Prior to first development the developer will agree current highway condition with CEC Highway Authority.

Condition: Prior to first occupation the developer will agree necessary remedial works with CEC Highway Authority, together with a programme for their completion.

Environment Agency: No objection

Response to additional information: We have no additional comments to add to our previous letter

Ecology:

As you are aware the proposed development would result in the loss of a substantial area of an existing pond. Ponds are subject to Local Plan policy NR3 and are also a material consideration due their status as Local Biodiversity Action Plan priority habitats. Ponds of high ecological value may also qualify as priority habitats under the National Biodiversity Action Plan.

Protected species

The loss of part of this pond is not likely to have a significant adverse impact upon protected species.

Overall nature conservation value of the pond

Based upon the survey undertaken by the applicant's ecologist and Cheshire Wildlife Trust it appears that the overall value of the pond is low in comparison with other ponds in the county. This is due to a number of factors.

Proposed mitigation/compensation

To compensate for the loss of the pond the applicant is proposing to create an additional 'wildlife' pond and wetland feature in the garden of the proposed residential property and also to establish a reed bed and a native species hedge along the boundary of the retained portion of the pond.

These measures have the potential to adequately compensate for the loss of part of the existing pond and may lead to an overall enhancement of the site's ecology, however their effectiveness greatly depends upon how well designed and implemented the schemes are.

No specific detail of the design of these features has been submitted with the application. I therefore advise that if planning permission is granted a condition should be attached that the design and specification of these features be agreed with the LPA.

Breeding Birds and provision for Bats

If planning consent is granted I recommend that the following two conditions are attached to ensure breeding birds are not disturbed during the construction phase and to ensure that additional provision is made for birds and bats as part of the development:

Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason: To safeguard protected species in accordance with PPS9.

Prior to the commencement of development the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats. Such proposals to be agreed in writing by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To secure an enhancement for biodiversity in accordance with PPS9.

Further comments received following receipt of a response made by the applicant's ecologist to Cheshire Wildlife Trust's objection:

The local residents' ecologist report refers to the potential presence of Great Crested Newts and he suggests that all ponds within 500m of the proposed development should be surveyed.

I forwarded the ecological report from the local residents to the applicant's ecologist. He responded to refer me to the response he had made to Cheshire Wildlife Trust's objection.

In summary, I consider that enough survey effort has been expended to be satisfied that the pond affected by the development is unlikely to support Great Crested Newts. The pond in the adjacent garden is also unsuitable for breeding Great Crested Newts. This is only covered briefly by the applicant's ecologist, but I have examined this pond myself.

With regards to other ponds in the area, I do not feel that a survey radius of 500m is justified in this instance. Most Great Crested Newt activity is accepted to occur within 250m of a breeding pond and recent research suggests that this may be limited to just 50m in some circumstances. The Cheshire East local validation requirements produced in association with Natural England and the Association of Local Government ecologists requires a survey radius of 100m for developments under 10 houses or less than 0.5ha. In addition, the applicant's ecologist states that some of the ponds are isolated by the main road and others by the golf course. Finally, the local residents' ecologist points out a pond in the school grounds. As this pond is over 250m from the proposed development and the development is minor in nature I am satisfied that the potential impacts of the proposed development on Great Crested Newt breeding at this pond would be negligible. I therefore feel that on balance a further survey of this pond or any other of the ponds is not justified under the terms of PPS9.

Additional Response:

In response to the photographs provided by Mr Harrison, I am afraid that I do not feel that these are adequate to establish the presence of Great Crested Newts at this pond. In addition I have also spoken to Cheshire Wildlife Trust who has confirmed that all newts observed by them at the site were not Great Crested Newts. Likewise Clear Environmental state that newts observed by them were also not Great Crested Newts.

My view therefore remains that for the purpose of PPS9 it is not reasonably likely that Great Crested Newts are present or will be affected by the proposed development.

On a related issue, the ecologists appointed by the local residents have highlighted the lack of a desk study as part of the ecological assessment undertaken on behalf of the applicant. Whilst, such a study may have been beneficial Cheshire East does not currently have a policy of insisting that one is always submitted in support of planning applications.

Building Control:

Further to your recent correspondence requesting Building Control to comment on the Construction Method Statement submitted with this application for the erection of a new detached dwelling built over half of what is an existing pond which requires filling half the pond in the area of the proposed, whilst maintaining insitu the remaining half of the pond.

Having read the statement we would comment, that in general structural processes it is feasible to fill an area such as a pond and provide new foundation supports to the proposed structure in the form of driven concrete piles supporting in turn concrete ground beams and floors which in turn support the main superstructure.

However in order to achieve this final outcome, a considerable number of temporary works some of which become permanent have to be undertaken and as the Structural Engineer for Building Control would point out these works are not covered by the remit of Building Control under the Building Regulations.

In this instance most of the temporary works are a civil engineering process or are aimed at not having have been put forward to try and show the proposed works would not have a direct impact on the environment and would not cause any harm to surrounding trees, or affect the half of the pond that is to remain.

Therefore we can only comment in general terms with regards to the statement submitted and listed below are comments we feel are relevant to the proposal that you need to consider.

- It would appear from the size of the pond and following a site visit that this is not an ornamental pond, as during the recent long dry spell water levels have dropped which shows the pond is not lined and relies on natural water table levels.
- No site investigation would appear to have been undertaken and therefore the length of the proposed sheet piling is unknown which may cause a problem when lifting sheeting in place due to the length and the close proximity of the adjacent tree crowns.
- It is unlikely that stopping the sheet piling at the existing edges of the pond will be sufficient to maintain a barrier between the two sections to stop water loss or pollution to the remaining section of pond. However any extension of the piling may cause damage to the root systems of the adjacent trees.
- The introduction of a barrier within the pond to try and prevent pollution to the remaining half of the pond whilst piling is undertaken would have to be very closely monitored to be effective and specialist design and instalment together with guarantees would we feel be required to satisfy the feasibility of such a barrier.
- Likewise any covering membrane to the bottom of the pond to keep any silt in place whilst filling takes place would be extremely difficult to fit and hold in place to a pond of this nature and specialists' guarantees should again be put in place prior to any work commencing.
- It needs to be asked if the pond is not ornamental and fills naturally from water tables and then if it is reduced in size by half does the remaining garden or adjacent areas flood during long wet spells.
- Areas of filled ground sometimes have long standing problems with regards to methane gases and it should be recommended that should the development go ahead that a gas membrane with sufficient venting is provided within the construction.
- As the sheet piling is to remain as a permanent barrier what is the life span of this whilst partially merged in water? Also this barrier will be visible above the existing water table level by quite a distance based on the levels shown.

As noted above we make these comments in general terms and you may need to seek the advise of a Civil Engineer with regard to some of these matters if you require more in depth comments, however it can be seen that recent objections received by an engineer make some similar observations and comments regarding this matter.

Senior Engineer (Bridges): it would appear that the works are feasible from an engineering point of view

7. VIEWS OF THE PARISH COUNCIL

Response to Original Proposal dated 9 June 2010

Mr Twidale, a resident of Rowan Close, informed members of residents' strong objection to the proposed development stating that the application is not for a 'run of the mill' garden house but will require heavy civil engineering before a point is reached at which a house can be built.

Residents feel that the application does not clearly describe the full works involved in this development and the significant impact on wildlife and neighbouring properties. Heavy cranes will be used, together with piling machinery and numerous large vehicles to deliver materials to the site. Mr Twidale believed works access to the site may not be viable once the existing trees are protected with extensive barriers, as per the Lowther Forestry Group Arboricultural Statement.

Members were advised that residents are greatly concerned that the building works will result in pond pollution and also have a significant environmental impact. As such, residents will object to the application based on the contravening of several policies within the Congleton Borough Local plan, including GR2 (unsympathetic with the character of the site being a wildlife pond), GR3 (not respecting the areas of nature), GR5 (landscape should be protected and not developed) and GR21 (potential flood risk for neighbouring properties).

Mr Flowers, applicant and owner of no. 6 Rowan Close, informed members that they should visit the site from his garden as this would give an entirely different viewpoint of the development than from the garden of Mrs Preston's property (no. 7 Rowan Close).

Mr Flowers explained that piling would be in small stages and that ecological studies had been undertaken in advance of the application submission.

Through researching, Mr Flowers has learnt that the pond is not considered to be a natural wildlife pond but was designed as an ornamental pond which was not showing on early maps of the area.

Resolved: Members unanimously **object** to the application based on the following:

1. Arising from the Design and Access Statement accompanying the application it is asserted in 3.4 that this is a brownfield site indicating its appropriateness in principle for use for housing purposes. We find this totally inaccurate as 'brownfield' is the accepted description of a previously developed site which this certainly is not.
2. This proposal, if approved, would mean the loss of garden area of 6 Rowan Close and half the area of the existing pond. This loss would decimate the character, appearance and form of that site and the surrounding area and therefore this application is directly in conflict with Policies GR2i, a, c and d of the Congleton Borough Local Plan and should be refused.
3. The Rowan Close development was initially carefully planned to create an area where the natural features such as the pond would form a backdrop, along with the landscape features, for an attractive environment to live in. Had the developers believed that another dwelling could be included would they not have done it? The proposed development does not respect the landscape character of the area and so conflicts with Policies GR5 and GR6i, ii, and iii.
4. This Council remains concerned about construction on the pond. The effects of this will, by infilling, cause a higher water table for adjacent land owners as well as the remaining pond area. Furthermore, the existing pond is likely to become highly polluted during any

construction work. This means that the proposed development is in conflict with policies GR21 on Flood Prevention and GR8 for pollution.

5. This Council believes Policy GR6 is contravened, in that through this development neighbours' amenity will be unduly affected by (i) loss of privacy, (ii) loss of sunlight and daylight (iii) visual intrusion and (iv) environmental disturbance and pollution.

Response to amended plans dated 20 July 2010

Mr Richard Preston, Solicitor representing residents of Rowan Close objecting to the application, echoed the feeling of the previous speaker having encountered difficulties in contacting and receiving response from CEC. However, CEC Cllr Moran has been incredibly helpful to all residents.

Mr Preston requested observations of the Planning Committee be submitted directly to the CEC Planning Officer Lauren Thomson and that a Town Councillor attend the Southern Planning Committee 11 August.

Mr Preston confirmed resident's objections are based on the principle of development, in particular the current planning policy guidelines against 'garden grabbing' and believes the development could be refused on this alone. Additionally, residents believe the application should be challenged on design and landscape issues and drainage and flooding risks, in accordance with Local Plan Policies GR8 and GR24 following receipt of reports which illustrate the significant negative environmental impact of the proposed development.

Cheshire Wildlife Trust question the methods used in the Ecology reports submitted by the developer and do not consider the study guidelines were followed. Due to the unsatisfactory reports presented to CEC with the application, residents commissioned additional reviews of the area which highlighted the potential ecological risks.

Findings of drainage and flooding experts validate concerns of residents and the neighbouring golf club that risk of flooding is intensified should the pond be halved; contravening policy GR21 of the Local Plan.

Mr Twidale, Engineer and resident of Rowan Close, expressed his concerns at the potential breach of policy GR4 of the Local Plan through lack of safeguarding for the TPO protected trees on the grounds of the proposed development through installation of the pond barrier and further explained the impact of dividing the pond. Mr Twidale believed the revised plans to cover, rather than remove, the silt in the pond would be both difficult to implement and dangerous to residents due to the risk of methane production.

Mr Preston confirmed the serious effect of this development, should it be approved, for residents of Rowan Close and reiterated his request for a Town Councillor to speak at the Southern Planning Committee.

A petition was received from the Sandbach Golf Club opposing to the proposed development.

Resolved: Councillors **unanimously object** on the following grounds:

1. In light of recent Government announcements this Council considers that this application is contrary to current planning policy. Private residential gardens should now benefit from a change in classification to Greenfield. National Planning Policy PPS3, we believe, gives power to authorities to use this guidance as a material consideration in refusing this application.

2. This proposal, if approved, would mean the loss of garden area of 6 Rowan Close and half the area of the existing pond. This loss would decimate the character and appearance, and form of that site and the surrounding area and therefore this application is directly in conflict with Policies GR2i, a, c and d of the Congleton Borough Local Plan and should be refused.
3. The Rowan Close development was initially carefully planned to create an area where the natural feature such as the pond would form a backdrop, along with the landscape features, for an attractive environment to live in. Had the developers believed that another dwelling could be included would they not have done it? The proposed development does not respect the Landscape Character of the area and so conflicts with Policies GR5 and GR6i, ii, and iii.
4. This Council remains concerned about construction on the pond. The effects of this will, by infilling, cause higher water table for adjacent land owners as well as, more significantly, the remaining pond area. Furthermore, the existing pond is likely to become highly polluted during any construction work. This means that the proposed development is in conflict with policies GR21 on Flood Prevention and GR8 for pollution.
5. This Council believes Policy GR6 is contravened, in that through this development neighbours amenity will be unduly affected by (i) loss of privacy, (ii) loss of sunlight and daylight (iii) visual intrusion (iv) environmental disturbance and pollution.
6. This application could affect the playing area of Sandbach Golf Club due to the increased risk of flooding through halving and building up on the pond. This could in turn harm the recreational facilities of members of the golf club.

8. OTHER REPRESENTATIONS:

Letters of objection from Sandbach Golf Club received:

- increased flood risk
- loss of habitat
- amenity and health
- design
- environmental considerations

Letters of objection received from the occupants of 2, 3, 4, 5, 8 and 7 Rowan Close, 357 Newcastle Road and 155 Middlewich Road. The main concerns are as follows:

- loss of habitat/ environmental quality
- removal of trees, damage to trees at the entrance to Rowan Close,
- drainage/ flood risk not assessed, impact on flooding and water table, leakage from membrane
- amenity; light pollution, loss of sunlight, loss of daylight, loss of outlook, overlooking, overshadowing, loss of privacy, disturbance during construction
- protected species and nature conservation issues; the mitigation measures do not go far enough, protected species present, pond will be in shadow, replacement pond not big enough, errors in report, harmful to landscape character, tree removed without surveys undertaken, surveys insufficient, disagree with conclusions
- access and highway safety; damage to existing highway, impact on pedestrian safety, vehicles cannot manoeuvre within the site, emergency services vehicles access,
- works associated with infilling of pond
- development of Greenfield site
- impact on structural stability of adjacent dwellings and land movement
- unwanted precedent

- inaccuracies in submission and associated calculations in respect of infill material
- design: adverse impact on the character of the area, steel piling will be visible, incongruous form of development
- engineering works not described in description
- nature conservation: reed bed not possible
- concerns construction equipment would not be able to manoeuvre within the site
- vehicle movements associated with construction
- integrity of piling
- contamination/toxic waste/pollution/ health and safety/ ground gas
- impact on existing services infrastructure
- impact on property prices

Letter from 2 Rowan Close response from qualified civil engineer; received on 4 July 2010;

- With regard to Drawing 1016-02A and Appendix 6 of the Method Statement, the horizontal extent of the proposed steel retaining structure is insufficient to prevent loss or gain of water from or to the adjacent remaining half of the pond. The sheet piles are shown as only extending to the edge of the banks.
- In the event that the water level is lowered or raised in Mr Flowers' half of the pond the bank sides are likely to become unstable and blow out due to the development of critical hydraulic gradients in the sandy soil caused by the difference in water levels between the two halves of the pond. If the sheet piled wall were to be extended further into the banks of the pond to try to prevent such blow out, the root systems and canopies of protected trees T954, and T944, T945 would be severed and damaged [GR6 iv].
- No ground investigation has been carried out by Mr Flowers so the horizontal extent and vertical depth of the sheet piling remains conjecture until it can be determined by the pile designers once the ground conditions are established from borehole data. The stability and safety of the steel pile wall will depend on the ground conditions and the pile section size used. If planning permission is granted it must be a planning condition that the design of the pile wall must be checked and approved by East Cheshire Council before work commences.
- To construct even the limited extent of sheet piled wall shown at Appendix 6 of the Method Statement it is certain that there will be extensive damage to the canopies of protected trees T954, T944, and T945 due to the need to suspend 12m to 15m lengths of pile from the crane gantry in order to align the piles into the piling machine [GR6 iv].
- The revised site levels shown on Drawing 1016-02A confirm the non-viability of the landscaping proposals in that the 'ground level' of 97.6 on the unfilled pond side of the sheet piled retaining wall is in fact a water level. Now that Mr Flowers has confirmed a water depth of 2.1m at this point the water depth is too great to allow the establishment of the reed bed shown on the drawings. The 1.4m high industrial type steel wall will thus remain permanently exposed on the west elevation[GR4 ii and iii and GR2 i A & B]
- Under 'Phase 1' of the Construction Method statement a temporary waterproof membrane divide is to be suspended underwater between the two halves of the pond to prevent pollution of the No 7 Rowan Close half of the pond by mud and silt disturbed during pile driving operations. Unless this barrier is properly designed and installed it is likely to be completely ineffective in protecting the wildlife and water quality in the undeveloped half of the pond. If planning permission is granted it should be on condition that such design and installation is approved as being effective by East Cheshire Council.
- under 'Phase 3' of the construction method statement 'that all existing silt shall stay insitu with a Terram felt type material laid over the bottom of the pond' before backfilling. Whilst Terram geotextile can be laid underwater the lengths of material require stitching together and winding onto a steel tube to stop floatation before being placed and weighted in position underwater by divers. Even then there is no guarantee of complete coverage of the pond

floor which would be necessary to prevent breakthrough of the silt with consequent inadequate filling and compaction and consequent pollution of the other half of the pond.

