

Southern Planning Committee

Agenda

Date:	Wednesday, 13th October, 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. Declarations of Interest

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 of Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 22 September 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 individual 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. **10/2651C Erection of 17 Dwellings, Associated Works and Vehicular Access, Curtilage Extensions to 'Brackenwood' and 'The Sheiling'; Detached Double Garage for 'Brackenwood'; Single Garage for 'Canal Villa', Land at Canal Road, Congleton for Wainhome Developments** (Pages 11 - 26)

To consider the above planning application.

6. **10/2653C Outline application for Residential Development with Access off Wolstanholme Close, Land at Canal Road, Congleton for Wainhome Developments** (Pages 27 - 42)

To consider the above planning application.

7. **10/1307C Application to Vary Condition no. 5 of Planning Approval 08/0764/FUL, The Point, Crewe Road, Alsager for Muller Palatine Properties Ltd** (Pages 43 - 48)

To consider the above planning application.

8. **10/1361C Change of Use of from A1 Retail to D1 PDSA Veterinary Clinic, Units 2 & 3 The Point, Crewe Road, Alsager for Muller Palatine Properties Ltd** (Pages 49 - 56)

To consider the above planning application.

9. **10/1477N Extension of time to approved planning permission P05/1529 - Conversion of Redundant Detached Farm Buildings into 10 Residential Units, Ridley Hall Farm, Wrexham Road, Ridley for Cheshire East Borough Council** (Pages 57 - 68)

To consider the above planning application.

10. **10/2779C Amendment to Approval 06/1414/FUL to Change Slab Levels to the Apartment Block containing 6 x 1 Bed Units and 10 x 2 Bed Units (Block A), Albany Mill, Canal Street, Congleton for Great Places Housing Group** (Pages 69 - 74)

To consider the above planning application.

11. **10/3558N Extension to time limit - Ref: P07/1241 Loft conversion with two new rear dormers, two rear rooflights and a side second floor window, 6 Aldersey Way, Bunbury, Tarporley, Cheshire, CW6 9GN for Mr & Mrs Melia**
(Pages 75 - 78)

To consider the above planning application.

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, 22nd September, 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, S Davies, B Dykes, S Furlong, J Jones,
S Jones, A Kolker, S McGrory, R Walker and R Westwood

OFFICERS IN ATTENDANCE

Mrs R Goddard (Senior Lawyer) and Mr D Townsend (Interim Business Lead
Development Control (South))

74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B Howell and
Mrs J Weatherill.

75 DECLARATIONS OF INTEREST

Councillor B Dykes declared a personal interest in application 10/3191M
Erection of New General Storage and Implement Shed. Erection of Horse
Walker- Resubmission of 09/3106M, Land At Woodford Lane, Newton,
Macclesfield for Mrs T Jackson by virtue of the fact that he was a
colleague of the applicant and in accordance with the Code of Conduct he
remained in the meeting during consideration of the application.

Councillor R Walker declared that in respect of application 10/2457N
Change of use from horticultural to equestrian. Provision of open air
menage, stable block, horse walker, muck midden and hay store.
Variation of occupancy of tied dwelling to include occupation for equestrian
management, Little Island Nurseries, Haymoor Green Road, Wybunbury,
CW5 7HG for Mr G. Heath he had been approached by the applicant as to
why he had called-in the application. He informed the Committee that his
conversation with the applicant was in relation to his reasons for calling in
the application and that he had not come to any conclusions regarding the
application.

76 MINUTES OF PREVIOUS MEETING

(During consideration of this item Councillor Mrs S Jones arrived to the
meeting).

RESOLVED

That the minutes of the meeting held on 1 September 2010 be approved as a correct record and signed by the Chairman subject to an amendment to condition no.26 in respect of minute no.65, application 10/1093N to read as follows:-

‘Raised planting to be situated in the courtyard’.

77 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

78 10/2131C RESERVED MATTERS APPLICATION TO CONSIDER THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE PROPOSED DEVELOPMENT OF 41 DWELLINGS FOLLOWING OUTLINE APPROVAL 10/0021C, PROPOSED HOUSING DEVELOPMENT OFF, CREWE ROAD, SANDBACH FOR HOLLINS STRATEGIC LAND AND TAYLOR WIMPEY

Note: Mr C Cunio (agent for the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral update on the site visit) regarding the above planning application.

RESOLVED

That the application be approved subject to the signing of a Deed of Variation to the Section 106 Agreement, changing the affordable housing provision from eight 2 bed houses and four 2 bed apartments, to twelve 2 bed houses, and subject to the following conditions:

1. Development carried out in complete accordance with the approved plans
2. Notwithstanding the details shown on the approved plans, prior to commencement of development a revised and fully detailed scheme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make adjustments to the planting to account for revisions to the highway service strips. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations, such as cutting regimes,

associated with tree, shrub, hedge, grass and wildflower meadow establishment) schedules of plants noting species, plant sizes, proposed numbers and densities. The details shall comply with the schedule of works itemised in the Landscape Management Plan submitted with the application dated July 2010.

3. The landscaping shall be carried out in complete accordance with the approved scheme, unless any variation is first agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development, a revised layout scheme shall be submitted to the Local Planning Authority for approval in writing. The revised layout shall include service strips that extend fully around the perimeter of all three cul-de-sacs. The development shall be carried out in complete accordance with the approved details.
5. The bat and bird boxes, as detailed in the Specification of Provisions for Bats and Birds. Bird nest boxes, bat boxes/ bat bricks to be provided on dwellings shall be installed at the time of construction of the dwellings and retained thereafter. Bird boxes to be installed in the wildlife area shall be installed in accordance with a timetable which shall be submitted and agreed before development commences.
6. Notwithstanding the details shown on the proposed fencing layout, all rear garden areas shall be provided with 1.8m high, privacy panel fencing (or similar), details of which will be submitted for written approval. The fencing shall be installed prior to the first occupation of the dwellings to which it relates.
7. Prior to the occupation of the first dwelling, the six parking spaces to Zan Drive shall be laid out and available for use. The parking shall thereafter be retained as car parking for residents in Zan Drive and their visitors.
8. Notwithstanding the details shown on the approved plans, a scheme for buffer planting on the boundary of Plot 35 and number 7, Zan Drive, has been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be completed in

complete accordance with the approved details unless any variation is approved in writing.