- because Mr Flowers is no longer removing the mud, silt and decaying vegetation at the bottom of the pond which is in excess of 1.5m deep, it is very likely that methane gas will be evolved as this material is compressed by the fill material and undergoes long term consolidation. For the safety of the occupants of the new house it should be a planning condition that boreholes be installed to monitor gas evolution from the decaying vegetable matter and silt for a period determined by the Council.

A petition received on 28 June 2010 against the development which contains 55 signatures.

Letter of objection from John Rose Associates on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close received on 28 June 2010:

- Not in accordance with development plan
- Adverse impact on ecology
- Adverse impact on drainage
- Inaccurate description
- Contrary to Government guidance in PPS3
- Design grounds: shoe horned in/ lack of sensitivity to surroundings
- Amenity- vehicles passing principal windows
- Insufficient information in respect of trees and ecology
- Engineering difficulties associated with infilling of the pond
- Drainage issues: increased water levels for other side of pond and flooding issues for golf course

Amended Letter of objection from John Rose Associates on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close received on 7 July 2010:

- Not in accordance with development plan
- Adverse impact on ecology
- Adverse impact on drainage
- the proposed development is fundamentally contrary to current government guidance which seeks to direct development to previously developed land.
- the proposal is contrary to Policy GR2 criteria I.- design
- contrary to Policy GR2 criteria III.- nature conservation
- in the absence of sufficient survey information, the local planning authority cannot be in a position to approve the planning application based on the details before them.
- The proposal has not provided sufficient mitigation measures to deal with the loss of the pond, and that the impact of the development on the surrounding land drainage systems would be detrimental.

Letter of objection from 8 Rowan Close received on 17 June 2010:

- Construction method statement demonstrates that the proposal will result in harm to amenity, protected trees, water quality and wildlife habitat and could also cause instability and collapse of the adjacent ground.
- un-viability of the landscaping proposals
- solid wall would result in visual damage to a neighbour's amenity and an inappropriate design feature
- existing pond is long developed wildlife habitat and a habitat worthy of protection
- wildlife and habitats will be destroyed
- water pollution during construction and loss of sunlight in perpetuity

- proposed steel retaining structure is insufficient to prevent loss or gain of water from or to the adjacent remaining half of the pond.
- Impact on canopies and roots of protected trees
- The sheet piles are shown as only extending to the edge of the banks. In the event that the water level is lowered or raised in Mr Flowers' half of the pond the bank sides are likely to become unstable and blow out due to the development of critical hydraulic gradients in the sandy soil caused by the difference in water levels between the two halves of the pond. If the sheet piled wall were to be extended further into the banks of the pond to try to prevent such blow out, the root systems and canopies of protected trees would be severed and damaged
- Suggests condition that the design of the pile wall must be checked and approved by East Cheshire Council before work commences.
- non-viability of the landscaping proposals
- The visual and physical relationship to the neighbouring property and to the adjacent remaining half of the pond is incongruous and disproportionate to the adjoining ground and water levels
- temporary waterproof membrane divide -Unless this barrier is properly designed and installed it is likely to be completely ineffective in protecting the wildlife and water quality in the undeveloped half of the pond. If planning permission is granted it should be on condition that such design and installation is approved as being effective by East Cheshire Council.
- Whilst Terram geotextile can be laid underwater the lengths of material require stitching together and winding onto a steel tube to stop floatation before being placed and weighted in position underwater by divers. Even then there is no guarantee of complete coverage of the pond floor which would be necessary to prevent breakthrough of the silt with consequent inadequate filling and compaction and consequent pollution of the other half of the pond.
- methane gas from silt- suggests condition that boreholes be installed to monitor gas evolution from the decaying vegetable matter and silt for a period determined by the Council.
- Replacement pond is insufficient mitigation for loss of existing pond
- The development in no way improves or enhances the landscape character of the area
- Site is Greenfield not Brownfield
- The application does not assess the likely ground water and flooding effects on adjacent land of infilling such a large natural drainage sump
- Incorrect Statements on Planning Application Form
- There is also a financial risk to the Council in that the large number of heavy lorry movements and turning within the very narrow and confined Rowan Close will cause significant damage to the highway which will need reinstatement at the Council's cost.

Letter from Peter Mason Associates on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close dated 28 June 2010:

- pond formed from water table
- fails to consider engineering difficulties
- infill must be inert
- waste licence may be required
- impact upon existing half of pond to remain
- adverse impact upon drainage and flooding of adjacent properties
- there is no reference in the applicant's additional submission to any further investigations that need to be carried out before the pond is filled, to check to see if there are any inlet and outlet pipes that service the pond and how they will be treated if any are found

Amended Letter from Peter Mason Associates on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close dated 7 July 2010:

- pond formed from water table and water level varies
- acts as a balancing pond
- fails to consider engineering difficulties
- if rainwater harvesting is utilised this must be assumed to be full and overflowing during any necessary drainage design calculations
- waste and environmental considerations not taken into account
- impact upon existing half of pond to remain
- adverse impact upon drainage and flooding of adjacent properties and golf course
- there is no reference in the applicant's additional submission to any further investigations that need to be carried out before the pond is filled, to check to see if there are any inlet and outlet pipes that service the pond and how they will be treated if any are found
- effect of climate change needs to be taken into account
- no evidence that the pond is not connected to the land drainage ditches

Letter from Absolute Ecology on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close dated 28 June 2010:

- insufficient information in respect of protected species
- not all ponds within 500m surveyed
- omission of baseline data not justified
- may be a requirement for site licence

Amended Letter from Absolute Ecology on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close dated 7 July 2010:

- Report mentions small ornamental pond 100 m to the west and that it was 'considered to be of minimal potential to Great Crested Newts' although there is no explanation of how this conclusion was drawn. It should at least have been subject to an HSI assessment regardless and results included in the report.
 - They did an HSI of the pond on site which is generally fine but I noticed a minor error on the HSI table (Pond drought years 0 = never dries. Score 0.9 rather than 1). Although this would actually lower the score slightly.
 - There is also mention of using 'a number of survey methods to indicate presence and absence including visual search, inspection camera, pond netting and torching'. Pond netting and torching are recognised methods for surveying ponds for Great Crested Newts but a single visit is not sufficient.
 - If the pond was deemed to be unsuitable for Great Crested Newts through a site visit and HSI then these further methods would not have been necessary.
- The report states that the netting was followed up with a torch light survey as recommended by Natural England. Natural England does not recommend surveying for Great Crested Newts with a single torch survey.
- They carried out a netting survey for inverts. One survey session is not sufficient to prove presence and absence of invertebrates
 - Legislation section out of date. The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) have been replaced by The Conservation of Habitats and Species Regulations 2010.
 - Licenses no longer issued by DEFRA. They are now issued by Natural England. This has been the case since October 2006.
 - Generally speaking they seem to say that the pond is ecologically poor.
- However, despite saying this they still went on to do protected species surveys which were nowhere near the minimum survey effort to establish likely absence. Either there is potential

and they need to do the correct surveys or there is not and they do not need to do any. It all seems rather contradictory.

- From Absolute Ecology site visit of the golf course a visual assessment was made of the ponds suitability for Great Crested Newts. From this it was found that the ponds have high suitability for breeding Great Crested Newts due to abundance of marginal vegetation for egg laying and shelter. It was also identified that there is a connecting hedgerow close to these ponds leading to Rowan Close which Great Crested Newts could potential use to commute to other ponds or use during their terrestrial phase.

- It has been identified by the clients that video evidence of bat foraging and commuting within the back of no 6 Rowan Close. As it is accepted this evidence is not detrimental to the application being granted, we would hope that the local authority would support that a detailed survey of the existing trees be conducted by conforming to the Bat Conservation Trust Best Practice Guidelines 2007.

Photo montage received from the occupants of 7 Rowan Close and photo of Great Crested Newt at the site (authenticity cannot be verified) received on 8 July 2010.

Video evidence of Bats received from the occupants of 7 Rowan Close (authenticity cannot be verified) received on 8 July 2010.

Copy of a letter dated 2 July 2010 from the previous owner of no 6 Rowan Close, Mr. David Smyth, confirming the existence of newts, bats and other protected wildlife in or around the pond at no 6 Rowan Close

Copy of a letter dated 1 July 2010 from Mr. Les Dutton, the former gardener of no 6 Rowan Close confirming the existence of Greater Crested Newts at the pond at no 6 Rowan Close and his description of the same.

Flood Risk report undertaken by Clear Environmental Consultants Ltd on behalf of Sandbach Golf Club received on 7 July 2010;

- The water level within the pond varies seasonally.
- Any alterations to the water table in this location is likely to have an effect on the water levels beneath the surrounding ground including within any nearby ponds such as those within the golf club and in the rear gardens of surrounding properties.
- As there are drainage connections into the pond, it is still likely that this pond acts as a balancing pond holding water prior to its infiltration into the surrounding ground and downstream towards the golf club and ponds
- Evidence of a pipe draining to the pond from No 7 was located during the site visit and anecdotal evidence suggests that this pipe carries the roof drainage from No 7 to the pond.
- Soakaways are also highly unlikely to be of benefit given the underlying ground type being high in marl content
- Recommended that a topographical survey be undertaken of the surrounding area to fully assess the area naturally draining to this pond
- The proposed reduction in the surface area of the pond will dramatically reduce evaporation from the surface of the pond potentially causing higher water levels within the remaining half of the pond.
- If there is a drainage connection from the pond to this ditch, then the in-filling of the pond will increase the volumes of water conveyed to this ditch and through the golf course. This may worsen the saturated ground that occurs within this part of the golf course.
- If there is no drainage connection to the ditch then the volume of water, including roof runoff connection, will need to be contained within the reduced size of the pond, which is likely to increase the risk of flooding

- It is unlikely that flooding will occur from overtopping of the banks in the direction of the golf course however the main concern would obviously be in relation to the natural below ground drainage paths linking the pond at Rowan Close to the drainage / balancing pond system within the golf course.
- It is considered that there is currently insufficient detail on the existing drainage paths leading to and from the pond at Rowan Close and that further consideration of the potential flood risk to third parties is required before the planning decision is determined.

Letter in respect of Ecological Matters undertaken by Clear Environmental Consultants Ltd on behalf of Sandbach Golf Club received on 7 July 2010;

- request permission is refused on the following grounds:
- concur with those views shared by the Cheshire Wildlife Trust and Absolute Ecology that the information provided by Ecologically Bats is insufficient with which to determine this application and we would ask that further survey work is undertaken to establish potential impacts upon European Protected Species and most specifically Great Crested Newts
- One tree remains along the hedgerow boundary of the proposed development. Further survey work is required to establish whether bats are using this tree for roosting purposes as it is considered that this tree is likely to be impacted either directly or indirectly as part of the development proposals.
- One of the residents of Rowan Close has in their possession some video evidence of bats foraging and commuting within the back garden of no 7 Rowan Close and over the pond in question. Whilst we except this evidence is not detrimental to the application being granted we would ask that the Local Authority request detailed survey work on the potential for the remaining tree to support bats and to assess which areas of the site specifically are currently used by foraging and commuting bat species
- ask the Local Authority to review in detail the comments made by both the Cheshire Wildlife Trust and Absolute Ecology with which we concur to prevent us repeating in too much detail what has already been established
- Assuming that the methodology for the Newt survey set out in the report prepared by Ecologically Bats is correct there appears to be a gap in both the number of survey visits undertaken to site and the number of survey methodologies applied at this site.
- Based upon the lack of survey information on ponds within 500 meters of the proposed development and an apparent lack of detail for the survey that was undertaken, we would ask that the Local Authority request a full Great Crested Newt Survey before determining this application.
- We disagree with the statement made in Section 4.2 of the survey undertaken by Ecologically Bats in which a conclusion is drawn that 'the open aspect of the golf course in relation to the property offers poor foraging habitat and minimal refuge potential or commuting habitat.' It is our opinion that a golf course does not act as an adequate barrier to dispersal in a way that a major road may. We would recommend that the Local Authority consult applications in relation to Golf Course Developments or extensions where Great Crested Newt Populations are often found and require adequate mitigation proposals. If required, Clear Environmental Consultants are able to reference examples of Golf Course Developments where Local Authorities require full Great Crested Newt surveys prior to determination.
- Based on a visual assessment of the ponds within the golf course a Great Crested Newt licensed surveyor from Clear Environmental Consultants deemed that the ponds had a high potential for supporting Great Crested Newts.
- We would request that a full desk study, including data sourced from the Local Ecological Records Centre be requested to inform all parties of any historical interest on this site that in some cases provides a justification for the need for additional surveys of various protected species groups. As this does not appear to have been

requested all parties are not able to comment fully on the extent of other protected species present in the area. Of particular interest would be the possibility of reptile species in the grassland and scrub on the golf course immediately adjacent to the proposed development.

- We would request that the local badger group be consulted in relation to this application.
- We would request that the local bat group be consulted in relation to this application.

Brine Report dated 2007 submitted by John Rose Associates on behalf of 2, 3, 4, 5, 7 and 8 Rowan Close dated 7/7/2010 in respect of no. 5 Rowan Close:

- site lies outside any defined coalfield area
- the property is situated within the Cheshire Brine Subsidence Compensation District but is not within any consultation area
- should the property suffer damage at some future date through subsidence due to brine pumping compensation provisions of the Cheshire Brine Pumping (Compensation For Subsidence) Acts 1952 and 1964 would be expected to apply.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement; summary

- Background and Site History
- Use
- Amount
- Layout
- Scale
- Landscape and Ecology
- Appearance and Design
- Access
- Sustainability and Climate Change

Protected Species Survey; summary

- would result in loss of habitat but not significant disturbance to Great Crested Newts
- there is some potential impact in the short term which can be addressed with reasonable avoidance measures (RAMs)
- creation of additional habitat features during development would be desirable and is an ideal opportunity to improve the wildlife value of the area
- no evidence of bats or barn owls or breeding birds

Protected Species Survey Addendum; summary;

- no evidence of bats, breeding birds, barn owls or water voles

Response to Cheshire Wildlife Trust's comments; summary;

- based on local and national requirements only ponds within 100m are required to be surveyed
- the 3 ponds mentioned have major problems which would limit their value to Great Crested Newts
- conditions of pond unsuitable to Lesser Silver Water Beetles

Tree Report; summary

- Survey identified and recorded 11 trees which could potentially be affected by the development of the site
- 4 trees recorded as category A those of high quality and value
- 4 trees recorded as category B those of moderate quality and value
- 2 trees recorded as category C those of low quality and value
- 1 tree recorded as category R due to the presence of white rot
- No trees would be removed or pruned
- Trees 945 and 949 require crown lifting
- The proposed driveway would enter the site between trees. The access road would be bridged over the root protection area of these trees with no excavations or ground disturbance within these areas.
- Recommends all trees protected by semi-permanent barriers
- For traffic movements in root protection areas (RPAs), the ground protection should be designed by an engineer to accommodate the likely loading.
- The bridge would be sited on beams located outside of the RPAs- this would prevent any damage to the tree root system
- The bridge would then be lowered into place in sections

Construction Method Statement; summary

- looks at surrounding neighbours (noise, dust, traffic movement)
- working environment (existing pond, trees and surrounding habitats)
- construction design (design reduction impact, fast track build)
- construction process (consideration of construction techniques to minimise impact)
- Phase 1: erect tree protection fencing, lay temporary track for construction traffic, vertical waterproof membrane to be suspended on pond boundary line
- Phase 2: pond to be divided with steel sheet piles driven in by Still Worker piling press , a mobile crane will lift the steel piles into the Still Worker
- Phase 3: back filling the pond and water removal: silt will remain insitu, a terram felt type material to be laid over the bottom of the pond and backfilled with certified clean washed stone fill compacted in layers. Pond water to be pumped and removed by tanker. The washed fill initially to be tipped at a local yard in Sandbach and used as a holding yard. The pond will be filled within 1 week
- Phase 4: foundations/ piling/ bridge: a piling rig is to be used. The pile type will be precast concrete piles to be driven through stone fill into load bearing strata. A reinforced concrete ring beam to be cast with a concrete block and beam suspended floor over the bridge to be delivered in sections and to be lifted into position
- Phase 5: A timber framed solution has been selected for the main structure.

Supporting Information in respect of land levels and historical maps

Amended plans showing:

- existing and proposed site levels
- tree survey
- root protection areas

Additional information-table from arboricultural report that was missing

Response from ecologist on Cheshire Wildlife Trust's comments:

- development defined as minor therefore ponds within 100m radius not 500m radius are required to be surveyed
- pond not suitable for Great Crested Newts and phase 1 report carried out

- three ponds have major problems which limit their value to Great Crested Newts
- development would have minimal impact on bats even if they are present
- errors corrected

Letter from PB Lancashire (Civil Engineer) summary;

- as the stone is placed the displaced water will be pumped into a temporary holding tank from where it will be tankered to a licensed disposal facility. The rate of pumping will be controlled to ensure that the water level will remain approximately the same throughout the operation.
- the point raised about the effect on the banks of dropping water will not be valid. At present the natural water level varies and this does not have any effect on the stability of the banks.
- it is not intended to completely drain the water from the stone filled side of the sheet piling, it will be allowed to fluctuate within the stone. The sheet piling will not be completely water tight but will allow the water levels either side to maintain a balance. Terram matting will be laid under the stone and up the pile faces to prevent any migration of fine silt into the remaining pond.
- it is not proposed to extend the piling into the banks and risk damage to the tree roots.

10. OFFICER APPRAISAL

Principle of Residential Development

On 9th June 2010 the Coalition Government amended PPS3. Garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application site is situated within the settlement zone line of Sandbach as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan.

Notwithstanding the comments from Cheshire Wildlife Trust, policy H12 Tandem/ Backland Development within the Local Plan has not been saved and therefore does not comprise part of the statutory development plan.

Drainage

Foul sewerage would be disposed of via the mains sewer and surface water would be disposed of via soakaways. Neighbours and Cheshire Wildlife Trust have expressed concerns that infilling the pond would exasperate drainage issues within the area.

However in terms of the implications for drainage to the adjacent golf course the topographical levels of the golf course are some 1.44m below the actual water level within the pond and therefore any drainage issues surrounding run-off or a high water table would ensue in any event.

As the proposals would undoubtedly affect the amount of porous surface areas available for water percolation, it is considered reasonable and necessary to condition sustainable urban drainage measures.

Whilst concerns have been expressed by neighbours that if the pond has formed due to its situation below the water table, infilling may result in flooding to the remaining half, the applicant intends to use masonry to infill the pond which would enable water to percolate down and therefore this would not increase the water pressure on the remaining half or put pressure on the banks of the pond.

A replacement albeit smaller pond would be provided as part of the proposals which would help to mitigate for the loss of the existing pond as a water storage area.

Comments have been received in respect of the impact of the development on flooding the golf course however there is no conclusive evidence to suggest that there are drainage connections into the pond, or that water drains into the pond from surrounding surface water run off.

Objectors have indicated that soakaways have been saturated and that this should be taken into consideration in respect of drainage matters. No comments have been received from United Utilities and therefore in the absence of this it is considered prudent to condition drainage details.

Flood Risk

The site is not within a designated area of flood risk.

Notwithstanding the comments received, the Environment Agency has no objections to the proposals; whilst residential development is sensitive development and should therefore not be encouraged within areas at risk of flooding, the site is not situated within a flood plain. There are no known issues in relation to flooding associated with drainage issues and in any event drainage details are to be conditioned accordingly as stipulated above.

Sustainability and Climate Change

The site is within easy cycling and walking distance of Sandbach town centre and is accessible by public transport. As such the occupants of the proposed dwelling would have the opportunity to travel to and from the site by more sustainable modes of travel and thus the proposals would contribute to reducing emissions of carbon dioxide.

The proposed dwelling would have a regular shaped floor plan which would help in minimising heat loss through external wall areas.

The house would be constructed to reach code For Sustainable Homes Code 4. Wherever possible sustainable sources of materials, particularly for timber and joinery products, would be used and waste materials from the construction process would be recycled. The structure would be insulated 44% in excess of the requirements of Part L of the current Building Regulations and all new windows would be double glazed.

Water use would be reduced by the installation of aerated taps so as to reduce flow rates and dual flush toilets with reduced capacity cisterns would be installed. A water meter would be installed which discourages excessive consumption.

Rainwater would be collected in underground water harvesting tanks and would overflow to soakaways. This water would be recycled for flushing wc's and also outside watering of plants. Permeable surfacing would be employed where possible and a significant proportion of the plot would be available for soft landscaping which would reduce surface water run off during periods of heavy rain.

The fenestration to the rooms of the house has been designed to ensure that a good level of natural daylight would reach all the principal rooms and thus the requirement to use artificial (and energy consuming) light sources would be reduced.

Energy efficient light fittings for both internal and external illumination would be installed as too would a high efficiency gas boiler.

Protected Species

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the existing mature trees on the site are suitable habitats for Bats, Barn Owls and Breeding Birds. Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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 nesting 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 NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

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.

Notwithstanding the neighbours' and their advisors' comments, the document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 produced in association with Natural England and the Association of Local Government ecologists states that the impact of development on Great Crested Newts is highly variable and site specific. The distances stated in the document are for guidance only. For large developments it may sometimes only be necessary to survey ponds 250m away. Conversely, for minor developments it may be necessary sometimes to consider ponds further than 100m. An impact assessment in the absence of a full survey may be appropriate in some circumstances.

The Council's ecologist has confirmed that due to the site circumstances a 100m radius of the site will suffice.

As proposed tree work (felling or lopping) is to occur, the protected species survey has surveyed bats, breeding birds and barn owls. The guidance document also indicates that Water Voles, Great Crested Newts and Lesser Silver Water Beetles should have been surveyed.

The results section of the survey as originally submitted however omitted the results for bats, barn owls and breeding birds. Further information has since been received in respect of these indicating that the development will have no impact on these species.

The ecologist's report explains that following detailed survey work the existing garden pond divided between no. 6 and no. 7 Rowan Close was found to have a very low ecological value. A purpose designed and suitably planted and populated wildlife pond would by way of contrast add to local biodiversity. The Council's ecologist has confirmed that the details of the survey and additional information is acceptable and has taken into consideration the comments from Cheshire Wildlife Trust and the ecological survey received from Absolute Ecology in coming to this conclusion. The Council's ecologist has suggested conditions in respect of bats, breeding birds and the replacement pond which will be conditioned accordingly along with the recommendations of the protected species survey submitted by the applicant.

There have been numerous criticisms by the objectors of the methodology, content and extensiveness of the protected species surveys undertaken. However there are inevitably professional variations in the ways in which protected species surveys are carried out. In this instance, the survey has been undertaken by a suitably qualified and experienced ecologist who is satisfied that the development will not have a reasonable likelihood of affecting protected species. This has been verified by the Council's qualified ecologist.

In conclusion the proposals if conditioned to be in accordance with the recommendations of the protected species survey and addendums would not have an adverse impact upon protected species.

Nature Conservation and Habitats

As recommended above, the rear garden of the new dwelling would feature a purpose designed and suitably planted and populated wildlife pond which would assist in increasing the habitats and biodiversity of the locality, as would the planting of native species hedgerows to define the side boundaries of the rear garden and the creation of a

marsh/wildflower area in the space enclosed beneath the proposed bridge in the front garden.

The proposed pond would be partially infilled with a reed bed (common reed being planted), and the hedging proposed would incorporate hawthorn and blackthorn hedging. Whilst the replacement pond would be smaller, it would be possible to enhance the wildlife value of this in comparison to the nature conservation value of the existing pond.

Notwithstanding the comments from Cheshire Wildlife Trust the applicant has demonstrated that the existing pond is ornamental and was man made. Whilst this does not necessarily diminish its conservation value, the pond contains fish, ducks and has been domesticated considerably all of which have adversely affected its conservation value.

Whilst policy NR3 seeks to protect against the loss of nature conservation resources, in this instance the existing pond has limited nature conservation value and the proposals offer an opportunity to improve the nature conservation value of the site. As such the proposal would not conflict against nature conservation objectives at a local or national level, provided that details relating to the replacement pond and its continued retention are conditioned accordingly.

Trees

The site contains a number of trees which are protected by area A4 of the Middlewich Road II Sandbach Tree Preservation Order which came into effect on 22 June 1988. The first schedule to the order describes the trees concerned as mixed deciduous and coniferous trees. A Maple and Silver Birch have been felled with the benefit of tree preservation order consents and a further application will be made to fell a Maple tree infected by honey fungus. Tree planting is proposed within the hedgerow along the north eastern boundary of the new property using native species which are known to be more resistant to honey fungus. The tree survey also suggests some crown lifting to trees 945 and 949. However, this is not as a result of the proposals but due to the presence of crossing branches and encroachment to adjacent trees. A further tree (952) contains white rot and potentially honey fungus but it is not proposed to remove it at this stage.

The landscape architect is now satisfied that provided the scheme is appropriately conditioned, that the proposals would not have an adverse impact upon the protected trees. Conditions are recommended.

The neighbours have expressed concerns regarding the impact of construction traffic and HGVs on protected trees both at the application site and at the entrance to Rowan Close. Whilst this would be no different than the impact of a bin wagon or delivery vans, it is acknowledged that the volume of vehicles would increase the chances of damage, as such the details required to be submitted in respect of mitigation will require details of how the impact upon these trees can be mitigated.

Concerns have also been expressed in respect of the extent of the sheet piling associated with the subdivision of the pond and the implications of this on the tree and roof protection areas. Provided that the works are supervised by a suitably qualified and experienced arboriculturalist as suggested by the Council's landscape architect, this should minimise the damage to the trees. A landscaping scheme will also be conditioned to ensure sufficient replacement planting is undertaken and retained.

In conclusion the proposals if conditioned accordingly would not have an adverse impact upon the protected trees.

Amenity

Overlooking/ Overshadowing

The principal windows would all be contained within the front and rear elevations of the house in order to avoid overlooking and any consequent loss of privacy to adjoining dwellings. The windows in the front elevation of the proposed house would face across its own front garden and have a view beyond that along the length of the close. This latter view would be filtered by the existing trees on the house frontage which are protected and would remain. The minimum distance between the front elevation of the proposed dwelling and that of the nearest house it faces towards no. 8 measured corner to corner would be in the region of 38m. The windows to the rear elevation of the proposed dwelling would face north eastwards over the Sandbach Golf Course. There would be no windows at all in the side elevation of the proposed house nearest to no. 7. In any event that elevation would not directly face the frontage of no. 7 and at its nearest point it would be some 27m from the side elevation of the proposed house. The side window serving the kitchen/ dining room would be at ground floor level and face away from the host dwelling at an oblique angle. At its nearest point the window would be approximately 14m from that property and would be screened from it by the proposed boundary treatment. The layout and design of the proposed dwelling would thus ensure that no mutual overlooking or loss of privacy would be occasioned between it and any of the existing adjoining dwellings.

Conditions relating to boundary treatment and removal of permitted development rights for alterations should be imposed in the interests of safeguarding amenity.

The orientation of the garden of no. 7 and the existing tree cover results in overshadowing at present. Whilst the dwelling would undoubtedly overshadow the pond, it would not overshadow a significant proportion of the garden and therefore the impact would be limited rather than significant as such a reason for refusal on these grounds could not be sustained. Whilst the neighbours have expressed concerns regarding a loss of view/ outlook, the courts have indicated that this is not considered a material planning consideration in the determination of planning applications.

Amenity Space Requirements

Even allowing for the space to be taken by the proposed wildlife pond, sufficient useable private garden area would be available to the occupiers of the proposed dwelling.

The area of amenity space to be provided for the purposes of the dwelling, excluding the hardstanding and garden area to be provided at the front of the property and the pathways on either side of the dwelling, is above the minimum 65 sq. M in the former Congleton Borough Council's SPG 2 private open space.

The area of private amenity space which would remain attached to the parent dwelling would be approximately 265 sq. M ,excluding the side/ front garden.

The rear garden lengths of both the proposed house and the parent dwelling at no. 6 would be in excess of the 10.7m minimum set out in SPG2.

Noise/ Disturbance

The use of the site for residential development is considered compatible with the existing surrounding land use which is predominantly residential.

Noise and disturbance associated with domestic use would not have a detrimental impact upon neighbouring amenity.

Traditionally, noise and disturbance associated with the construction phase of development is not considered to have a significant adverse impact upon neighbouring amenity as it is for a finite period and disturbance can be controlled under Environmental Health legislation. However due to the complexity of the works associated with the redevelopment of the site, Environmental Health has recommended that conditions be imposed in respect of construction hours and piling of foundations. These will be conditioned accordingly.

The neighbours have raised concerns regarding the noise and disturbance from vehicle movements passing principal windows to no. 6 Rowan Close. However Inspectors have considered that whilst this does undoubtedly have an impact upon occupants, the impact does not tend to be detrimental. Given the likely additional vehicle movements associated with the proposed dwelling and the amount of windows affected, this impact would not be detrimental.

Design

The properties of Rowan Close, having been built by the same builder and being part of one development, have a consistency of architectural style and size. They are all executive detached houses of contemporary appearance having 4 bedrooms or more and are set in their own gardens. Usually the boundaries to the front gardens are marked by low walls or hedges or remain open. The scale, massing and design of the proposed house seek to respect these characteristics of the locality.

The proposed dwelling would be set back on a building line similar to that of no. 5 and 6 Rowan Close and slightly further back from the frontage private drive of no. 8 Rowan Close.

The proposed siting of the dwelling would ensure that an appropriate continuity of built frontages would be maintained around the head of the cul de sac and that the new building would not appear incongruously positioned in relation to the other dwellings in the locality. The new house would form an appropriate visual end stop to the built development on Rowan Close.

The proposed footprint of the new dwelling is similar to the parent dwelling at no. 6. The proposed dwelling would have a ridge height of 9.6m which is above the ridge height of the neighbour which is 9.4m. However because the ground floor level of the proposed house would be some 850mm lower than that of the host dwelling there would be a visible step down in the ridge heights of the respective dwellings of 650mm when viewed from the close. Having regard to its setting and the screening provided by existing and proposed landscaping and because of the congruity in size and appearance between the dwellings in the close and that now proposed, it is not considered that the proposed house would appear prominent, over dominant or inappropriate within the streetscene. The proposed size of the dwelling is synonymous with the size of the existing dwelling.

The design of the dwelling incorporates existing design features on properties within Rowan Close including a 45 degree pitched roof, brick plinth details, projecting bays and gables, vertical tile hanging to give architectural emphasis, simple vertically proportioned windows set in dark frames, stone lintels and stone step, and quoin and cill details to give visual articulation to the main entrance area to the dwelling.

Permitted development rights for alterations and extensions should be removed to ensure that the property remains sufficiently respectful to its context and does not become increasingly overdominant or prominent within the context of the existing properties along Rowan Close.

In summary the design of the dwelling has been informed by its context and would sit comfortably within the close. As such the proposals would not have an adverse impact upon the appearance of the streetscene, the existing dwelling on the site or surrounding properties and such is considered to accord with the relevant local and national policies in respect of design considerations.

Highway Safety

The existing access drive to no. 6 Rowan Close from the public highway would be retained and adapted to serve both the parent dwelling and the proposed dwelling. Intervisibility between the two private access drives and also onto the public highway would be good and the proposals would provide a safe and convenient means of vehicular and pedestrian access for both the existing dwelling at no. 6 and the proposed dwelling.

There would be very little additional traffic generated onto Rowan Close arising from the addition of one dwelling and the capacity of the public highway would not be exceeded.

The layout provides for vehicles to enter and exit the front drive of the proposed dwelling in a forward direction. The visibility for users of the proposed access entering and leaving the site is good and it is also the case that vehicular speeds for traffic manoeuvring at the cul de sac head would of necessity be low. It is not considered that the proposal would result in any danger to users of the public highway or the private driveway leading to the property.

Emergency access would be readily available from the kerbside of Rowan Close to the proposed house and to the parent dwelling.

The scheme would fully comply with part M of the Building Regulations; paths would be at least 900mm wide and have cross-falls no greater than 1 in 40. Level access would be provided from the front drive and the main entrance would be ramped.

The Highways Authority has indicated that they have no objections to the proposals.

In light of the sustainable nature of the location and the provision of appropriate access and car parking facilities for both the existing dwelling and the proposed dwelling, it is considered that the additional vehicle movements associated with the development would not have a significant adverse impact upon highway safety.

In response to neighbours' comments regarding the impact of construction traffic upon the surface of the highway the Strategic Highways Manager has suggested a number of conditions to mitigate for this which can be attached to the decision notice in the event of an approval.

Contaminated Land

PPS23 states that the presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully; contamination is not restricted to land with previous industrial uses, it can occur on Greenfield as well as previously developed land and it can arise from natural sources as well as from human activities.

Despite there being no known contaminants on the site, given that the site already has been developed for residential use and housing is a sensitive land use, it is appropriate to follow national guidance and adopt a precautionary approach to contaminated land issues. In light of the above and the comments from Environmental Health it is considered necessary to impose the conditions suggested in respect of contaminated land.

Other Matters

Inconsistencies

The comments received indicate that there are several inconsistencies within the protected species survey report and the other documentation. The applicant has corrected and clarified his submissions.

Structural Stability and Engineering Works

In respect of the structural stability of the proposed dwelling, this is a matter for Building Regulations rather than a matter for consideration under the planning application process.

Whilst one of the objectors who is also a qualified civil engineer has expressed concerns regarding the feasibility of the works associated with implementing the development, the Council's Building Control department, a qualified civil engineer employed by the Council and the applicant's own civil engineer have all indicated that the subdivision and infilling of the pond is feasible. Moreover the impact of the associated works upon drainage, flooding, protected species and protected trees can be mitigated via condition.

Methane Gas and Health and Safety

Objectors have raised concerns regarding the release of gases as a result of the works to the pond. Building Control has indicated that this can be mitigated and details in this respect will be conditioned accordingly.

11. CONCLUSIONS

The provision of an additional dwelling on this Greenfield curtilage site within the settlement boundary of Sandbach and within an established residential estate is acceptable in principle. The proposed development, as conditioned, will not have an adverse impact upon neighbouring amenity, highway safety, nature conservation, protected species, protected trees, land contamination issues, drainage, flood risk and represents a sustainable form of development which accord with the relevant development plan policies.