9. Removal of permitted development rights to plots 1 to 4 inclusive, 8 to 11 inclusive and 38 to 41 inclusive.

79 10/2544C FIRST FLOOR EXTENSION TO FORM ADDITIONAL BEDROOM WITH EN-SUITE FACILITY, ALTERATION TO EXISTING BATHROOM TOGETHER WITH SINGLE STOREY GROUND FLOOR GARDEN ROOM, 94 PARK LANE, CONGLETON, CW12 3DE FOR MR MACHIN

Note: Councillor A Thwaite (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral update on the site visit) regarding the above planning application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard 3 years
2. Development in accordance with the approved plans
3. Material samples to be submitted and approved in writing
4. Rainwater goods to match those on existing building
5. All fenestration shall be set behind a reveal of 100 mm
6. All windows and doors in the external elevations of the proposed development shall be fabricated in timber
7. Bathroom window glazing and opening details to be submitted and approved in writing.

80 10/2645N NEW DWELLING, LAND OFF WHITES LANE, WESTON, CREWE, CHESHIRE FOR MR & MRS D WHITTER

The Committee considered a report regarding the above planning application. In addition a further oral update was provided at the meeting in respect of car parking spaces which had been amended to reflect the Officers advice which was to provide 5 car parking spaces and not the 7 as originally had been offered by the applicant.

The Committee requested that there be an amendment to condition 4 to include the following wording:-

“The parking and turning area, and driveway, shall be constructed using permeable surfacing materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority. “

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard time limit
2. Plans Reference
3. Details of finished floor levels to be submitted, approved and implemented
4. Details of surfacing materials, in particular permeable materials to be submitted, approved and implemented
5. Details of materials to be submitted, approved and implemented
6. Details of boundary treatment to be submitted, approved and implemented
7. Details of landscaping to be submitted including the boundary separating the application site from Elbury and the site frontage
8. Landscaping to be implemented and maintained for a 5 Year period
9. Remove PD Rights for all alterations, extensions and outbuildings
10. All services to be located underground
11. Provision shall be made for car parking spaces at all times
12. Details of the method, timing and duration of any pile driving shall be approved and implemented.
13. Contaminated Land Survey phase I report to assess potential/actual contamination risks to be submitted and approved. Should the phase I report recommend that a phase II investigation is required, the phase II investigation shall be carried out and the results submitted and approved. Should the phase II report indicate remediation is required, a Remediation Statement shall be submitted and approved. The remedial scheme in the approved Remediation Statement shall then be carried out. 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 and approved prior to the first use or occupation of any part of the development

14. No development shall commence until an assessment of traffic noise (and vibration) has been submitted and approved. The recommendations in the report shall be implemented in accordance with the approved details.

15. The hours of construction and associated deliveries to the site shall be restricted to 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday, with no work at any other time

16. Details of drainage system including septic tanks, soakaways, permeable surfaces to be submitted, approved and implemented.

17. All proposed doors/windows and any subsequent replacements shall have a Minimum 55mm Reveal

18. No agricultural vehicles to park within the curtilage of the proposed development

19. No development shall take place until detailed drawings outlining the site's access arrangements have been submitted to and approved by the LPA and no part of the development shall be occupied until the access has been constructed in accordance with approved drawings.

81 10/3028N APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION, MMU CREWE CAMPUS, CREWE GREEN ROAD, CREWE, CW1 5DU FOR MANCHESTER METROPOLITAN UNIVERSITY

Note: Mr Alexander McCallion (agent for the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral update on the site visit) regarding the above planning application.

RESOLVED

That the application be refused for the following reason:-

In the opinion of the Local Planning Authority the condition is necessary, and without it the application would not have complied with the relevant

development plan policies BE.3 (Access and Parking), TRAN.3: (Pedestrians), TRAN.5 (Provision for Cyclists) and would have been refused. The condition is also considered to be, relevant to planning; relevant to the development to be permitted; enforceable and precise. Whilst the University's financial position is noted, having regard to the advice in PPS1 in respect of financial hardship, and the extent of the works required it is not considered that the condition places an unreasonable burden on the University. It considered that the amenity impact of the new cycle and pedestrian path would be minimal and for these reasons the condition is considered to be reasonable in all other respects. The condition therefore complies with all 6 tests as set out in Circular 11/95 and should be retained.

82 10/2457N CHANGE OF USE FROM HORTICULTURAL TO EQUESTRIAN. PROVISION OF OPEN AIR MENAGE, STABLE BLOCK, HORSE WALKER, MUCK MIDDEN AND HAY STORE. VARIATION OF OCCUPANCY OF TIED DWELLING TO INCLUDE OCCUPATION FOR EQUESTRIAN MANAGEMENT, LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG FOR MR G. HEATH

Note: Councillor J Hammond (Ward Councillor) and Mr Tutty (representing the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral update) regarding the above planning application.

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development relates to a newly created rural business and the Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established functional need, that the development meets the financial test specified within Annex A of PPS7 and that the applicant has the ability to develop the enterprise. As a result the variation of the condition would not be acceptable as it has not been possible to establish that the stated intentions are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. To allow the development would be contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies RES.5 (Housing in the Open Countryside) and RES.6 (Agricultural and Forestry Occupancy Conditions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. The Local Planning Authority considers that there is insufficient land to serve a stable block of the size proposed for this enterprise in

accordance with guidance given by the British Horse Society. In the absence of a detailed justification to explain how the enterprise would operate under such circumstances the proposed stable block by reason of its size and scale would result in an overdevelopment of the site and an unwarranted intrusion into the open countryside that would harm its character and appearance. The proposed development would therefore be contrary to Policies NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

83 10/2880N NEW 6M HIGH BUCCANEERS TOWERS PLAY INSTALLATION WITHIN QUEENS PARK PLAY AREA, QUEENS PARK, VICTORIA AVENUE, CREWE, CW2 7SE FOR CHESHIRE EAST COUNCIL

Consideration was given to a report in respect of the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard Time Limit
2. Approved Plans
3. Materials as submitted

84 10/3210N EXTENSION TO TIME LIMIT - REF: P07/1221 (OUTLINE PERMISSION FOR DEMOLITION OF NURSING HOME AND CONSTRUCTION OF FOURTEEN DWELLINGS), MINSHULL COUNTRY NURSING HOME, MINSHULL NEW ROAD, CREWE, CW1 3PP FOR KEENRICK NURSING HOMES LTD

The Committee considered a report on the above planning application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application