12. RECOMMENDATIONS

APPROVE subject to conditions

- 1. Commence Development within 3 years**
- 2. Materials To Match Existing**
- 3. Development in Accordance with the Approved Plans**
- 4. Permitted Development Rights Removed**
- 5. Submission of Drainage Details Including Sustainable Urban Drainage Measures**
- 6. Submission of Pond Infilling Details**
- 7. Submission of Replacement Pond Details**
- 8. Submission of Mitigation As Suggested In Protected Species Survey**
- 9. Submission of Tree Protection Measures**
- 10. Landscaping Scheme To Be Submitted**
- 11. Landscaping Implementation**
- 12. Recommendations Of Tree Report To Be Implemented and Amended Tree Method Statement**
- 13. Construction Hours Restricted**
- 14. Submission of Foundation Pilling Details**
- 15. Submission of Contaminated Land Survey**
- 16. Submission of Boundary Treatment Details**
- 17. Submission of Access And Parking And Visibility Splay Details**
- 18. Submission of Bridge Details**
- 19. Check for Nesting Birds Before Any Works Between 1 March- 31 August**
- 20. Submission Of Proposals For Incorporation Of Features For Breeding Birds And Roosting Bats**
- 21. Highway Condition Details to be Agreed**
- 22. Highway Condition Reinstatement Works To Be Agreed**
- 23. Gas mitigation**



Planning Reference No:	09/3498C
Application Address:	Land at Forge Lane, Congleton.
Proposal:	Demolition of four dwellings, a coach and HGV depot building, a workshop and various outbuildings and construction of twenty dwellings with associated garages and car parking and alterations to access road (resubmission of 08/1019/FUL).
Applicant:	Mirwell Homes Ltd c/o Emery Planning Partnership.
Application Type:	Full Planning Permission
Ward:	Congleton Town West
Registration Date:	22 nd October 2009
Earliest Determination Date:	17 th December 2009
Expiry Date:	21 st January 2010
Date report Prepared	6 th July 2010
Constraints:	Within the Settlement Zone Line Tree Protection Orders

SUMMARY RECOMMENDATION

Grant planning permission subject to conditions and completion of S106 Agreement

MAIN ISSUES

- Principle of Development
- Loss of an Employment Site
- Layout and Design
- Residential Amenity
- Viability (Affordable Housing and POS)
- Environmental Health Related Issues
- Highways
- Ecology
- Trees
- Flood Risk & Drainage

1. REASON FOR REPORT

The application proposes small-scale major development in excess of 10 residential units.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises 0.85ha of previously developed land split into two parcels on either side of, but extending to include, Forge Lane and Crossledge (a small section of highway leading into Forge Lane). The parcel to the west of the site contains a number of smaller dilapidated structures and an area of overgrown hard standing. The eastern side contains four existing dwellings and a small, steel framed commercial building also with an area of hardstanding. Three existing dwellings are located at the southern end of the site with the two dwellings at the entrance to the site being particularly prominent and unsightly.

The final dwelling, a bungalow at the northern end of the site, is also particularly unsympathetic within the site context. Both parcels of land are enclosed behind two mature hedgerows that screen Forge Lane for most of its length.

In the wider sense, the site is located off West Road and on the northern edge of Congleton's Settlement Zone. The site's topography slopes south to north with the result that the site is enclosed by two steep embankments. The eastern embankment is near vertical in places and screened with a series of hedgerows above which are located the rear gardens of dwellings within Westholme Close. The western side meanwhile has a somewhat shallower gradient which contains an area of mature TPO woodland that subsequently connects into a much larger woodland belt to the north known as Forge Wood.

Forge Lane itself is a narrow lane enclosed by the aforementioned hedgerows and leads to a large factory and industrial complex. There are extensive views to the north of Forge Lane over the Cheshire Plain which contains an area of Special County Value.

3. DETAILS OF PROPOSAL

The application seeks permission to demolish the existing buildings and redevelop the site with a total of 20no residential dwellings comprising 9 dwellings on the western parcel and 11 dwellings on the eastern parcel.

Six low cost units would be provided within a block located in the southwestern corner of the site with a further three detached dwellings extending along the remaining strip of land to the north. On the eastern side, a total of 11-detached houses would be constructed with seven of these being grouped around a cul-de-sac at the northern end of the eastern parcel.

The scheme would also involve the realignment of Forge Lane thereby necessitating removal of the existing hedgerows.

4. RELEVANT HISTORY

There are several historical applications on this site however the most relevant one is outlined below.

08/1019/FUL 2009 Withdrawn application for demolition of four dwellings, a coach and HGV depot, building, a workshop and various outbuildings, and construction of eighteen dwellings with associated garages and car parking and alterations to access road.

5. POLICIES

National Policy

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS5 'Planning for the Historic Environment'

PPS9 'Planning and Bio-diversity'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPS25 'Development and Flood Risk'

Local Plan Policy

PS4 'Towns'

GR1 'New Development'

GR2 'Design'

GR3 'Design'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR8 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR22 'Open Space Provision'

E10 'Re-use or Redevelopment of Existing Employment Sites'

H2 'Provision of New Housing Development'

H4 'Residential Development in Towns'

H13 'Affordable and Low Cost Housing'

NR1 'Trees and Woodland'

NR2 'Statutory Sites'

NR3 'Habitats'

NR4 'Non-statutory Sites'

NR5

NR6 'Reclamation of Land'

Other Material Considerations

SPG1 'Public Open Space'

SPG2 'Private Open Space'

SPD6 'Affordable Housing and Mixed Communities'

SPD14 'Trees and Development'

2006 Congleton Housing Needs Survey

Annual Monitoring Report 2008/09

Strategic Housing Land Availability Assessment (Congleton) 2009

6. CONSIDERATIONS (External to Planning)

District Valuation Office (DV):

The DV has considered the various supporting documents and reports submitted by the applicants in relation to viability. Whilst the DV disagreed with a number of the applicants' inputs (including finance costs over time and build costs for example) he concluded that at the present time, under present market conditions, the development cannot support the provision of any affordable housing and is not therefore viable. He also notes that even without affordable housing the development it is still not viable. The final point made by the DV is that if the market was to up-turn with an improvement of 10-15% on the sale price values a scheme could become viable and on that basis, a mechanism should be included within any permission to allow for a review mechanism should development not be completed within a reasonable period of time.

Highways:

No objection subject to the imposition of a condition requiring a detailed suite of plans relating to the off site highway works being submitted for approval. The junction to Forge Lane/West Road will need to be improved and also; Improvements are required to the carriageway/footway/verge areas of Forge Lane. A Section 106 Agreement is required to secure a capital sum of £2000 from the applicant for use by Cheshire East Council for local traffic management issues.

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions in relation to the following areas:

- a) Contaminated Land conditions
- b) Scheme for noise insulation
- c) Restriction on hours of construction (08.00-18.00 Monday to Friday, 08.00-13.00 Saturday and not at all on Sundays or Bank Holidays)
- d) Precise details of any pile driving (method, hours and duration) to be submitted and agreed prior to commencement of development.

Senior Landscape Officer (SLO)

The SLO submitted a detailed technical response in relation to the impact of the development. The SLO concluded the following points: -

- Proposed new levels details are not comprehensive. Insufficient information with regard to the proposed structure adjacent to the woodland and to the east of the site.
- On the basis of the information supplied, it appears that the proposed layout would have an adverse impact on existing healthy trees of amenity value. This situation would be contrary to Policy NR1 and SPD14 'Trees and Development'. Should it be possible to secure the long-term management of woodland through a management plan it may be possible to mitigate the impacts.
- Loss of roadside hedgerows is undesirable due to the impact on the landscape. To some extent replacement planting would compensate.
- Rear elevations of plots 16-19 would be prominent in views from the North.
- In the event that the development is deemed acceptable, I recommend detailed conditions in respect of tree and hedge protection measures (including an arboricultural method statement), tree works, landscape and an enforceable mechanism (S106 Agreement) to secure management of the woodland.

Nature Conservation Officer

Following the submission of an updated ecological survey in March, the Ecologist has confirmed that he has no objection to the proposed development subject to a condition requiring compliance with the recommendations in the updated ecological report.

Greenspace

No comments received.

Environment Agency

The EA confirmed that it has no objection in principle to the proposed development but requested various informatives be attached to any decision notice in respect of protected species. The EA recommend the landscaping scheme is composed solely of native species. The EA recommend the development incorporate a sustainable urban drainage

system (SUDS). In relation to contamination, the EA advise they consider controlled waters at this site to be of low environmental sensitivity and they do not therefore consider it necessary to assess the applicants' contaminated land reports.

Public Rights of Way Officer

No objection to the proposed development.

7. CONGLETON TOWN COUNCIL

None received at the time of report writing.

8. OTHER REPRESENTATIONS

A total of 7 representations have been received relating to this application, expressing concerns about the following issues:

- Loss of light
- Loss of privacy
- Design, size and density of the dwellings
- Visual intrusion and overbearing impact
- Increase in traffic causing detriment to highway safety
- Impact on existing parking problems
- Increase in noise and disturbance
- Impact on protected trees
- Land contamination
- Impact on the Site of Biological Importance and protected species
- Wider environmental impact
- The fact the Design and Access Statement states that there was consultation with neighbours, which is disputed.

9. APPLICANTS' SUPPORTING INFORMATION

Design and Access Statement (October 2009)

Tree Statement (September 2009)

Ecological Survey (September 2009)

Transport Statement (October 2009)

Capital Valuation (August 2008) and Viability Appraisal

Draft S106 Agreement

Desk Top Study and Preliminary Site Investigation Report

10. OFFICER APPRAISAL

Principle of Development

In overall terms, as a site within the settlement zone line for Congleton, your officers are satisfied that the principle of residential development on the site is acceptable under local plan policy PS4. However, the applicants must address a number of other issues extending to include design, loss of employment land, impact on woodlands and ecology and whether the proposal is acceptable in terms of its impact on residential amenity.

Aside from this however, the principle of development would be supported more generally by PPS1 and PPS3 because the proposals utilise previously developed land inside the settlement zone and within a reasonable distance of Congleton town centre which offers a good range of shops and services.

Whilst the application is speculative your officers are satisfied that the site would fall to be considered as '*deliverable*' when assessed against the advice within paragraph 54 of PPS3. The site is suitable for housing, available for development now and, even though not viable at the present moment in time, has a reasonable prospect of being delivered within the 5-year period.

It should be noted that the structure plan figures referred to in the text for policy H1 are not up to date. More recent figures in respect of housing targets were published within the North West of England Plan: Regional Spatial Strategy to 2021. Whilst Eric Pickles recently announced the abolition of Regional Spatial Strategies, the housing figures included are nevertheless the most up to date and represent the latest guidance in respect of housing targets.

PPS3 states that Local Development Documents should be informed by a robust, shared evidence base, in particular, of housing need and demand, through a Strategic Housing Market Assessment and land availability, through a Strategic Housing Land Availability Assessment. The draft Strategic Housing Land Availability Assessment for the Congleton Area has been produced in consultation with the Cheshire East Housing Market Partnership and its Congleton Area sub group. The Partnership endorsed the draft document for stakeholder consultation on the 17th March 2009. This indicated that in terms of existing commitments the supply figure exceeds both the Local Plan and Regional Spatial Strategy targets although this does not take into account deliverability.

The RSS proposed a dwelling requirement of 5,400 dwellings for the former Borough for the period 2003 to 2021, which equates to an average annual housing figure of 300 dwellings per annum. Since 2003 1,443 (net) dwellings have been completed leaving a further 3,957 dwellings to be provided for the period to 2021, equating to approximately 330 dwellings per annum for the remaining period. In order to achieve a 5-year supply against the RSS provision taking into account up to date completions, a supply of 1,650 is required. This therefore indicates that there is a demand for additional housing land and therefore at the present time the Council is favourably considering applications for residential development subject to compliance with other material considerations.

Loss of Employment Land

The general thrust of policy E10 is to protect existing employment sites and employment land supply. The policy does however allow for two exceptions which include situations where the site is no longer suitable for continued employment use.

In this case, it is clear that the site is no longer suitable for continued employment use as a HGV and coach depot. Access to the site is heavily constrained by the narrow nature of Forge Lane adjacent to the site and because the access point into the application site is highly unsuitable for use by large vehicles. Your officers also consider that the prospect of the site being re-used for other commercial purposes is unlikely having regard to the nature of the unit (a small, isolated parcel of land), and its general location.

On that basis, it is considered that redevelopment of the site with residential development would comply with policy E10 and that loss of employment land in this case does not amount to a sustainable reason for refusal.

Layout and Design

In overall terms your officers consider that the proposed layout and design are acceptable. In terms of the low cost units, the proposed siting within the southwestern corner of the site reflects the layout and character of the existing terraced properties to West Road which are located to the rear of the proposed units. Meanwhile, the layout and design of the remaining 14 detached dwellings serve to reflect the overarching vernacular of the immediate area, characterised by the adjacent development within Westholme Close.

Whilst it is acknowledged that Forge Lane has a different character to the general environment along West Road and Westholme Close, we consider the design and layout of the scheme to be appropriate because they reflect the character and design of properties within the wider area. Furthermore, the site is also located within the Local Plan settlement zone boundary indicating that the site is considered to fall within an urban, rather than rural context.

Further regard must also be had to the fact that the site contains a number of unattractive buildings, particularly two rendered dwellings located at the entrance into Forge Lane which are extremely visible and out of place when viewed from West Road. Your officers therefore also attach additional weight to the fact that the units would be removed to be replaced with a landscaped boundary to the side of Plot 10 which is considered to improve the character of the area more generally.

Therefore, on the basis of the above, it is considered that the proposed development would satisfy the requirements of PS1 and PPS3 as well as local plan policies GR1, GR2, GR3, H4 and PS4 delivering development.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east or the south. With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and carefully arranged so as to ensure that there is no direct overlooking of principal windows. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Viability (Affordable Housing and POS)

As part of their application submission, the applicants submitted a detailed viability appraisal demonstrating why they could not provide either an affordable housing or public open space contribution. By way of summary the applicants argue they cannot provide 30% affordable housing principally because the land acquisition costs (which include a capital sum figure to cover finance lent to another developer of the site who went into administration) coupled with the economic downturn result in a situation where they would make a substantial loss on the development even without factoring in the 30% affordable housing contribution.

Following a detailed assessment by the District Valuation Officer Surveyor (DV), the DV advised he agreed with the applicants' conclusion that the proposed development is not

viable and cannot deliver affordable housing at the present moment in time. Whilst he identified some areas where he disagreed with a number of variables within the applicants' appraisal, these did not alter his view that development was ultimately unviable. The DV advised however a rise of 10-15% in house price values within the area could render a scheme viable and on that basis he recommended a review mechanism be included within any permission should development not be completed within a reasonable period of time during which time house price values could have improved making a contribution a potential proposition.

On the basis of this advice your officers are satisfied that the proposed development cannot provide for 30% affordable housing or a financial contribution towards public open space without resulting in a further substantial reduction in the already negative development value.

In dealing with this matter it is important to recognise that policy H13 of the adopted Local Plan advises that the nature of provision must have regard to factors which extend to include the economics of provision. Therefore, whilst the town clearly has a significant housing need, your officers consider that the fact that the development is clearly unviable is an important material consideration.

It is also important to note the fact that the proposed development would include the provision of 6 low cost units within the scheme which amounts to 30% of the development and that these units in their own right would make an important contribution to addressing local housing need.

On the basis of the above points your officers consider that the lack of affordable housing provision is outweighed by the economics of provision and the delivery of 30% low cost housing and is therefore acceptable when assessed against the requirements of PPS3, Local Plan Policy H13 and SPD6.

Environmental Health Related Issues

Noise

Environmental Health have raised no objection on the basis of noise but recommend a condition to ensure a detailed scheme for noise mitigation is submitted to the Council for approval and fully implemented in order to address the possibility of noise pollution from the Radnor Park Industrial Estate. Subject to a condition to secure precise details of this scheme prior to construction it is considered the requirements of policy GR8 can be satisfied.

Contamination

The application was accompanied by a contaminated land study which advised that the site does not suffer from significant levels of contamination but which recommended a further site investigation be undertaken in the vicinity of the depot and the joinery in order to ascertain the presence or not of contamination in this area. Environmental Health confirmed they therefore have no objection to the proposed development but that further discussions would be needed with the Council's contaminated land officer. On that basis, your officers are satisfied that subject to the imposition of a suitably worded contaminated land condition, the proposed development would meet the requirements of local plan policies GR7 and GR8 as well as PPS23.

Highways

The Strategic Highways Manager has expressed no objections to the proposal subject to a condition being imposed requiring the submission and approval of plans relating to the off site highway works. The junction to Forge Lane/West Road would need to be improved and the carriageway/footway/verge areas of Forge Lane would need to be improved. The Highways Engineer has requested a Section 106 Agreement to secure £2000 from the applicant for use by Cheshire East Council for local traffic management issues.

The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

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 NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

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 Nature Conservation Officer originally raised concerns regarding the ecological reports submitted with the application. Subsequently updated reports have addressed these issues and the proposal is now considered to be acceptable in terms of any impacts on protected species. Subject to compliance with the recommendations offered by the applicant's ecologist, it is considered that the scheme would not cause significant harm or loss to species protected by law and would therefore be in compliance with Policy NR2 and PPS9.

Trees

The formal representation of the Senior Landscape Officer (SLO) raises a number of concerns over the impact of the proposed development on trees and hedgerows. For the most part, following a meeting between the applicants and officers, it is considered that the main areas of concern now revolve around the following issues: -

- The precise design, construction method and location of the retaining structure to the western edge of the development site;
- and
- How the large area of TPO woodland to the west of the site can be managed given the SLO's concerns that, left unmanaged, it would have potential to seriously affect the amenity of the future occupiers of the dwellings that would be located on the western side of the site.

In relation to the first matter, the SLO's concern essentially relates to whether precise details of the retaining structure are submitted prior to determination or are secured by way of a Grampian condition. In this respect, whilst the concerns of the SLO are understood, your officers consider that the matter should be addressed by way of a suitable Grampian condition. The precise location of the retaining wall is clearly defined on the application plans and imposition of a Grampian condition would ensure that the precise details of the retaining structure could be secured ahead of construction thereby addressing the requirements of NR1 and SPD14.

In terms of the second concern, the applicants have confirmed that the owner of the adjacent land could be brought into a management agreement for the area of TPO woodland and on that basis it is considered that the SLO's concerns over potential conflict between amenity and tree protection can be adequately addressed. A Section 106 Agreement is recommended to secure a detailed woodland management plan.

The loss of the roadside hedgerows could have an adverse impact on the local landscape. However, it is considered that this could be mitigated by requiring the applicants to plant replacement hedges using native species. A condition is recommended.

Your officers are therefore satisfied that, subject to the completion of a Section 106 Agreement and conditions which secure a detailed scheme for tree protection measures and the implementation of a detailed scheme of landscaping, the impacts from the development can be minimised and the requirements of policy NR1 and SPD14 can be addressed.

Flood Risk & Drainage

It appears that the risk of flooding and the risk to controlled waters are low and therefore on this basis the Environment Agency raises no objections. In terms of drainage, PPS25 'Development and Flood Risk' states that LPAs should in determining planning applications give priority to the use of sustainable draining systems for the management of runoff. Building design should ideally use softer engineering structures such as swales, detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. In the event of such development being approved, sustainable drainage systems can be secured through condition.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4.

The layout and design is considered to be acceptable and accord with the requirements of PPS1 and PPS3 as well as the relevant local plan policies.

Whilst the proposals would result in the loss of a small B8 employment site, it has been demonstrated that the site is in no longer suitable for economic use and that the proposals have satisfied the requirements of policy E10.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION

That, subject to the prior completion of a S106 Agreement to secure a detailed woodland management plan and a contribution for local traffic management issues, planning permission is granted subject to the following conditions:

1. 3-year Time Limit
2. Development in accordance with approved plans
3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)
4. Standard contaminated land condition
5. Scheme for noise mitigation within new dwellings
6. Restriction on construction hours to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no work on Sundays or Bank Holidays
7. Removal of permitted development rights
8. Submission of a scheme of landscaping to include replacement hedge planting using native species
9. Implementation and 5 years landscape maintenance condition
10. Tree protection measures
11. Precise details of boundary treatments

12. Precise layout of car parking court to be submitted and agreed prior to commencement of development
13. Precise details of retaining wall to the western site boundary to be submitted and agreed
14. Scheme for ecological enhancements for bats and birds
15. Site levels condition
16. Submission of a detailed suite of plans relating to the off site highway works
17. Compliance with the recommendations contained within the ecological report
18. Provision of a sustainable urban drainage system (SUDS)



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Planning Reference No:	10/1491C
Application Address:	Senate House, 81 Crewe Road, Alsager
Proposal:	Change of Use from Residential to Office, Business Training and Dance Class Accommodation.
Applicant:	Mr P Keeling
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	21-June-2010
Earliest Determination Date:	06-August-2010
Expiry Date:	16-August-2010
Date report Prepared	30-July-2010
Constraints:	Within Settlement Zone Line Principal Shopping Area

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Principle of Development
- Impact on Neighbouring Residential Amenities
- Parking & Highways
- Other Issues Raised by Representation

1. REASON FOR REFERRAL

Councillor D. Hough has called this application in for consideration by the Southern Committee due to *"concerns over the loss of amenity to neighbouring properties with the effect of noise being the main one. Other concerns include;-*

- *Use of offices/dance studio up to 22.30 hours.*
- *More usage and journeys than that generated by the residential properties for which there is current permission.*
- *Parking inadequate for increased use leading to increased displacement parking on Church Road.*
- *Change to commercial use on property edging the Mere, which in this area is residential in character."*

2. DESCRIPTION AND SITE CONTEXT

This application relates to 2 recently constructed semi-detached residential dwellings situated to the rear of the property known as 'Senate House' fronting Crewe Road in the Alsager Town Centre. The surrounding development comprises of residential properties to

each side and a takeaway and restaurant on the opposite side of the road. The property backs onto Alsager Mere and further residential properties stand on the opposite side of the water. The site falls within the Alsager Settlement Zone Line and the Principal Shopping Area as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Planning permission is sought to change the use of the 2 residential units to the rear of Senate House for use as office space associated with Senate House (a facility for training business delegates) and dance class accommodation. The proposal would involve the removal of an internal subdividing wall at first floor level to form a 'Syndicate Training Room and Dance Floor' measuring approximately 60 square metres. There would be no changes or alterations made to the external appearance of the building.

4. RELEVANT HISTORY

05/1116/FUL - Part demolition of outbuildings and refurbishment of existing apartments into 3 town houses. Construction of 2 new dwellings to rear – Approved 18.01.2006

06/0808/COU - Change of use of existing building from residential to office accommodation, demolition of outbuildings and alterations to roof and elevations – Approved 05.09.2006

06/1175/FUL - Change of use to office accommodation with external alterations – Approved 06.02.2007

5. POLICIES

Local Plan Policy

PS4 Towns

GR1 General Requirements for New Development

GR6 Amenity and Health

S4 Principal Shopping Areas

Other Material Considerations

PPG24 – Planning and Noise

Circular 11/95 'The use of Conditions in Planning Permissions'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection subject to conditions restricting the hours of use to those specified in the application and submission of details of the acoustic enclosure of fans, compressors etc. and ventilation extract systems.

Highways:

No comments received at the time of report preparation.

7. VIEWS OF ALSAGER TOWN COUNCIL

No comments received at the time of report preparation.

8. OTHER REPRESENTATIONS

One letter of representation has been received from the occupier of a neighbouring property objecting to this application on the following grounds:

- At the time of the original application for these houses, the objector was assured that they were for residential use.
- The houses have never been completed.
- As office and training space use, the main building at Senate House is infrequently used in the evenings and weekends and so far, they have not caused any disturbance.
- A change of use, particularly to a dance studio would fundamentally change that.
- By its nature a dance studio is noisy, likely to have windows open for ventilation and have most of its business during the evening and weekends thus spoiling the quiet enjoyment of my home.
- This application is wholly unsuitable for a largely residential neighbourhood and the buildings should remain zoned as residential.

9. APPLICANT'S SUPPORTING INFORMATION

In response to some of the concerns raised by representation, and in order to provide more information about the proposals, the applicants have submitted a Supporting Statement. Within it this states that:

Dance Classes: Dance classes would be delivered to children in the 3 – 4 hours after school finishes on weekdays, and possibly also on Saturdays, but not on Sundays. There may, be some dance classes for older children or adults that go on until 9.30pm on some evenings, in line with the timings of the courses currently delivered in Senate House. The applicants currently deliver courses on weekday evenings and Saturday mornings and have received no complaints. There are other businesses in close vicinity to us (including one delivering percussion/music tuition) who are open to the public later than 9.30pm in the evenings and during weekends. The applicants anticipate that local businesses would benefit from children and their parents visiting this part of the town, particularly during hours when the retail businesses are open.

Mitigation of potential noise: The applicant's would agree to install any soundproofing/noise attenuation as required. The main training room in Senate House is air-conditioned and the same system would be used in the proposed development, avoiding the need for any windows to be open during dance classes.

10. OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Alsager where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

Because the site is located within the Principal Shopping Area, policy S4 is also of relevance.

Policy S4 allows for some non-A1 retail uses within the Principal Shopping area provided that they are complimentary to the retail function and character of the town centre and do not lead to an inappropriate concentration of non-A1 uses. In this case, the proposal would serve to expand the existing business operations on the site and would not result in the loss of any retail floor space. Further, owing to its position at the rear of the existing buildings fronting Crewe Road, there are limited opportunities for retail/commercial frontage. Given that the proposal is for a business use and having regard to the other commercial uses near to the site and its designation within the Principal Shopping Area, the principle of use is considered to be acceptable in land use terms and would not detract from the function of the Town Centre.

Impact on Neighbouring Residential Amenities

The site is situated in between 2 residential properties. According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight, visual intrusion and environmental disturbance (including noise). As there would be no changes to the openings or the external appearance of the building, there would be no greater impact in terms of loss of privacy, loss of sunlight, daylight and visual intrusion.

With regard to the proposed office/training use, such uses are not considered to be intensive and by their nature are less likely to generate noise. It is not anticipated that this element of the proposal would harm neighbouring amenities and this is supported by the fact that the use of the main building as offices has not caused complaint. Conversely, the use of part of the building as 'Dance Class Accommodation' would have the potential to generate noise levels greater than that of the proposed office use and therefore this needs further consideration.

The dance class accommodation would be limited to the syndicate training room located on the first floor contained within the rear northern part of the building overlooking the Mere. Owing to the limited floor space allocated for the dance accommodation (approximately 60 square metres), and the fact that it would not be used continuously for such uses, the intensity of the use would not be significant. Although there are windows that can be opened within the north elevation of the building, a further condition could be imposed requiring them to be shut at all times during operation of the dance classes to minimise any noise discharge for the nearest dwellings. The applicants have confirmed that they would be amenable to the imposition of such a condition as they intend to install air conditioning.

The times of operation sought by the applicants do not appear to be too onerous and do not span outside of the hours of 8.30am to 22.30pm, which is not dissimilar to some of the openings hours of some of the nearby commercial uses. Subject to a condition limiting the hours of use, the building would not be operative during sensitive hours i.e. early mornings or late in the evenings. Consequently, the proposal would not be significantly detrimental to the amenity of local residents or to the overall character or appearance of the area.

Highways & Parking

Given the building's town centre location, ample car parking is available in the surrounding vicinity, namely 'Station Road Car Park' located approximately 35m towards the south (65 metres walking distance). Having regard to this existing provision, the small scale of the proposals and given that the site benefits from 9 off street parking spaces including 1 disabled bay, it is not considered that the uses would give rise to parking problems in the area.

11.CONCLUSIONS AND REASONS FOR THE DECISION

In land use terms the principle of development is deemed to be acceptable, however, the potential impact on neighbouring residential properties needs to be controlled. Subject to compliance with conditions restricting hours of use and closure of windows within the north facing elevation, the proposal would not cause significant detriment to the amenities of neighbouring residents. The proposal would not exacerbate existing parking or highways issues having regard to the small scale of the proposal and as such, it is recommended that the application be approved.

12.RECOMMENDATION:

APPROVE subject to the following conditions:

- 1. Commencement of development within 3 years**
- 2. Accordance with approved plans**
- 2. Scheme of Acoustic enclosure of fans/compressors**
- 3. Limit hours of operation to between the hours of 8.30am to 22.30pm**
- 4. All windows and openings contained within the first floor of the north facing elevation of the building shall remain closed during dance classes**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1575C
Application Address:	Former Arclid Hospital Site, Newcastle Road, Arclid
Proposal:	Extension of Time Limit - Development of an 80 Bed Residential Care Home
Applicant:	Mr R Woodcock
Application Type:	Small Scale Major Development
Ward:	Congleton Rural
Registration Date:	20.5.10
Earliest Determination Date:	8.7.10
Expiry Date:	11.8.10
Date report Prepared	29.7.10
Constraints:	Infill Boundary Line Jodrell Bank Radio Telescope Consultation Area Employment Commitment

SUMMARY RECOMMENDATION:**REFUSE****MAIN ISSUES**

- Principle of Development
- Impact on character of the area
- Other issues
 - the need for a Transport Assessment
 - the need for a tree survey
 - the need for an up to date protected species report

1. REASON FOR REFERRAL

This application is to be determined by the Southern Committee because the scheme being proposed is a small scale major development as it comprises of an 80 bed residential care home.

2. DESCRIPTION AND SITE CONTEXT

The site which has an area of approximately 0.67 Ha is on the location of the former Arclid Hospital which was demolished in the late 1990's.

The site has a principle access onto the A50 Newcastle Road which forms the western boundary to the site but it also abuts Davenport Lane to the east and the A534 Sparks Lane (Congleton to Sandbach road) to the south. To the north, there are three detached dwellings which front the Newcastle Road behind which there are open fields.

To the south west of the site is the former Rose and Crown PH which is now in use as a restaurant whilst to the east lies a number of residential properties. The main part of the settlement lies to the south of the A534.

A number of trees on the site are also protected by a preservation order.

3. DETAILS OF PROPOSAL

The proposal is for the construction of an 80 bed care home which is to be located in the southern part of the site and accessed from the Newcastle Road to the west.

The scheme is outline in nature with all matters including access reserved for later approval. An illustrative scheme though was submitted with the original application showing how the proposed care home would fit on the site.

4. RELEVANT HISTORY

The site has a long and complex history. The most relevant applications are as follows:

2007 07/0309/OUT – Outline application for the creation of an 80 bed care home. Granted

2006 06/1020/OUT - Outline application for the creation of an 80 bed care home. Refused

2005 05/1303/OUT - Outline application for the development of a residential care village comprising of an 80 bed care home and extra care sheltered housing, a central care service facility and ancillary retail and recreational development. Refused and subsequent appeal dismissed in 2007

2001 33855/1 – Outline proposals for residential and Class B1a, C1, A3 and D1 use – Refused

1997 32971/3 – Mixed use development comprising of 1,890 sq.m. B1 use and associated parking together with children nursery and 48 dwellings, public open space and a 60 bed lodge linked to a restaurant. Refused and appeal withdrawn

1997 29108/3 - Application for 4,140 sq.m. B1 development. Withdrawn

1997 28779/3 - Application for 4,181 sq.m of B1 business floor space. Refused

1997 28778/3 - Application for 2,323 sq.m for B8 use. Withdrawn

1996 28781/1- Outline permission for the demolition of buildings on the site and the development of 11,148 sq.m of commercial B1, B8 and C1 uses with the B8 element restricted to no more than 2,322 sq.m. Approved

1992 24099/0 - Outline permission for the erection of Class B1, C1, C2 and D1 buildings. Withdrawn

5. POLICIES

National

PPS4 Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation

Local Plan Policy

GR1 General Requirements for New Development
GR2 Design
GR6 Amenity and Health
GR9 Accessibility Servicing and Parking Provision
PS8 Open Countryside
PS6 Settlements in the Open Countryside
RC14 Residential Institutions
E10 Reuse or Redevelopment of existing Employment Sites
NR1 Trees and Woodland
NR3 Habitats

6. CONSIDERATIONS (External to Planning)

Environmental Health:

Although previous survey work has been undertaken, it is noted that up to date ground contamination and noise surveys will be required as the impacts from these sources are specific to each building.

If the application is approved, conditions will be required in respect of a desktop contamination survey, noise control, filtration equipment on kitchens and the enclosure of any fans.

Nature Conservation:

The application is a large brownfield site and as such has the potential to support Badgers, Reptiles and Great Crested Newts. Each of these is a protected species and hence a material consideration.

Surveys for each of these species should be undertaken by a suitably qualified and experienced person and the results together with any mitigation required should be submitted to the LPA prior to the determination of the application.

For both Great Crested Newts and Reptiles it is suggested that the applicant undertakes an initial assessment of the potential value of the site for these species and then follows this up with a full survey if the initial assessment identifies that these species are reasonably likely to be affected by the proposed development.

If the application is allowed, conditions should be attached to any permission granted to safeguard breeding birds.

Highways:

The advent of recent guidance from the Department for Transport on Transport Assessments sets thresholds for the necessary provision of a Transport Assessment for development.

A Residential Care Home now requires a Transport Assessment (TA) for a development of more than 50 bedrooms.

This site therefore requires the provision of a TA for the development and the developer's consultant should agree a scope for the TA prior to its production.

The Transport Assessment should also discuss in detail the access design from the A50 Newcastle Road.

It will also be necessary to submit a Travel Plan Framework for the development.

Trees:

Whilst some self set vegetation has been cleared on the site, overall the situation appears to be similar to when the previous application was determined. There were concerns at that time regarding the lack of a tree survey and implications for trees resulting from the creation of a new access and visibility splays. The comments on application 07/0309/OUT are still relevant. For assistance these are duplicated below.

'The site location plan with site edged red and the junction layout plan do not accord. They show the access in two different positions.

Trees on the site are subject to the protection of the Arclid Hospital Tree Preservation Order 1996. Notwithstanding the requirements of Local Plan Policy NR1, the submission does not include a tree survey or any detailed information in respect of trees on the site.

The proposed location for the nursing home will not impact on trees. Nonetheless, the access into the site is an issue. Whilst details of access are reserved for subsequent approval, the site edged red restricts the position of access on the Newcastle Road frontage.