85 10/3191M ERECTION OF NEW GENERAL STORAGE AND IMPLEMENT SHED. ERECTION OF HORSE WALKER-

**RESUBMISSION OF 09/3106M, LAND AT WOODFORD LANE,
NEWTON, MACCLESFIELD FOR MRS T JACKSON**

Note: Mr Robert Woodward (agent for the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report on the above planning application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard Outline 1 – the reserved matters
2. Standard Outline 2 – time
3. Standard Outline 3 – implementation /reserved matters submission
4. Materials to be submitted and approved in writing
5. Surfacing materials to be submitted and approved in writing
6. Boundary treatment to be submitted and approved in writing
7. Retention of garage space for the housing of a private motor car
8. Landscape to be submitted and approved in writing
9. Landscape to be completed in accordance with the approved details
10. Tree and hedgerow protection to front boundary
11. Drainage Details to be submitted and approved in writing
12. Removal of trees/hedgerow outside the bird breeding season
13. Contaminated land survey to be submitted and approved
14. A Footway/cycle link shall be provided across the front of the site along the length of the Minshull New Road frontage
15. Access to be carried out in accordance with the approved plans
16. The hedgerow to the front boundary shall be retained and not replaced with fencing/walls or other means of enclosure
17. Remove PD Rights
18. Prior to the commencement of development details of the proposed garden outbuildings shall be submitted and approved in writing

86 APPEAL SUMMARIES

The Committee considered a summary of appeal decisions.

Members thanked Officers for defending two of the decisions at Appeal that had been made against Officers recommendations. The fact that the Inspectorate had agreed with Members and dismissed both Appeals was a credit to the Committee.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 3.23 pm

Councillor G Merry (Chairman)

Planning Reference No:	10/2651C
Application Address:	Land at Canal Road, Congleton
Proposal:	Erection of 17 Dwellings, Associated Works and Vehicular Access, Curtilage Extensions to 'Brackenwood' and 'The Sheiling'; Detached Double Garage for 'Brackenwood; Single Garage for 'Canal Villa'
Applicant:	Wainhome Developments
Application Type:	Full Planning Permission
Ward:	Congleton
Registration Date:	12-July-2010
Earliest Determination Date:	26-August-2010
Expiry Date:	11-October-2010
Date report Prepared	23-September-2010
Constraints:	Within Settlement Zone Line Adjacent to the Macclesfield Canal Conservation Area

SUMMARY RECOMMENDATION:

REFUSE on Design grounds.

MAIN ISSUES:

- Principle of Development
- Housing Land Supply
- Design & Layout
- Highways
- Trees
- Ecology
- Affordable Housing
- Public Open Space Provision
- Residential Amenity
- Drainage and Flood Risk
- Other Considerations

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development. It has been brought to Strategic Planning Board to accommodate the statutory timescales for determining applications.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The site is predominantly

Greenfield in nature with the remainder comprising the residential property known as 'Canal Villa' and land to the north west of the site, which is currently used for the parking of plant hire equipment.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 17 dwellings with access provided off Wolstanholme Close. The proposal would also extend the curtilages of the properties known as 'Brackenwood' and 'The Sheiling' and would provide garages for both.

4. RELEVANT HISTORY

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

5. POLICIES

National Policy

PPS1 'Delivering Sustainable Development'
PPS3 'Housing'
PPS9 'Biodiversity and Geological Conservation'
PPG13 'Transport'
PPS23 'Land Contamination'
PPG25 'Development and Flood Risk'

Local Plan Policy

PS4 Towns
GR1 New Development
GR2 Design
GR3 Residential Developments of More than 10 Dwellings
GR4 Landscaping
GR6&7 Amenity & Health
GR9 Accessibility, servicing and parking provision
GR10 Managing Travel Needs
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention

GR22 Open Space Provision
H1 & H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 Affordable and Low Cost Housing
NR1 Trees & Woodland
NR2 Wildlife & Nature Conservation
SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in New Residential Developments
SPD4 Sustainable Development
SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Design compendiums include 'By Design' and Manual for Streets'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions restricting the hours of construction, piling and associated deliveries to the site are recommended.

Highways:

This is a detailed application for 17 dwellings. Access is proposed from Woolstanholme Close. The application is supported by a Traffic Statement in accordance with DfT guidelines, which robustly demonstrates that the traffic impact from this scale of development would be negligible and that the junction of Astbury Lane Ends with Canal Road retains significant capacity when development traffic generation is considered. In Highway safety terms the option to serve this development from an existing infrastructure junction is preferred to the creation of a new access off Canal Road. Subject to an amended plan showing a 1.0 metre service strip on the cul-de-sac fronting plots 12-15, and a pedestrian link to Canal Road, the Strategic Highways Manager would offer no objection.

Sustran:

No objection but recommend that the proposal should include a pedestrian and cycle link from the development onto Canal Road and the Macclesfield Canal towpath to help promote walking and cycling. To improve connectivity with Congleton Town Centre, it also recommended that a financial contribution be sought from the developer to improve the existing network.

Spatial Planning:

Spatial Planning have confirmed that in general terms the proposal is in accordance with local plan policy H4 and that the principle of residential development on the site is acceptable subject to compliance with other material planning considerations. They have confirmed that for a development of this size, a contribution in lieu of Public Open Space would usually be sought from the developer where no provision is made within the development. Further, the local plan would also require 30% of the dwellings to be affordable, which would equate to 5 dwellings. The proposal appears to only provide for 4.

Housing Land Supply

With regard to housing land supply, although the NW Regional Spatial Strategy (RSS 2008) has recently been revoked, until further notice the Local Planning Authority will still rely upon the figures contained within it. Therefore the RSS proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

National policy guidance states that Local Authorities should manage their housing provision to provide five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. Notwithstanding the existence of a 5-year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

Taking the above into account, with the exception of the amount of affordable housing proposed, there are no policy objections to this application.

British Waterways (BW):

The layout plan appears to show a connection to the existing pedestrian access to the towpath. This should be clarified in any reserved matters application where a connection should be sought as part of the application to encourage the use of the towpath for recreation and as a sustainable transport route, and to add to interest, vitality and security along the canal corridor.

New buildings should overlook the waterway and any adjoining open spaces and footpaths to provide natural surveillance and policing. In addition, the site is within the Macclesfield

Canal Conservation Area and close to the grade 2 listed aqueduct. Orientating the buildings to front towards the canal would follow the existing urban grain of the Conservation Area.