It appears likely that several specimens within the line of protected trees on the Newcastle Road frontage could be under threat from the creation of an access in either of the positions indicated. It is accepted that if the site is to be redeveloped, an access to current highway standards will need to be created. In order to allow full consideration of the application and its implications however, prior to determination it would be preferable to have details of access proposals and a site plan indicating the positions of trees to be retained/ removed in the vicinity of the proposed new access. '

Given the time since the approval and current validation requirements, I would have expected that a comprehensive tree survey, details of current access requirements to meet highways standards and information regarding the impact of the access on protected trees would have been submitted.

7. VIEWS OF ARCLID PARISH COUNCIL

No objection to the proposal

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

As this is an application to extend the time limit for the scheme, the applicant has just submitted the forms and drawings together with a copy of the decision notice for the approved 2007 scheme.

10. OFFICER APPRAISAL

Principle of Development

Within the adopted Local Plan, this site has been identified as an employment site and to this end the proposal to use the site for a care home would appear to be in accordance with the adopted policies.

It is readily acknowledged that the site is in an out of centre location which raises question marks over the suitability of the proposal particularly in terms of sustainability. These matters however have been considered in the earlier scheme and based on the fact that the site is identified as an employment commitment, it is felt that in this instance the proposed use can be accepted.

Policy EC12 of PPS4 deals with planning applications for economic development in rural areas. The guidance in this document seeks to promote economic development in locations which either reuse existing structures or support local villages and towns. This scheme whilst being on the edge of Arclid will be unlikely to have a strong interrelationship with the village. Never the less, it will provide some employment opportunities to the community and in turn support other facilities such as the Legs of Man PH or the petrol filling station on the A534.

If Policy EC12 of PPS4 was the only guidance relating to this site, it is felt that the development of new employment facilities of this scale on the site would be unlikely to be supported however, the site as indicated above does benefit from being designated in the adopted Local Plan as an existing commitment and on that basis it is felt that the balance of judgment still falls in favour of the proposal at this time.

Impact on Character of the Area

Since the approval of the previous application, the wider character of the area has changed little. Furthermore, the policies relating to this aspect of the proposal have in the main remained.

As the scheme is in outline, it is felt that in this respect the form of development can be accepted.

Other Issues

In the main, extension of time applications are often uncontentious and the approval rate for such schemes is high. The reason why applications are time limited is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 which in turn has been amended by S51 of the Planning and Compulsory Purchase Act 2004. This seeks to ensure that schemes when approved are in accordance with the prevailing standards and policies of the time and do not get implemented many years or even decades after the proposal was first considered.

This is particularly important when considering environmental constraints that may impinge on a development and where the standards and policies have changed over time as well as the character of the site and surrounding area.

Since the scheme was considered and approved in 2007, there have been a number of changes in the nature of the site and these have been identified by a number of the consultees.

In respect of Highway Matters, greater attention has been given to the role of Transport Assessments (TA's) since 2007. In considering the proposed development of a 107 bed extra care facility at Newhall Avenue in Sandbach (application 09/3400C), a judicial review was brought against the Council on the basis that a full TA was not undertaken in accordance with Department of Transport Guidance. Despite taking the view that the guidance offered some degree of flexibility, legal advice sought by the Council indicated that as the scheme was well in excess of the indicative threshold of 50 units, a full TA was required.

Whilst this scheme is smaller than that in Sandbach, it is still felt that the scheme is far beyond the indicative threshold and should be accompanied by the appropriate assessment.

In respect of both trees and ecological matters, the site has changed over the past three years. Whilst there has not been extensive growth, there has been change and it is not clear if the protected trees to the front of the site are in good health or in need of treatment or whether they are in such condition that they could not tolerate any adjacent development without harm occurring.

The matter of protected species has come to the fore in recent years and extensive case law and judicial reviews including the Bryncliffe decision in Macclesfield have highlighted the need to ensure this aspect is adequately addressed before consent is granted. In the absence of up to date information, no assessment can be made of the potential for the development to harm protected species such as reptiles, badgers and Great Crested Newts.

On the final matter, that of environmental health matters, it is felt that both noise and contamination surveys should normally be submitted prior to development to allow consideration of these matters prior to the commencement of development. However, as the scheme already has consent and a condition on contamination was attached to the approval it is felt that these matters could in this instance be addressed through conditions if approved.

Given the requirement for additional information, the applicant was contacted by the case officer and requested to submit the necessary reports. The applicant responded to say that he would not be submitting the required reports as he felt there was no demand for a care home and would instead be seeking to submit a proposal in the future for open market and affordable housing on the site.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In appraising the above matters, officers are left with no other option than to recommend refusal of the application on the basis that insufficient information has been submitted by the applicant to allow this scheme to be considered for approval.

This decision is not taken lightly as the refusal of this application will mean that the past approval granted in 2007 will lapse by virtue of the time constraints placed on requiring the submission of reserved matters within three years from the grant of consent.

This does not mean to say no other development can be considered on the site but any new proposals will have to be considered on their merits and will not be able to draw substantial material weight from the existence of an extant approval for development on the site. To all intents and purposes following refusal of this application, the area will be considered as previously developed land within the open countryside without the benefit of any policy support for redevelopment as no commitments are in place for development.

12. RECOMMENDATION:

REFUSE for the following reasons:

- 1. The applicant has failed to provide sufficient evidence to show that the proposed development would not have a detrimental impact on protected species contrary to PPS 9: Biodiversity and Geological Conservation and Policy NR3 of the adopted Congleton Local Plan**
- 2. The applicant has failed to provide sufficient evidence to show that the proposed development could be undertaken without harm to protected trees especially those along the front of the site adjacent to the proposed entrance to the development contrary to Policy NR1 of the adopted Congleton Local Plan**
- 3. The applicant has failed to provide sufficient evidence to show that the proposed development will not have a detrimental impact on the safe operation of the A50 Newcastle Road and the junction to the south with the A534 contrary to Policy GR9 of the adopted Congleton Local Plan**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1983C
Application Address:	Land at West Heath Shopping Centre, Congleton
Proposal:	Application for a removal or variation of a condition following planning permission – construction of new food store
Applicant:	Hollins Murray Group & Aldi Stores Ltd.
Application Type:	Full Planning Permission
Grid Reference:	384373 363113
Ward:	Congleton Town West
Earliest Determination Date:	8 th July 2010
Expiry Dated:	24 th August 2010
Constraints:	Settlement Boundary Air Quality Management Area

SUMMARY RECOMMENDATION:**Approve****MAIN ISSUES:**

- **Compliance with the tests in Circular 11/95**

1. REASON FOR REFERRAL

The application has been referred to committee because the original decision was made by Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a flat, hard surfaced parcel of land at the eastern end of West Heath Shopping Centre measuring approximately 0.42ha which is currently used as car parking for the shopping centre.

The shopping centre itself comprises one large single storey, flat roofed block subdivided into a series of smaller retail units. Co-op occupies the largest unit, located at the western end of the block, with the remaining units occupied by a mix of small retailers, service providers and restaurants.

The shopping centre has recently been the subject to refurbishment and the exterior is now finished in white render with large sections of glazing giving the centre a refreshed, contemporary appearance.

The main vehicular access to the shopping centre lies to the south, directly off the A534 Sandbach Road. However a further secondary access also exists from the north onto the A54 Holmes Chapel Road.

The application site is bounded to the north by the A54 Holmes Chapel Road, residential properties to the east, the A534 Sandbach Road to the south and by existing retail units within the centre to the west.

3. DETAILS OF PROPOSAL

The applicants have recently obtained planning permission for the erection of a new supermarket. The proposed unit would have a net trading area of 940m² with the remaining floorspace given over to ancillary uses including storage and office accommodation and the like.

The permission was subject to a condition limiting the occupation of the new development to Aldi Stores. The applicant seeks to remove or vary that condition to allow other operators to occupy the premises.

4. RELEVANT HISTORY

The site has an extensive planning history amounting to 42 previous planning applications. The most relevant applications are listed below.

10/0010C Construction of new food store with associated servicing facilities and alterations to existing car park. – Approved 19.04.10

37627/1 Outline planning permission for 'Retail unit (with part first floor) and associated external works and car parking' on the 31.08.2004. This permission related to the current planning application site but has now lapsed.

37620/3 Part demolition of existing shopping centre, part extension of existing shop frontage, part new build including landscaping and car parking. Approved 01.11.2004.

36158/3 Extension to existing shop units and new shop fronts. Two-storey leisure unit with shops beneath. Part demolition to existing units including new landscaping and parking scheme. Approved 11.11.2003

34659/1 Part demolition, extension and alterations of existing shopping centre, including new landscaping and parking scheme. Uses are retail with one unit at first floor level which is proposed as a health/leisure use. Approved 14.07.2003

30899/1 Erection of retail development, associated car parking, access and landscaping. Outline permission approved 08.11.1999

5. POLICIES

National Policy

PPS4 'Planning for Sustainable Economic Growth'

Local Plan Policy

PS4 'Towns'

S2 'Shopping and Commercial Development Outside Town Centres'

Other Material Considerations

Cheshire Town Centre Study 2007 (CTCS)

PPS4 Planning for Sustainable Economic Growth

Supplement to PPS4 – Planning for Town Centres, Practice Guidance on Need, Impact and Sequential Approach December 2009

Circular 11/95 Use of Conditions in Planning Permission

6. CONSULTATIONS (External to Planning)

None received at the time of report preparation

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Objection – Members felt that the original conditions should remain

8. OTHER REPRESENTATIONS:

A letter of objection has been received from the occupants of 6 Ash Grove, West Heath stating that the original application was granted to Aldi based on their comprehensive application. Changing the restriction from this retailer changes the entire application, which is based on Aldi's retail forecast, car parking predictions, traffic flows, delivery schedules and environmental impacts. Contrary to their specific offering, as per the original application, opening up this store to other retailers will change the dynamics of retail in West Heath, with possible detriment to users and loss of amenity to Ash Grove residents.

9. APPLICANTS' SUPPORTING INFORMATION:

- Such a condition is not supported by the guidance in PPS4 or the practice note and is also contrary to the tests in Circular 11/95. Restricting occupancy to Aldi in perpetuity is unreasonable and there are no exceptional circumstances.
- Alternatively the conditions should be carried to read: "Occupation of the food store hereby approved shall be restricted for 5 years from the date of the permission to Aldi Stores Ltd. and not by any other retail operator."

10. OFFICER APPRAISAL

Advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the Circular, "*Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be:*

- i. necessary;*
- ii. relevant to planning;*
- iii. relevant to the development to be permitted;*
- iv. enforceable;*
- v. precise; and*
- vi. reasonable in all other respects."*

The Circular continues by stating at para.15 that *“the same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so.”*

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

Necessary

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. Therefore the starting point is usually the relevant Development Plan policies. However, in this case, they have been largely superseded by more recent guidance provided by PPS4.

PPS4 sets out the Central Government Planning Policy in respect of new retail development. Paragraph EC19.1 of PPS4 deals with the effective use of conditions for main town centre uses, and states that *“Local planning authorities should make effective use of planning conditions to implement their policies and proactively manage the impacts of development by imposing planning conditions to:*

- 1. prevent developments from being sub-divided into a number of smaller shops or units, or to secure the provision of units suitable for smaller business, by specifying the maximum size of units*
- 2. ensure that ancillary elements remain ancillary to the main development*
- 3. limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted*
- 4. limit the range of goods sold, and to control the mix of convenience and comparison goods and resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops and the adequate provision for loading and unloading”*

There is nothing within the advice to suggest that limiting the permission to a particular operator is a suitable means of managing the impact of the development. In this particular case other conditions have been imposed which deal with the size of the unit and the range of goods which can be sold.

Further advice on the use of planning conditions can be found in the Government’s “Planning for Town Centres”. Paragraph 8.1 reiterates the guidance contained within PPS4 set out above. It goes on to state, however, that planning conditions should only be used where they are necessary, particularly given the dynamic nature of the retail and other key town centre sectors, and the need for retailers and leisure operators to be able to adapt and respond to market conditions and enhance their productivity and efficiency. However, the use of conditions will be appropriate where the consequences of certain types of development could lead to unacceptable impacts or have not been fully tested. The limitation of a permission to a particular operator, would clearly reduce the flexibility of the unit, contrary to this advice.

However, at Paragraph 8.8 the document does state that *“in some cases, it may be appropriate to support particular types of operation, based on their contribution to meeting a specific well defined need. One example is the role of the discount food retailers, which have particular characteristics, and which can compliment other types of local convenience retailing and provide a positive contribution in areas of social deprivation by providing accessible low cost convenience goods. In such circumstances, where the case to support specific proposals is predicated on a particular type of operation, it may be appropriate to impose conditions to ensure the character of such units do not subsequently change.”*

The application currently under consideration does relate to a discount food retailer, and the case to support the original application was heavily reliant on arguments relating to the particular characteristics of that type of operation which, it was considered, would not adversely affect the town centre or other retailers within West Heath. It was considered that the majority of trade would be drawn from the existing edge of centre Tesco and Aldi stores. However, it is important to note that the guidance does not offer any support for restricting the development to a single operator, merely the imposition of conditions *“to ensure the character of such units do not subsequently change.”* A condition limiting the occupation of the unit to a “discount food operator” would serve the same purpose.

According to paragraph 91 of Circular 11/95, *“since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant.”* This is because the impact of a discount food store will be the same regardless of whether it is operated by Aldi, Lidl, Netto or any other company.

The Circular continues to say that “Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission.” Based on the advice contained within “Planning for Town Centres” there are planning grounds to restrict the use of the site to a particular “class of occupier” but not specifically Aldi.

Relevant to Planning.

Given that the reason for the imposition of the condition was to ensure that the development was only occupied by a specific type of operation, which following careful assessment, it had been determined would not impact on the vitality and viability of the town centre, the condition is considered to be relevant to planning, as it is intended to meet broader planning objectives.

Relevant to the development to be permitted;

According to paragraph 25, of Circular 11/95 to meet this test, the need for the condition must be created by the new development. It must not be imposed to deal with an existing problem. Given that the condition in question has been written specifically to restrict the new development only, it is considered to meet this objective.

Enforceable;

It would be easy to determine whether or not the premises were being occupied by Aldi and therefore the condition is considered to be enforceable.

Precise

The condition is specific and clear in its requirements and it is therefore considered to be in accordance with the precision test.

Reasonable in all other respects

According to paragraph 35 of Circular 11 / 95 *“a condition may be unreasonable because it is unduly restrictive”*, for example where it would put a severe limitation on the freedom of owners to dispose of their property. Restricting the occupation of the site to Aldi would severely restrict the abilities of the site owners to lease or sell the unit and it is therefore considered to be unreasonable.

Personal Permissions

Further guidance on the use of “personal” permissions is provided at paragraph 93 of Circular 11/95 which states that *“unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall enure only for the benefit of a named person-usually the applicant: a permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. This condition will scarcely ever be justified in the case of a permission for the erection of a permanent building.”*

Therefore the condition is also contrary to advice in Circular 11/95 on the grounds that it is related to both a permanent building and a company, and there are no compassionate or other personal grounds for making the permission specific to an individual operator.

Other matters

The third party letter of objection that has been received makes reference to a number of other issues, in addition to retail impacts, most of which relate to car parking, traffic flows and deliveries. It is not considered that the impact of any other discount food operator would be any greater in this respect than that of Aldi, and in the absence of any objection from the Highway Engineer, it is not considered that a refusal on these grounds could be sustained.