It is considered that the development will place an additional burden on the adjacent Macclesfield Canal as a result of increased activity on the towpath. Policy GR16 'Footpath, Bridleway and Cycleway Networks' of the Congleton Local Plan states that where a requirement can be demonstrated a financial contribution may be sought from developers towards the improvement and extension of the network. Policy GR22 'Open Space Provision' states that in lieu of on-site provision, the Borough Council may accept a commuted payment to provide or improve facilities elsewhere in the locality, providing the alternative is near to and easily accessible from the housing site.

Having regard to these policies, and the 5 tests as set out in Circular 05/05 'Planning Obligations', BW considers that it would be reasonable to request financial contributions towards the costs of improving and maintaining the adjacent towpath between the bridges to the north east and south west of the site. Such contributions should consist of a payment to cover the necessary clean-up and upgrading works initially required, followed by annual contributions to cover maintenance costs for an appropriate time period. Payments should be secured through a Section 106 agreement.

Conservation Officer:

Individual house designs are weak, but the Conservation Officer does not consider that the impact seen from the Macclesfield Canal Conservation Area will be that significant. If minded to approve, the Conservation Officer recommends the use of high quality facing and roofing materials for the properties visible from the canal bridge.

Nature Conservation Officer:

Overall the site appears to have limited nature conservation value. There are small areas of common habitat types present that do at least have some value in the local context. With regard to protected species the only likely issues at this site relate to the potential presence of breeding birds and the potential usage of the site by foraging bats.

Breeding Birds

It appears likely that the site may support a number of breeding bird species including House Sparrow. The value of the site for breeding birds is likely to be limited to the local context and the adverse impact on breeding birds could be partly mitigated for by means of conditions requiring exclusion zones around breeding sites during the breeding season and the incorporation of native species in the landscaping scheme.

Loss of Ponds

A single small garden pond was recorded on site. It is recommended that the pond should be replaced by a modest purpose designed wildlife pond as a feature of the landscaping for the site.

Landscaping for bats and Wildlife in general

In order to maintain the sites nature conservation value and mitigate for the loss of breeding bird habitat and foraging habitat for bats, the landscaping for the proposed development should include native species planting. The strengthening of the existing boundaries

through hedgerow gapping up/creation and native shrub and tree planting would be one way of meeting this objective.

Senior Landscape & Tree Officer:

There are a number of trees on and adjacent to the site, including one mature protected Oak tree on the site boundary close to the end of Wolstanholme Close. Levels vary across the site and in the absence of a site survey with existing levels and details of proposed levels, it is not possible to accurately fully assess the impact of the detailed layout proposed on existing trees. In particular, alterations to levels could impact on the protected Oak tree. As such further additional information is required.

Green Spaces:

An assessment of the existing Amenity Greenspace accessible to the site has revealed that there would be a surplus in the quantity of provision. Whilst there is no need for the creation of new open space; a qualitative deficiency has been identified in local open spaces. As such, an opportunity has been identified for enhancing the quality of the Amenity Greenspace at Townsend Road. This would require a financial contribution towards the cost of improving drainage at the bottom of the site and for footpath improvements. The required sums of money would be £2,958 for the enhancements and £6,622 for the maintenance.

With regard to Children and Young Persons provision (CYPP), an assessment has identified that there would be a local deficiency in the quantity of the provision arising from the development. To meet the needs of the development, an opportunity has been identified for the upgrading of the existing facilities at Townsend Road in order to increase its capacity. Improvements would consist of relocation of items of play equipment on the same site and provision of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP). This would improve the quality and accessibility of the facility to the development. The financial contributions for such would be £5,128 for the enhancements and £16,716 for the maintenance.

Housing:

The Housing Needs studies carried out for the former Congleton found a shortfall of over 116no 2 bedroom houses and 41no 3 bedroom houses. The Council's Choice Based Lettings scheme shows high demand for 2 bedroom houses for social rent in Congleton.

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) 30% of the site should be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30%, 50% should be social rented and 50% either shared ownership or discounted for sale.

The applicant has offered 4 units rather than the 5 units which would be required by the Council's policy which would all be social rented units rather than a mix of tenure. The proposal for affordable housing in this application put forward by Wain Homes is not therefore in accordance with the policy. However if their offer remains at 4 two bedroom houses for social rent the Strategic Housing Officer would recommend acceptance because of the high demand for these type of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore a reduced number is acceptable.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer at manhole 6001 restricted to a discharge of 8l/s.

7. VIEWS OF CONGLETON TOWN COUNCIL

Object on highways grounds – the junction at Astbury Lane Ends and Canal Road is very busy and also contains a bus stop in both directions picking up school children in the mornings and afternoons. Thus the impact of traffic emanating from the new development will exacerbate an already busy junction and increase the probability of accidents occurring and would be contrary to highway safety because of the unacceptable increase in traffic.

Additional concerns:-

1. Proposed development would result in more road parking.
2. No notices have been put up in Wolstanholme Close publicising the planning application.
3. Not aware of any community involvement relating to this application.
4. Builder plans to use soak away drains for storm water, as all the existing homes have a similar system, there is concern that the issues under the aqueduct of Canal Road will be intensified.
5. Strongly suggest that the pond is surveyed on the site for evidence of Great Crested Newts in the pond, which are believed to exist in the area.

8. OTHER REPRESENTATIONS

130 letters of representation have been received objecting to this application on the grounds summarised below:

- The junction at Canal Road/Astbury Lane Ends/Lamberts Lane is well known as a very busy and dangerous junction already. The development would give rise to an unacceptable increase in traffic using this junction.
- A full traffic survey should be carried out to appreciate the existing traffic conditions and how the development will make these conditions worse.
- A recent appeal decision for Lamberts Lane Farm highlighted issues with traffic using Lamberts Lane.
- The Applicants Traffic Survey was carried out during the summer holidays, at very limited time periods and cannot be taken as a fair representation of the traffic impact following the development and includes no accident data of which there have been 3.
- Insufficient parking would lead to parking on Wolstanholme Close especially during bad weather.
- Lamberts Lane is a particular congestion hotspot due to the condition of the road and the numbers of parked cars on the roadside, which reduces visibility.
- The proposed plan has no provision for the turning of large vehicles.
- The development would lead to 100 vehicle movements per day.
- The actual egress from the Close on to Lamberts Lane has a blind spot to the right due to the presence of a protected oak tree on the corner which obscures oncoming traffic.

- Cars travelling down Leek Road towards the town centre rarely keep within the speed limit.
- All the pressure points and roads listed above are totally unsuited to the construction vehicles and associated noise pollution.
- Service vehicles such as refuse collection would have to reverse down Wolstanholme Close.
- Making this road a through road will seriously compromise the safety of all children by putting their lives at risk when playing out.
- The traffic impact on the entrance to the Lamberts Lane bridleway, used as an amenity by locals and other visitors from Congleton for both walking with and without dogs and also horse riders and fishermen
- No community consultation has been carried out.
- The submitted protected species surveys are not comprehensive in terms of bats and great crested newts.
- Contained within the site is a pond, which the applicant has failed to survey
- With no access off Canal Road, residents are more likely to use the car to travel to the town centre.
- Stormwater will make existing drainage conditions worse especially beneath the Aqueduct Bridge on Canal Road.
- The existing houses around this plot have soak away storm drains since they are not allowed to attach to the main sewers when they were built because it was considered that the drains would not be able to cope.
- This application has too few affordable dwellings. Only 4 of the house will be low cost and 4 affordable houses –the other 9 houses seem to be 4+ bedrooms and will not address or ease the current housing shortage.
- This is a Greenfield site, it should not be developed when there are a number of Brownfield sites available.
- Only the proposed access road has pavement provision. The proposal does not give provision for pedestrians or direct access to Canal Road.
- Lack of public notices on Wolstanholme Close and Lamberts Lane.
- Incorrect reference numbers used on plans, traffic survey conducted at the wrong times of day (this doesn't give an accurate reflection of frequency and travel times) as it was only monitored for a limited period on a single day.
- Children and young people from at least two high schools and two colleges are picked up and dropped off each day by buses from directly outside this junction.
- There is a thriving local shop adjacent to the junction which attracts not only local residents but also passing traffic from Leek Road/Canal Road.
- The area is used a lot by learner drivers.
- Many recently completed developments in Congleton are still uninhabited.
- The first houses along Lamberts Lane do not benefit from off-street parking.
- The traffic survey was carried out by the applicant and has several omissions and errors.
- No traffic count on Canal Road, 4 school buses, and delivery vehicles to shop, the nursery school traffic, post office vans, and the Moss Inn public house entrance.
- Erosion of quality of amenities - as will be remembered from all the arguments put forward in connection with the proposed planning for the chicken farm, this area is used by walkers, joggers, horse riders, children cyclists and fishermen accessing the canal. It is an area of some beauty with mature trees both on and close to the site. I feel this ought to be preserved at all cost an any substantial increase in road traffic must be deemed unacceptable

- Density & Quality - from the plans it appears that the proposal is for the bulk of the houses to be small and in the 'affordable' category.
- Also the drop of 1 metre from Wolstanholme into the site means that cars driving out of the site at night will shine their lights into the bedrooms of 17 Wolstanholme Close, not really on.
- Proposed Plan will destroy the Wolstanholme Close community.
- The field level is metres higher than Canal Road. At the top of the embankment there is only a wire fence, not a hedge, therefore the planned houses on this raised field would take my light and devalue adjacent properties.
- Loss of a view.

9. APPLICANT'S SUPPORTING INFORMATION

Amended Plans comprising revised layout and changes to house types
Planning Design & Access Statement
Climate Change Statement
Transport Statement
Phase 1 Habitat Survey
Bat Survey
Tree Survey

10. OFFICER APPRAISAL

Principle of Development

Policy PS4 of the development states that there is a general presumption in favour of development within settlement zones lines of towns provided that it is in keeping with the town's scale and character and does not conflict with other relevant local plan policies. Any development on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

Whilst part of the site is Greenfield, it should be noted that this is a relatively small area of private land, sandwiched between developments within an otherwise built up area. In addition, it is a site which would complete the development of this part of Congleton, and as it is surrounded by existing residential properties, its development would not lead to pressure for future expansion. Furthermore, the site is identified within the Council's draft SHLAA as a site, which could be released for development and delivered within the next 5 years. Subject to the submission of an appropriate layout and design it is not considered that its loss would cause significant detriment to the character or appearance of the area.

Housing Land Supply

Although the Regional Spatial Strategy for the North West (2008) has recently been revoked, the Local Planning Authority still relies upon the figures contained within it. National policy guidance, states that Local Authorities should manage their housing provision to provide a five-year supply. With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply. This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. However, notwithstanding the existence of a 5-year supply, this does not preclude other suitable sites being released

for housing development, subject to it not undermining the achievement of housing policy objectives. The housing figures indicate 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.

Design & Layout

Following an assessment of the proposal, it is considered that the design and layout of the scheme is unacceptable and would result in a poor quality development which fails to improve the character of the area and the way it functions. In this respect, three of the principal concerns that have contributed to the decision to recommend refusal of the scheme are identified below.

Firstly the highway layout, circulation spaces and car parking arrangements unduly dominate the scheme to the detriment of the built form and the appearance of the public realm within the site; something that is particularly evident in and around the area of the site entrance where the opportunity to deliver a focal point building and ensure a sense of arrival and has been missed.

Secondly, the arrangement of plots 10, 11 and 12 would result in long stretches of blank boundary walls and unattractive service strips which contribute to the poor quality street scene and public realm environment within what is otherwise a prominent part of the site.

Thirdly the overall site layout arrangement is poor. The scheme lacks any form of cohesion and legibility which has a significant detriment impact upon the public realm and overall character and appearance of the development.

In summary, the design and layout is unacceptable and has missed the opportunities to deliver high quality development on a site with great potential and it therefore fails to satisfy the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design and avoid development which fails to improve the character and quality of an area and the way it functions.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The site would be accessed via Wolstanholme Close, a cul-de-sac comprising of modern detached dwellings that is accessed via Lamberts Lane to the south. The head of the cul-de-sac would be extended directly into the site and has been constructed with a view to serving the future development of the site. A Transport Statement has been submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the scale of development would not have a detrimental impact on the local highway network, including the nearby junction of Lamberts Lane, Astbury Lane Ends and Canal Road.

At the end of 2009, planning permission was refused for the erection of a free-range chicken unit at a nearby smallholding known as 'Lamberts Lane Farm' and a subsequent appeal was dismissed. Objectors have cited the appeal decision with particular reference to access, however, the main highways issues identified by the Inspector were with regard to the impact that large heavy lorries would have on the public safety and amenity value of Lamberts Lane where it is a single track after its junction with Wolstanholme Close. The proposed access off Wolstanholme Close would not require vehicles to use this section of Lamberts Lane and therefore the vehicle movements associated with the proposed development would not affect this section of Lamberts Lane. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Trees

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. Of particular note is a mature protected oak tree situated close to the proposed access off Wolstanholme Close. The layout would allow for the retention of the protected Oak tree and many of the other prominent trees. Although a number of early mature Sycamore and Willow trees would have to be removed to create the access from Wolstanholme Close, the trees that would be removed have no individual amenity value. They do have some amenity value as a group where they are visible from Wolstanholme Close, however, there would be scope to secure replacement planting by condition.