11. CONCLUSIONS

The case to support the original permission was based on a particular type of operation, and in accordance with guidance contained within *“Planning for Town Centres,”* it is considered to be necessary to impose conditions to ensure the character of the unit does not subsequently change, by limiting the occupation of the unit to a discount food operator. However, restricting the use of the unit to a specific company is considered to be unnecessarily and unreasonably restrictive and there is no support for this approach within PPS4, Planning for Town Centres or Circular 11/95. The latter specifically discourages the use of so called “personal” permissions as the impact of one discount operator will be no

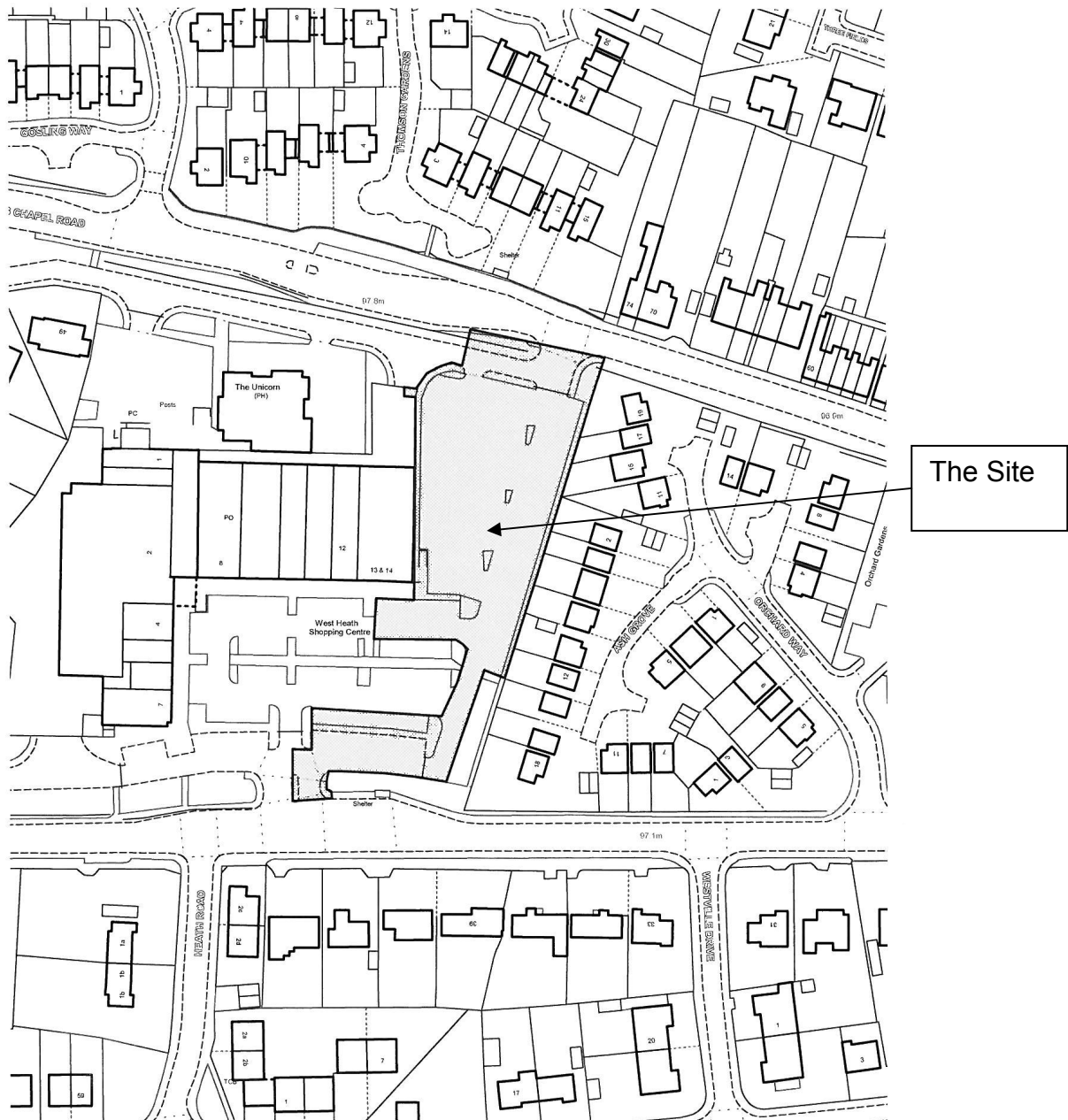
different to the impact of another. The condition as it stands, therefore, is unnecessary and unreasonable. Consequently, it is considered to be appropriate to vary the condition to restrict the occupancy of the store to a “discount food operator”, instead of referring specifically to Aldi.

12. RECOMMENDATIONS

APPROVE subject to the following condition:

1. Restriction to a discount food operator

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/2076N
Application Address:	Old Creamery, Station Road, Wrenbury
Proposal:	Extant to Approved Planning Permission P07/0403 for 11 Industrial Units
Applicant:	NSW Engineering (2000) Ltd Lockside, Thelwell Lane, Latchford, Warrington
Application Type:	Extension to Time Limit
Grid Reference:	360314 347165
Ward:	Cholmondeley
Earliest Determination Date:	14 th July 2010
Expiry Dated:	31 st August 2010
Date Report Prepared:	23 rd July 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION**Approve subject to conditions****MAIN ISSUES**

- Whether there have been any material changes in planning policy or circumstances since the previous approval.
- Design
- Amenity
- Highways

1. REASON FOR REFERRAL

This application is included on the agenda of the Development Control Committee as the proposed floor area of the buildings combined exceeds 1000m².

2. DESCRIPTION OF SITE AND CONTEXT

The site is accessed via the access road which borders the site to the north west. The access road traverses the existing Wrenbury Industrial Estate, which comprises of a number of industrial units like the ones proposed by the applicant. The Old Creamery building was located towards the end of the access road and comprised a part 3 storey/part single storey building in height. However, since the last application the building has been demolished. The application site is located wholly within the open countryside. The site is bounded by a railway line on the west, open fields to the east and other industrial uses on the northern and southern boundaries.

3. DETAILS OF PROPOSAL

Planning permission was granted in 2007 for the erection of 11 light industrial units on land to the rear of Wrenbury Industrial Estate, Wrenbury with associated parking and servicing areas. (Application P07/0403 refers). This application seeks to extend the time limit for the implementation of that permission under the new provisions introduced in October 2009.

4. RELEVANT HISTORY

7/09842 – Warehousing and operating centre for commercial vehicles relating to road and transport and haulage vehicle maintenance – Approved – 17th March 1983

7/17685 – Residential and Light Industrial Development – Refused – 16th November 1989

7/17754 – Residential 17 no. Detached Dwellings – Refused – 14th June 1990

7/19557 – Outline Application for Residential Development – Refused – 11th April 1991

P92/0340 – Front and Rear Extensions to Industrial Unit – Approved – 1st September 1992

P97/0445 – Change of Use to Rubber Recycling Plant – Refused – 18th September 1997

P05/0453 – Change of Use from Offices to Offices – Permitted Development – 20th May 2005

P07/0403 – 11 Industrial Units – Approved – 13th June 2007

5. POLICIES

National policy

PPS 1 (Delivering Sustainable Development);

PPS 4 (Planning for Sustainable Economic Development);

PPS 7 (Sustainable Development in Rural Areas);

PPG13 (Transport)

Local Plan Policy

NE.2 (Open Countryside);

NE.5 (Nature Conservation and Habitats)

BE.1 (Amenity);

BE.2 (Design Standards);

BE.3 (Access and Parking);

BE.4 (Drainage, Utilities and Resources);

BE.5 (Infrastructure);

E.6 (Employment Development within Open Countryside)

TRAN.1 (Public Transport)

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

TRAN.9 (Car Parking Standards)

6. CONSULTATIONS (External to Planning)

Highways: No objections

7. VIEWS OF THE PARISH / TOWN COUNCIL

Wrenbury Parish Council: No objections

Newhall Parish Council: No objections subject to the following comments:

The Old Creamery site has been causing considerable problems to residents of Aston for some time, and such further development will only exacerbate this

- Main Issues are traffic. The site is accessed via the A530 and Wrenbury Road, Aston and both have considerable problems/issues with increased traffic:-
- The A530 has been recommended by the Speed Limit Review for a reduced speed limit;
- Wrenbury Road has two extreme bends on it where it is impossible for any HGV to pass another vehicle;
- The Parish Council requests that the approval of the above application should be intrinsically linked to improvements/implementation of the above;
- Noise issues are already a problem from the site and conditions should be imposed which would limit the type of employment and hours of work.

8. OTHER REPRESENTATIONS

No letters of representation received

9. APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted with the application

10. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application relate to whether there have been any material changes in planning policies or circumstances since the previous approval was granted.

National Guidance

In general National Government policy on the whole is more lenient to industrial development within the Open Countryside than the policies in the adopted Local Plan.

PPS 1 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

Planning Policy Statement 4: Planning for Sustainable Development does not fundamentally change the Government policies with regards to this type of particular land use and stipulates that 'Changes in the local economy... may result in proposals coming forward which were not anticipated when the development plan was drawn up. In these circumstances local planning authorities should assess the costs and benefits

of such a proposal using the best available evidence'. The Statement goes on to enunciate that 'Local planning authorities should consider these proposals favourably unless there is good reason to believe that the economic, social and/or environmental costs of development are likely to outweigh the benefits'.

PPS7 states that in those rural areas where there is a need for employment creation and economic regeneration Local Planning Authorities should identify suitable sites for economic development. Plans should set out an authority's policy towards the future expansion of existing business premises in the countryside, to facilitate healthy and diverse economic activity in rural areas.

PPG 13: Transport is a document relating to promoting sustainable modes of transport. In practical terms this means that new industrial development should be located where the number of vehicle journeys generated is minimised. This means that an employment site should be accessible by a realistic choice of transport, walking and cycling. However, PPG13 recognises that this aim may not be wholly achievable in rural areas. In terms of freight traffic, PPG13 states that while road transport is likely to remain the main mode for many freight movements, land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail and water. The application site is not accessible by rail or water infrastructure. In order to mitigate people's reliance on the private car travel plans could be used and this will be conditioned accordingly.

Design

PPS1 (Delivering Sustainable Development) outlines in Paragraph 34 that design must be appropriate in its context and should improve the character and quality of an area, and that if a development fails to achieve this, it should not be accepted. Guidance in PPS 4 reflects policy in PPS 1, and states that local planning authorities should seek to ensure that economic development, regardless of location, is of high quality and of inclusive design which improves the character and quality of an area and the way it functions. It goes on to state that the design of new commercial development should address the challenges posed by climate change. Policy BE.2 (Design Standards) is fairly flexible on what constitutes acceptable design. However, it vehemently states that proposals should not adversely affect the street scene, and where possible, should enhance the environment.

It is considered that the design, scale and layout of the buildings are typical of modern industrial units with shallow pitched roofs, profile cladding to elevations and facing brickwork. Additionally, each unit would have a roller shutter door. The buildings would sit well back from the internal access road and would not as a result appear prominent. Furthermore the design, scale and form of the units would be similar to adjacent buildings and would not appear alien within the context of its surroundings.

Each unit would measure 10m wide by 19m deep which equates to 190m sq of floor space. The units would be 7.8m high to the apex of the pitched roof. Internally the buildings would be identical and each unit would comprise of an office, store room and toilet. The buildings would be uniform and utilitarian in form and are designed for functionality rather than form.

The proposed industrial units would be very similar to the ones located on Wrenbury Business Park, which is located approximately 80m away from the application site. The

layout is based upon a simple road system which bi-sects the industrial units and ends in a cul-de-sac arrangement. The industrial units would face the internal access road. On the northern side of the access road 5 of the units would be located, on the southern side would be 4 units, whilst the remaining 2 units would be located at the end of the access road.

Amenity

The proposed development is considered to be compatible with surrounding existing land uses as the site is already developed for similar uses. The development would not prejudice the amenity of future adjacent occupiers as the new buildings would be considerably lower in height than the Old Creamery building that was previously on the site. There would be no overlooking between the new units and the nearby premises.

The proposal would not prejudice the amenity of occupiers of adjacent properties by reason of noise and disturbance, visual intrusion, overlooking or over shadowing. The nearest residential property is approximately 31m away and the boundary treatment would help to mitigate any negative externalities caused by the proposed development.

Highways

Objections to the proposal have been raised by Newhall Parish Council regarding the potential impact that the proposal may have on highway safety and congestion in the area. The Parish Council state that Wrenbury Road has two extreme bends on it where it is impossible for any HGV to pass each other and considerable problems with increased traffic and excess speed. Issues to do with excess speed are not a material planning consideration and are a matter for the Police. The concerns of the Parish Council regarding the two extreme bends are noted, but this is outside the red edge and is not a matter that can be dealt with under this application. However, the case officer has passed on the comments from the Parish Council to the Traffic Management section.

The visibility splays at the junction between the station yard access and Wrenbury Road are good with uninterrupted views in both directions to the railway bridge towards Wrenbury and in the opposite direction.

Under the previous application the applicant submitted a traffic impact analysis which stated that the comparison of trips generated indicated that the volume of traffic the proposed industrial development would be likely to generate would be comparable to the number of trips which the Old Creamery site would be likely to generate. The development is likely to generate substantially less than a vehicle per minute during the busiest peak periods of the day. Colleagues in Highways were consulted regarding the application (P07/0403) and had no objections to the proposal. There has been no significant change in policy, which would suggest that the application should be recommended for refusal.

Other Matters

A number of conditions relating to application P07/0403, namely, the provision of a landscaping scheme, details of the surfacing materials, details of the proposed boundary treatment and shower facilities have already been discharged.

11. CONCLUSIONS

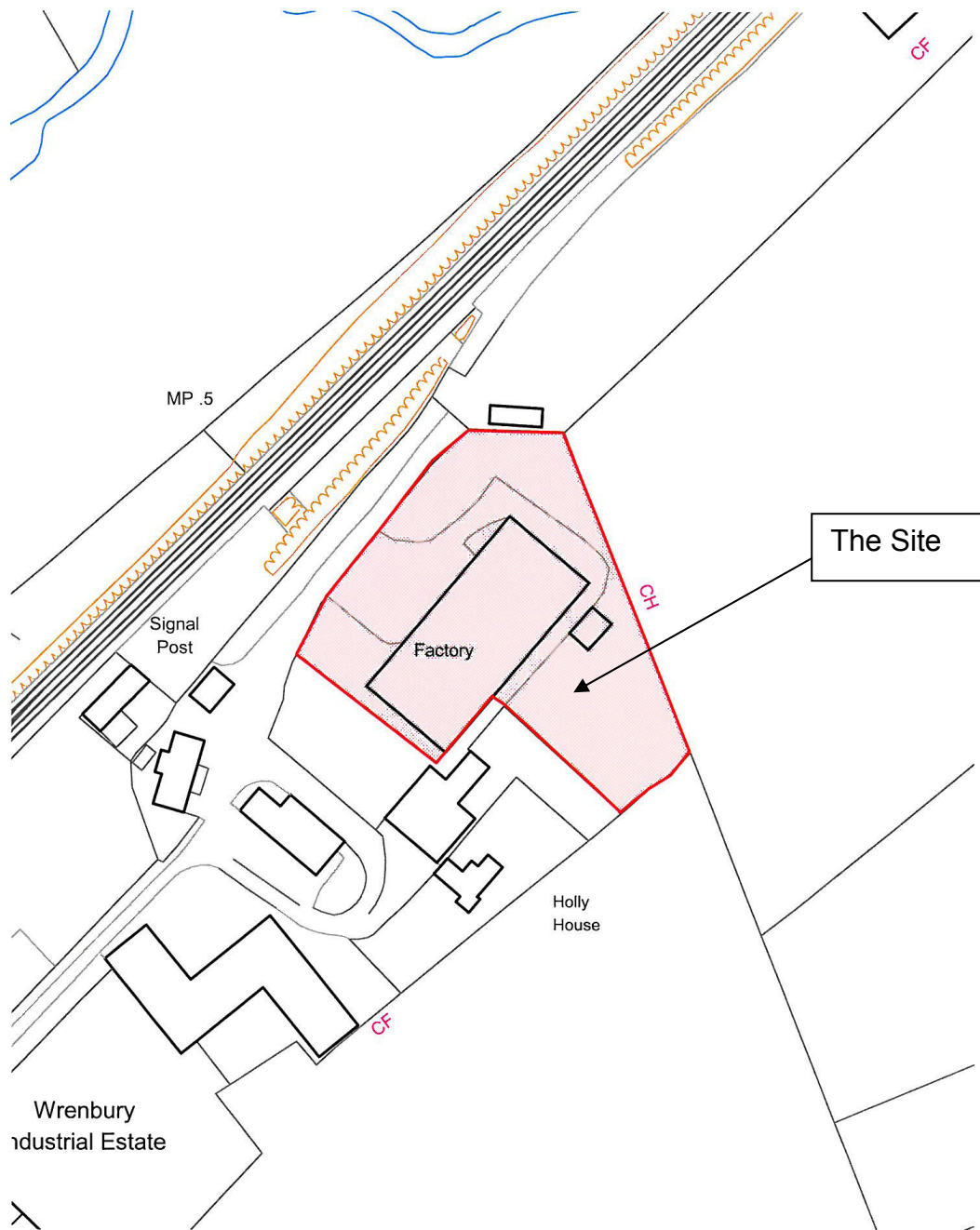
The proposed development is considered to be acceptable as there have been no significant changes in circumstances since the previous approval. It is considered that the proposal is compatible with the surrounding development and the design, scale and form of the buildings would sit comfortably with those within the locality. Satisfactory access and parking provision can be provided and the development would not result in an intensification of traffic generated from the site. The proposal is therefore considered to comply with Policies E.4 (Development on Existing Employment Areas), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.2 (Open Countryside) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATION

APPROVE: Conditions

- 1 Commencement of Development within 3 Years**
- 2 Development in accordance with approved plans**
- 3 Materials to be submitted and approved**
- 4 Landscaping to be carried out in accordance with approved details**
- 5 Landscaping to be implemented and maintained**
- 6 Surfacing Materials to be carried out in accordance with approved details**
- 7 Details of Travel Plan to be submitted and approved**
- 8 No External Lighting to be installed without prior approval**
- 9 Details of Drainage scheme to be submitted and approved**
- 10. Restriction of use within B1 – Light industrial use only**
- 11. Boundary Treatment to be carried out in accordance with the approved details**
- 12. Details of covered cycle parking to be submitted and approved**
- 13. Shower/Changing Room Facilities to be carried out in accordance with the approved details**
- 14. Prior to the first occupation of the development the turning areas shall be provided**
- 15. No servicing of the site shall take place outside the hours of 7am to 9pm, Monday to Saturday inclusive. There shall be no servicing at any time on Sundays and Bank Holidays.**
- 16. Trees to be protected during construction and retained.**
- 17. Prior to the first occupation of the development hereby permitted the access road shall be upgraded in accordance with details to be submitted and approved.**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/2222N
Application Address:	5 Petersfield Way, Weston CW2 5SH
Proposal:	First Floor Extension
Applicant:	Mr & Mrs I Rogers & J Taylor
Application Type:	Householder
Grid Reference:	373952351544
Ward:	Doddington
Earliest Determination Date:	7 July 2010
Expiry Dated:	6 August 2010
Date of Officer's Site Visit:	16 July 2010
Date Report Prepared:	29 July 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-

- Principle of Development
- Design Standards
- Amenity

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor R Walker for the following reason "I believe the Planning Committee should consider whether this extension prejudices the amenity of neighbours."