Ecology

In view of the fact that the development would involve the removal of some tree specimens, scrubland, and outbuildings, the existence of protected species needs consideration. 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 line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has confirmed that the existing pond on the site does not lend itself well to supporting great crested newts but does offer potential wildlife habitat. As such, the Nature Conservation Officer has recommended that a replacement pond be as part of the landscape proposals to mitigate its loss. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

Affordable Housing

The application includes an undertaking for the provision of 17 homes within the site of which only 24% would be affordable. These would consist of 4 two-bedroom homes for social rent and 4 homes as low cost market (24%). Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning PPS 3.

The Housing Manager states that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 1 unit short of the 5 required, however as the Housing Manager is satisfied with this level of provision given that all of the units would

be social rented. The Housing Manager would recommend acceptance because of the high demand for these types of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore this reduced number is deemed to be acceptable. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. Whilst the application is in outline form with details of access only, the indicative layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement and these are fully explained in the consultation response from the Greenspaces Officer. In summary they would comprise a sum of £2,958 for enhanced provision of Amenity Greenspace, with £6,622 for maintenance and £5,128 for improvements and £16,716 maintenance of a small Local Equipped Area for Play at Townsend Road.

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, south or west. With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and 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.

Drainage and Flood Risk

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. Some objectors have expressed concern about the existing ground conditions and have pointed out that the development of the site would lead to the increased risk of flooding particularly on Canal Road. Whilst an objector has submitted a short video recording showing runoff along Canal Road, this appears to be normal rainwater runoff travelling into existing storm water drains. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Other Considerations

British Waterways has recommended that the development should link in with the canal towpath on the Macclesfield canal to the north. However, the applicant has stated that the connecting land is third party and therefore cannot be secured for incorporation into the development. Consequently, whilst it would be advantageous to provide a pedestrian link between the development and the canal it is not feasible. With regards to the requirement to provide financial contributions towards the costs of improving and maintaining the adjacent towpath, this would not be relevant to the development and would not be reasonable for a scheme of this scale. The same applies for the requested contributions towards the Congleton Town centre cycle network recommended by Sustran.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing land over the next five years. If supply is deemed to be too low, there is a risk that less desirable or more sensitive sites will need to be released for development in the future. However, whilst the principle of the development is deemed to be acceptable, the design and layout is unacceptable and has missed the opportunities to deliver high quality development on a site with good potential.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. Whilst there is a shortfall of 1 affordable unit, all of the affordable units would be 2 bedrooms and social rented of which there is a large demand in Congleton. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme. The applicant has offered acceptance of the financial contributions towards public open space and the risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and the use of a separate sewerage system. Nonetheless, these considerations are insufficient to outweigh the substandard design and as such this full application is recommended for refusal.

12. RECOMMENDATION

REFUSE for the following reason:

1. The proposed design and layout is substandard and has missed the opportunities to deliver high quality development on a site with great potential and it therefore fails to satisfy the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design and to avoid development which fails to improve the character and quality of an area and the way it functions.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/2653C
Application Address:	Land at Canal Road, Congleton
Proposal:	Outline application for Residential Development with Access off Wolstanholme Close
Applicant:	Wainhome Developments
Application Type:	Outline with Details of Access
Ward:	Congleton
Registration Date:	12-July-2010
Earliest Determination Date:	26-August-2010
Expiry Date:	11-October-2010
Date report Prepared	23-September-2010
Constraints:	Within Settlement Zone Line Adjacent to the Macclesfield Canal Conservation Area

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Legal Agreement

MAIN ISSUES:

- Principle of Development
- Housing Land Supply
- Highways
- Trees
- Ecology
- Affordable Housing
- Public Open Space Provision
- Residential Amenity
- Drainage and Flood Risk
- Other Considerations

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The site is predominantly Greenfield in nature with the remainder comprising the residential property known as 'Canal

Villa' and land to the north west of the site, which is currently used for the parking of plant hire equipment.

3. DETAILS OF PROPOSAL

Outline Planning Permission is sought for the residential development of the land with access provided off Wolstanholme Close. The precise number of units is unknown at this stage but is likely to comprise of no more than 17 units. Matters of appearance, landscaping, layout and scale are reserved for subsequent approval and as such this proposal seeks to establish the principle of residential development on the site and the acceptability of the access off Wolstanholme Close.

4. RELEVANT HISTORY

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

5. POLICIES

National Policy

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS9 'Biodiversity and Geological Conservation'

PPG13 'Transport'

PPS23 'Land Contamination'

PPG25 'Development and Flood Risk'

Local Plan Policy

PS4 Towns

GR1 New Development

GR3 Residential Developments of More than 10 Dwellings

GR6&7 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR10 Managing Travel Needs

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision
H1 & H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 H13 Affordable and Low Cost Housing
NR1 Trees & Woodland
NR2 Wildlife & Nature Conservation
SPG1 Provision of Public Open Space in New Residential Developments
SPD4 Sustainable Development
SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions restricting the hours of construction, piling and associated deliveries to the site are recommended.

Highways:

This is an outline application for residential development with access proposed from Wolstanholme Close. The application is supported by a Traffic Statement in accordance with DfT guidelines, which robustly demonstrates that the traffic impact from this scale of development would be negligible and that the junction of Astbury Lane Ends with Canal Road retains significant capacity when development traffic generation is considered. In Highway safety terms the option to serve this development from an existing infrastructure junction is preferred to the creation of a new access off Canal Road. As such, the Strategic Highways Manager has no objection to this outline proposal.

Sustran:

No objection but recommend that the proposal should include a pedestrian and cycle link from the development onto Canal Road and the Macclesfield Canal towpath to help promote walking and cycling. To improve connectivity with Congleton Town Centre, it also recommended that a financial contribution be sought from the developer to improve the existing network.

Spatial Planning:

Spatial Planning have confirmed that in general terms the proposal is in accordance with local plan policy H4 and that the principle of residential development on the site is acceptable subject to compliance with other material planning considerations. They have confirmed that for a development of this size, a contribution in lieu of Public Open Space would usually be sought from the developer where no provision is made within the

development. Further, the local plan would also require 30% of the dwellings to be affordable, which would equate to 5 dwellings. The proposal appears to only provide for 4.

Housing Land Supply

With regard to housing land supply, although the NW Regional Spatial Strategy (RSS 2008) has recently been revoked, until further notice the Local Planning Authority will still rely upon the figures contained within it. Therefore the RSS proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

National policy guidance states that Local Authorities should manage their housing provision to provide five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should be added together to give the new unitary authority requirement.

With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. Notwithstanding the existence of a 5-year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

Taking the above into account, with the exception of the amount of affordable housing proposed, there are no policy objections to this application.

British Waterways (BW):

The illustrative layout plan appears to show a connection to the existing pedestrian access to the towpath. This should be clarified in any reserved matters application where a connection should be sought as part of the application to encourage the use of the towpath for recreation and as a sustainable transport route, and to add to interest, vitality and security along the canal corridor.

New buildings should overlook the waterway and any adjoining open spaces and footpaths to provide natural surveillance and policing. In addition, the site is within the Macclesfield Canal Conservation Area and close to the grade 2 listed aqueduct. Orientating the buildings to front towards the canal would follow the existing urban grain of the Conversation Area.

It is considered that the development will place an additional burden on the adjacent Macclesfield Canal as a result of increased activity on the towpath. Policy GR16 'Footpath,

Bridleway and Cycleway Networks' of the Congleton Local Plan states that where a requirement can be demonstrated, a financial contribution may be sought from developers towards the improvement and extension of the network. Policy GR22 'Open Space Provision' states that in lieu of on-site provision, the Borough Council may accept a commuted payment to provide or improve facilities elsewhere in the locality, providing the alternative is near to and easily accessible from the housing site.

Having regard to these policies, and the 5 tests as set out in Circular 05/05 'Planning Obligations', BW considers that it would be reasonable to request financial contributions towards the costs of improving and maintaining the adjacent towpath between the bridges to the north east and south west of the site. Such contributions should consist of a payment to cover the necessary clean-up and upgrading works initially required, followed by annual contributions to cover maintenance costs for an appropriate time period. Payments should be secured through a Section 106 agreement.

Conservation Officer:

Individual house designs are weak, but the Conservation Officer does not consider that the impact seen from the Macclesfield Canal Conservation Area will be that significant. If minded to approve, the Conservation Officer recommends the use of high quality facing and roofing materials for the properties visible from the canal bridge.

Nature Conservation Officer:

Overall the site appears to have limited nature conservation value. There are small areas of common habitat types present that do at least have some value in the local context. With regard to protected species the only likely issues at this site relate to the potential presence of breeding birds and the potential usage of the site by foraging bats.

Breeding Birds

It appears likely that the site may support a number of breeding bird species including House Sparrow. The value of the site for breeding birds is likely to be limited to the local context and the adverse impact on breeding birds could be partly mitigated for by means of conditions requiring exclusion zones around breeding sites during the breeding season and the incorporation of native species in the landscaping scheme.

Loss of Ponds

A single small garden pond was recorded on site. It is recommended that the pond should be replaced by a modest purpose designed wildlife pond as a feature of the landscaping for the site.

Landscaping for bats and Wildlife in general

In order to maintain the sites nature conservation value and mitigate for the loss of breeding bird habitat and foraging habitat for bats, the landscaping for the proposed development should include native species planting. The strengthening of the existing boundaries through hedgerow gapping up/creation and native shrub and tree planting would be one way of meeting this objective.

Senior Landscape & Tree Officer:

There are a number of trees on and adjacent to the site, including one mature protected Oak tree on the site boundary close to the end of Wolstanholme Close. In principle the indicative layout as proposed would allow for the retention of the protected Oak tree and

many of the other prominent trees. A number of early mature Sycamore and Willow trees would have to be removed to create the access from Wolstanholme Close. These trees have some amenity value as a group being clearly visible when viewed from Wolstanholme Close but individually they are not outstanding and there would be scope to secure replacement planting within the layout as proposed. In the event the application is deemed acceptable, tree protection and landscape conditions would be appropriate.

Green Spaces:

An assessment of the existing Amenity Greenspace accessible to the site has revealed that there would be a surplus in the quantity of provision. Whilst there is no need for the creation of new open space; a qualitative deficiency has been identified in local open spaces. As such, an opportunity has been identified for enhancing the quality of the Amenity Greenspace at Townsend Road. This would require a financial contribution towards the cost of improving drainage at the bottom of the site and for footpath improvements. The required sums of money would be £2,958 for the enhancements and £6,622 for the maintenance.

With regard to Children and Young Persons provision (CYPP), an assessment has identified that there would be a local deficiency in the quantity of the provision arising from the development. To meet the needs of the development, an opportunity has been identified for the upgrading of the existing facilities at Townsend Road in order to increase its capacity. Improvements would consist of relocation of items of play equipment on the same site and provision of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP). This would improve the quality and accessibility of the facility to the development. The financial contributions for such would be £5,128 for the enhancements and £16,716 for the maintenance.

Housing:

The Housing Needs studies carried out for the former Congleton found a shortfall of over 116no 2 bedroom houses and 41no 3 bedroom houses. The Council's Choice Based Lettings scheme shows high demand for 2 bedroom houses for social rent in Congleton.

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) 30% of the site should be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30% 50% should be social rented and 50% either shared ownership or discounted for sale.

The applicant has offered 4 units rather than the 5 units which would be required by the Council's policy which would all be social rented units rather than a mix of tenure. The proposal for affordable housing in this application put forward by Wain Homes is not therefore in accordance with the policy. However if their offer remains at 4 two bedroom houses for social rent the Strategic Housing Officer would recommend acceptance because of the high demand for these type of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore a reduced number is acceptable.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water

should discharge to the surface water sewer at manhole 6001 restricted to a discharge of 8l/s.

7. VIEWS OF CONGLETON TOWN COUNCIL

Object on highways grounds – the junction at Astbury Lane Ends and Canal Road is very busy and also contains a bus stop in both directions picking up school children in the mornings and afternoons. Thus the impact of traffic emanating from the new development will exacerbate an already busy junction and increase the probability of accidents occurring and would be contrary to highway safety because of the unacceptable increase in traffic.

Additional concerns:-

1. Proposed development would result in more road parking.
2. No notices have been put up in Wolstanholme Close publicising the planning application.
3. Not aware of any community involvement relating to this application.
4. Builder plans to use soak away drains for storm water, as all the existing homes have a similar system, there is concern that the issues under the aqueduct of Canal Road will be intensified.
5. Strongly suggest that the pond is surveyed on the site for evidence of Great Crested Newts in the pond, which are believed to exist in the area.