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures approximately 700 sq. m and comprises an existing two storey modern detached property located at the end of the cul de sac known as Petersfield Way located in the Wychwood Village estate which was a former housing allocation which is nearing completion.

The application site backs onto an area of open space within the estate. The site is located within a RES.1 housing designation surrounded by the designated open countryside.

3. DETAILS OF PROPOSAL

The proposals relate to a first floor extension over the existing garage.

The following is to occur:

- 2 new first floor windows in the existing gable end serving bedroom 3 and ensuite
- first floor extension over the existing garage measuring 8.2m in length, matching the depth of the existing garage and reaching a height of 6.7m to the ridge of the pitched roof.

A dormer window at first floor level is proposed on the rear elevation and an alteration from a pitched to a hipped roof on the section of the garage which projects beyond the rear building line of the main dwelling.

- new block skin to garage internally
- dormer window to existing first floor window on right side elevation
- new canopy porch to existing entrance
- lean-to roof over porch and existing garage doors on front elevation
- two first floor dormer windows on front elevation
- first floor window in gable end with small high level opening above.
- the extension is to be constructed of facing brick and red roof tiles to match existing.

Amended plans have been received; the following changes are proposed:

- reduce length by 3m (which removes a dormer from the front elevation)
- windows at first floor further apart on rear elevation

4. RELEVANT HISTORY

P07/0145 conservatory approved 02/05/2007

5. POLICIES

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

RES.11 Improvements and Alterations to Existing Dwellings

RES.1 Allocated Housing Sites

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

SPD: Extensions and Householder Development

6. CONSULTATIONS (External to Planning)

None Consulted

7. VIEWS OF THE PARISH COUNCIL

None received at time of writing report

8. OTHER REPRESENTATIONS

None received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

None received

10. OFFICER APPRAISAL

Principle of Development

The site lies within an existing housing commitment site allocated under policy RES.1 the details of which are included within Appendix 7.1 of the Local Plan. The plot contains an existing dwelling, and whilst the site does not lie within a settlement boundary, the principle of residential development on the site has nonetheless already been accepted.

Policy RES.11 governs the acceptability of extensions to existing dwellings and states that it should respect the existing dwelling and not raise any amenity or highway safety issues.

The policy also requires that extensions remain 'subordinate' i.e. no more than double the size of the original. However the policy makes it clear that this criterion only applies to properties within designated Areas of Special County Value, Green Belt, Open Countryside and Conservation Areas. As such this criterion is not applicable to these proposals.

Design Standards

Whilst policy RES.11 only requires extensions to properties within designated Areas of Special County Value, Green Belt, Open Countryside and Conservation Areas to remain subordinate, the guidance contained within the SPD: Extensions and Householder Development suggests that extensions should be designed to be subordinate to the existing dwelling to ensure extensions respect the setting, design, scale, and form of the original dwelling. (para 3.4)

Scale

The proposed extension is a first floor extension over the existing garage and entrance and in terms of its height, it would be recessed by 1.5m below the ridge height of the original dwelling. It should also be noted that the front and rear building lines would also be recessed which requires the provision of lean-to roof sections to the existing ground floor elements.

The recessed elements of the proposed extension ensure it would remain visually subordinate to the original dwelling and as such the extension would be of a size and scale appropriate to this property.

Design, Detailing and Materials

The existing property is a large two storey modern dwelling constructed of facing brick with red plain roof tiles.

In terms of materials, the applicant has stated that the proposed extension would be constructed of matching materials which is considered acceptable and desirable given that the choice of materials plays an important part in establishing the character of this property. Moreover it also is important in creating unity with surrounding dwellings which are of a similar design and scale and use identical materials in their construction.

The scale, proportions and alignment of the proposed windows both to the extension and to the existing dwelling would respect the existing window features on the property; the

casement style, size, proportions, cill and lintel detailing and the provision of dormers over the first floor openings would all match the existing windows.

The void to solid ratio and alignment of windows would also respect the existing dwelling. The proposed extension would provide for lean-to roofs and a canopy porch which are not currently features of the property. However this is a large, modern dwelling which is not sensitive to such additions. These contrasting roof forms are easily absorbed within the fabric of the building without detriment to its character or appearance both individually and as part of the streetscene.

Amenity

Both policy RES.11 and BE.1 state that extensions should not result in a loss of amenity to neighbouring properties through overlooking, overshadowing, noise, odour or in any other way.

Overlooking

The proposed window in the gable end of the first floor extension would overlook an area of public open space and the windows on the front elevation would face the existing cul de sac head and the residential property opposite which is over 21m away. Turning to the rear elevation, the new window serving bedroom 3 would overlook the garage to no. 15 Pastures Drive and therefore this would not result in a significant level of overlooking to the rear amenity space for this property. The two other windows in the rear elevation which would face no. 15 Pastures Drive would serve ensuite windows and these will be conditioned to be obscure glazed in the interests of neighbouring amenity.

Overshadowing

The SPD states that the 45 degree code will be used as a guideline to help determine whether an extension would overshadow principal windows of neighbouring properties.

The first floor extension would not significantly breach the 45 degree code for the bedroom window of no. 15 Pastures Drive. That said, this is only horizontally and not vertically; the implications of this are that the window would only be affected when the sun is low in the sky. As the proposed extension would be located to the east this would affect morning light to the window; given that the window affected is north facing, this window only receives predominantly morning light. As such, the impact of the extension upon the light received by this window would be minimal rather than significant now that the length of the extension has been reduced.

Overbearing

In addition to loss of light, the SPD also makes specific reference to extensions being overbearing (para 3.42). The proposals would result in an expanse of brickwork 5.5m long and 4.5m high within 2m of the boundary with no. 15 Pastures Drive. Whilst this property has a single storey projection adjacent to this boundary, which does not have the same visual impact of a two storey extension of this length, the reduced length of the proposed extension and given that it would be recessed its visual impact would be limited.

Other Matters

The extension would not result in additional noise or odour and would not have an adverse impact upon bin storage or available amenity space.

Other Matters

The proposed first floor extension would not have an adverse impact upon highway safety as the garage would remain available for the storage of motor vehicles and the proposals would not increase vehicle movements at the site or adversely affect visibility or manoeuvrability within the site.

Drainage details are not shown on the plans although as the site is not located within an area where there are known drainage issues it is not considered necessary to condition the submission of details in the event of an approval notice being issued.

11. CONCLUSIONS

The proposals as amended represent an acceptable form of development. The proposed extension is of a scale and design which would respect the character and appearance of the existing dwelling, the extension would not have a significant adverse impact upon neighbouring amenity and would not raise any concerns for highway safety or drainage. As such the proposals accord with policies BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, RES.11 Improvements and Alterations to Existing Dwellings and RES.1 Allocated Housing Sites of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to conditions

- 1. Standard Time Limit**
- 2. Materials to Match Existing Dwelling**
- 3. Development in Accordance with Approved Plans**
- 4. Ensuite Windows to be Obscure Glazed**



Planning Reference No:	10/2281N
Application Address:	10 Cheyne Walk, Nantwich, CW5 7AT
Proposal:	Reserved Matters for Outline Application for erection of One Dwelling (Re-submission of P07/1625)
Applicant:	Mr C Turner
Application Type:	Full Planning Permission
Grid Reference:	365282350997
Ward:	Nantwich
Earliest Determination Date:	20 July 2010
Expiry Dated:	12 August 2010
Date of Officer's Site Visit:	15 July 2010
Date Report Prepared:	15 July 2010
Constraints:	Wind Turbine Dev Consultation Area

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of Development
- Design Standards
- Amenity
- Highway Safety
- Nature Conservation
- Drainage

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor Martin for the following reasons:-

- “a) There are access issues
b) It will be overbearing on surrounding properties
c) The Nantwich Town Council (of which I am a member) will also be raising concerns over this development, I refer to the points in their letter also.”

2. DESCRIPTION OF SITE AND CONTEXT

The 922 sq. m application site comprises an existing semi-detached, 1960s bungalow located at the end of a cul de sac within an established residential suburb within Nantwich. The site is bounded by playing fields associated with Weaver Primary School to the south with the north, east and west boundaries shared with neighbouring residential properties.

The residential curtilage is overgrown with an existing greenhouse, shed and eight semi-mature fruit trees. There are two more prominent larger trees along the boundary with the playing fields, however these are unaffected by the proposal. The existing

dwellinghouse has been extended to the side and rear and there is an existing garage adjacent to the dwellinghouse which will remain in situ.

3. DETAILS OF PROPOSAL

This is a full application for the erection of a new bungalow; under the outline consent, landscaping, scale and appearance were reserved for subsequent approval. As the layout has changed slightly, full planning permission is required. The outline consent is nevertheless a material consideration.

The new bungalow as approved would have been sited to the side of the existing bungalow and would have been 'L' shape. It would have measured 12m in length, 7.5m in width and would have reached a height of 6.5m to the ridge of the pitched roof. The new dwelling would share the existing point of access for the existing dwelling. The scheme as submitted measures 10.8m in length and 7.4m deep with a rectangular shaped footprint measuring 2.4m to eaves height and 5m to ridge height. The design incorporates a porch, dormers windows and a single pane rooflight.

4. RELEVANT HISTORY

P07/1625 outline for one dwelling withdrawn
P08/0690 outline for one dwelling approved 22/08/2008

5. POLICIES

Local Plan Policy

NE.5 (Nature Conservation and Habitats)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)

Supplementary Planning Document Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No response received at time of writing report

7. VIEWS OF THE PARISH COUNCIL

No response received at time of writing report

8. OTHER REPRESENTATIONS

No letters received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced by Bower Edleston Architects; summary

- location of the dwelling is essentially the same
- plan form simplified to allow the ridge of the dwelling to run transverse to the street frontage in a similar manner to the other existing dwellings in the vicinity.
- dormer windows introduced to southern elevation
- all principle windows at first floor level face away from adjoining properties
- materials will harmonise with existing house types

Tree Schedule

- 10 trees all in fair condition and all to be retained except one Pear tree

Arboricultural Implication Study (AIS)

10. OFFICER APPRAISAL

Principle of Residential Development

The extant planning permission is a material consideration. Despite that the RSS for the North West has recently been abolished, the final version of this document had not been adopted when the outline application on this site was approved. As such the abolition of this document has no implications on the acceptability of a dwelling on this site.

Whilst the site is now classed as Greenfield under the provisions of the amended version of PPS3 the site lies within the settlement boundary of Nantwich where there is a presumption in favour of development. In light of the above, the principle of one dwelling on the site is accepted. The acceptability of the detailed proposals must be assessed against relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design Standards

The prevailing character of the area comprises 1960s/ 1970s dormer bungalows. The regimented street pattern and form of the existing dwellings makes an important contribution to establishing the character of the area. The estate has a regimented street pattern dominated by semi-detached bungalows which are set back from the cul de sacs but address the road frontage and are primarily linear in form.

Para 3.6 of the SPD 'Development on Backland and Gardens' states that Plots should be sufficiently wide enough to site buildings of an appropriate frontage width and to provide the appropriate visual separation between dwellings. There is a separation distance of 2.8m to no. 10 and 7m to no. 11 which would ensure there is a visual separation between the dwellings.

Whilst there is a regimented pattern to the streetscene, as many of the properties turn the corner or are located in corner plots set back from the road frontage, it was established at the outline stage that the siting of a dwelling in this position would not contradict the pattern and form of development within the area; moreover it should be noted that no. 8 is set back from the road frontage in a similar format to that proposed.

The footprint would also match the footprints of existing dwellings sited around Cheyne Walk and therefore would not appear incongruous within the existing cul de sac formation.

Turning to detailing, the simple detailing of the bungalow would reflect the detailing on existing properties within Cheyne Walk. Whilst dormers are proposed, these would be reserved to the rear elevation and would not be visible from Cheyne Walk. Whilst these would be visible from the playing fields, it is not considered that the dormer windows would be overly dominant features of the landscape when viewed from the playing fields.

The proposed dwelling would have a height of 5m to the ridge, the same height as the surrounding properties. It is considered that the proposal would respect and conserve the character and appearance of the area. A condition is recommended requiring details of external materials to be agreed.

Amenity

The principal windows in the proposed bungalow would be reserved to the front and rear elevations. The rear elevation would overlook the playing fields to the rear and the property would lie over 21m from no. 7 Cheyne Walk opposite. The window to the upstairs bathroom would overlook the remaining rear garden area to no. 10. However this could be conditioned to be obscure glazed.

There are no primary principal windows on the side elevation of the adjoining neighbouring property that could be adversely affected by the proposal. The proposed dwelling would be sited to the east of the garden area of no. 11. Whilst this would result in overshadowing this is likely to be marginal given the scale and overall height of the proposed building and the orientation and size of the garden affected.

Both the existing and proposed dwellings would have over 50 sq. m of usable garden space which accords with the guidance within the SPD.

It is recommended that permitted development rights be removed in the interests of neighbouring amenity.

Highway Safety

The layout proposed cannot provide two off street car parking spaces per dwelling and sufficient space to manoeuvre vehicles. That said there is sufficient space to provide one off street car parking space and manoeuvring space. Given that there are no existing on street car parking restrictions, there are no known parking problems and cul de sacs promote lower vehicle speeds (in the region of 20-30 mph), it is considered the provision of one space per unit would not result in a highway safety issue if additional cars were to park on the road. A condition is recommended requiring the provision of on site parking and turning space.

In addition, the site is in a highly sustainable location easily accessible by public transport which promote alternative transport choices to the private motor vehicle and would therefore reduce demand for car parking spaces in any event. It should also be noted that PPG13 considers that the availability or otherwise of car parking has the greatest influence over transport choices.

Turning to visibility, given the depth of the footpath and the width of the access the visibility splays at the point of access are considered acceptable given that the access would serve only 2 properties and given the volume and speed of traffic in this location.

Nature Conservation

There are 10 mature and semi-mature trees around the site comprising 2 Pines, 1 Prunus, 2 Pear, 3 Apple, 1 Lime and 1 Ash. The Lime and Ash trees are situated within the playing fields. The tree schedule indicates that these are all of fair condition and only one of these trees, a Pear tree, is proposed to be felled. This is however to enable the protection of the larger Pear tree adjacent rather than as a direct result of the proposed siting of the footprint of the proposed dwelling.

In any event, these trees are ornamental and have limited amenity value and as such are not worthy of a Tree Preservation Order. Nevertheless their retention would be desirable and therefore the tree protection measures will be conditioned along with a landscaping scheme to soften the areas of hardsurfacing.

Drainage

The site would be drained via the main sewer system; whilst there are no known drainage problems, it is considered prudent to condition the submission of a drainage scheme to ensure the proposal would not have an adverse impact upon the existing sewer system.

As the proposal would increase the amount of hard surfacing, it is considered prudent to condition sustainable urban drainage measures to ensure that the proposal would not contribute towards localised flooding.

11. CONCLUSIONS

The site lies within the settlement boundary of Nantwich where there is a presumption in favour of residential development. The siting and design of the dwelling ensures it would respect the character and appearance of the area and the proposal as conditioned would not have an adverse impact upon neighbouring amenity, highway safety, and drainage or nature conservation.

12. RECOMMENDATION

APPROVE subject to the following conditions

- 1. Standard Time Limit**
- 2. Development To Be In Accordance With The Approved Plans**
- 3. Submission Of Samples Of Materials And Surfacing Materials**

- 4. Permitted Development Rights Removed For Extensions, Roof Alterations, Outbuildings And Renewable Energy**
- 5. Submission Of Details Of Drainage Scheme Including Sustainable Urban Drainage Measures**
- 6. Tree Protection Measures To Be Erected And In Accordance With Submitted Details**
- 7. Submission Of Landscaping Scheme to Include Replacement Planting**
- 8. Implementation of Landscaping Scheme**
- 9. Submission Of Details Of Boundary Treatment**
- 10. Submission Of Amended Layout Plan And Retention Of Car Parking And Turning Space**
- 11. Obscure Glazing to Ensuite Window to be Installed and Retained**

Location Plan: Cheshire East Council Licence No. 100049045



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Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
09/2993C	MEADOW BANK FARM, MILL LANE, GOOSTREY, CHESHIRE, CW4 8PW	Construction of a Two Storey Extension	Delegated	n/a	Refuse	Allowed 19/07/2010
10/0380N	MINSHULL HALL COURT, MIDDLEWICH ROAD, MINSHULL VERNON	Detached Garage	Delegated	n/a	Refuse	Dismissed 06/07/2010
10/0388N	MINSHULL HALL COURT, MIDDLEWICH ROAD, MINSHULL VERNON	Proposed Rear Single Extension	Delegated	n/a	Refuse	Dismissed 06/07/2010
10/0199C	24, GIANTSWOOD LANE, CONGLETON, CW12 2HQ	Extensions to Existing Bungalow to Form Additional Ground and First Floor Accommodation	Delegated	n/a	Refuse	Dismissed 28/07/2010

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