8. OTHER REPRESENTATIONS

130 letters of representation have been received objecting to this application on the grounds summarised below:

- The junction at Canal Road/Astbury Lane Ends/Lamberts Lane is well known as a very busy and dangerous junction already. The development would give rise to an unacceptable increase in traffic using this junction.
- A full traffic survey should be carried out to appreciate the existing traffic conditions and how the development will make these conditions worse.
- A recent appeal decision for Lamberts Lane Farm highlighted issues with traffic using Lamberts Lane.
- The Applicants Traffic Survey was carried out during the summer holidays, at very limited time periods and cannot be taken as a fair representation of the traffic impact following the development and includes no accident data of which there have been 3.
- Insufficient parking would lead to parking on Wolstanholme Close especially during bad weather.
- Lamberts Lane is a particular congestion hotspot due to the condition of the road and the numbers of parked cars on the roadside, which reduces visibility.
- The proposed plan has no provision for the turning of large vehicles.
- The development would lead to 100 vehicle movements per day.
- The actual egress from the Close on to Lamberts Lane has a blind spot to the right due to the presence of a protected oak tree on the corner which obscures oncoming traffic.
- Cars travelling down Leek Road towards the town centre rarely keep within the speed limit.
- All the pressure points and roads listed above are totally unsuited to the construction vehicles and associated noise pollution.

- Service vehicles such as refuse collection would have to reverse down Wolstanholme Close.
- Making this road a through road will seriously compromise the safety of all children by putting their lives at risk when playing out.
- The traffic impact on the entrance to the Lamberts Lane bridleway, used as an amenity by locals and other visitors from Congleton for both walking with and without dogs and also horse riders and fishermen
- No community consultation has been carried out.
- The submitted protected species surveys are not comprehensive in terms of bats and great crested newts.
- Contained within the site is a pond, which the applicant has failed to survey
- With no access off Canal Road, residents are more likely to use the car to travel to the town centre.
- Stormwater will make existing drainage conditions worse especially beneath the Aqueduct Bridge on Canal Road.
- The existing houses around this plot have soak away storm drains since they are not allowed to attach to the main sewers when they were built because it was considered that the drains would not be able to cope.
- This application has too few affordable dwellings. Only 4 of the house will be low cost and 4 affordable houses –the other 9 houses seem to be 4+ bedrooms and will not address or ease the current housing shortage.
- This is a Greenfield site, it should not be developed when there are a number of Brownfield sites available.
- Only the proposed access road has pavement provision. The proposal does not give provision for pedestrians or direct access to Canal Road.
- Lack of public notices on Wolstanholme Close and Lamberts Lane.
- Incorrect reference numbers used on plans, traffic survey conducted at the wrong times of day (this doesn't give an accurate reflection of frequency and travel times) as it was only monitored for a limited period on a single day.
- Children and young people from at least two high schools and two colleges are picked up and dropped off each day by buses from directly outside this junction.
- There is a thriving local shop adjacent to the junction which attracts not only local residents but also passing traffic from Leek Road/Canal Road.
- The area is used a lot by learner drivers.
- Many recently completed developments in Congleton are still uninhabited.
- The first houses along Lamberts Lane do not benefit from off-street parking.
- The traffic survey was carried out by the applicant and has several omissions and errors.
- No traffic count on Canal Road, 4 school buses, and delivery vehicles to shop, the nursery school traffic, post office vans, and the Moss Inn public house entrance.
- Erosion of quality of amenities - as will be remembered from all the arguments put forward in connection with the proposed planning for the chicken farm, this area is used by walkers, joggers, horse riders, children cyclists and fishermen accessing the canal. It is an area of some beauty with mature trees both on and close to the site. I feel this ought to be preserved at all cost an any substantial increase in road traffic must be deemed unacceptable
- Density & Quality - from the plans it appears that the proposal is for the bulk of the houses to be small and in the 'affordable' category.
- Also the drop of 1 metre from Wolstanholme into the site means that cars driving out of the site at night will shine their lights into the bedrooms of 17 Wolstanholme Close, not really on.

- Proposed Plan will destroy the Wolstanholme Close community.
- The field level is metres higher than Canal Road. At the top of the embankment there is only a wire fence, not a hedge, therefore the planned houses on this raised field would take my light and devalue adjacent properties.
- Loss of a view.

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Climate Change Statement
Transport Statement
Phase 1 Habitat Survey
Bat Survey
Tree Survey

10. OFFICER APPRAISAL

Outline planning permission is sought for the construction of 17 dwellings on land off Canal Road, Congleton with access proposed off Wolstanholme Close. Matters of scale, appearance, layout and landscaping are reserved for subsequent approval whilst details of access have been submitted for consideration as part of this application. As such this proposal seeks to establish the principle of residential development on the site as well as an access configuration that could satisfactorily accommodate the vehicle movements and traffic generation associated with 17 dwellings without causing detriment to highway safety. The key issues that Members should consider are;

- a) Principle of Development
- b) Housing Land Supply
- c) Highways
- d) Trees
- e) Ecology
- f) Affordable Housing
- g) Public Open Space Provision
- h) Residential Amenity
- i) Drainage and Flood Risk
- j) Other Considerations

Principle of Development

Policy PS4 of the development states that there is a general presumption in favour of development within settlement zones lines of towns provided that it is in keeping with the town's scale and character and does not conflict with other relevant local plan policies. Any development on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

Whilst part of the site is Greenfield, it should be noted that this is a relatively small area of private land, sandwiched between developments within an otherwise built up area. In addition, it is a site which would complete the development of this part of Congleton, and as it is surrounded by existing residential properties, its development would not lead to pressure for future expansion. Furthermore, the site is identified within the Council's draft

SHLAA as a site, which could be released for development and delivered within the next 5 years. Subject to the submission of an appropriate layout and design at the reserved matters stage, it is not considered that its loss would cause significant detriment to the character or appearance of the area.

Housing Land Supply

Although the Regional Spatial Strategy for the North West (2008) has recently been revoked, the Local Planning Authority still relies upon the figures contained within it. National policy guidance, states that Local Authorities should manage their housing provision to provide a five-year supply. With the introduction of PPS3 if the Council does not have a five-year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply. This figure takes into account any backlog or over delivery of dwellings over the last 5-year period. However, notwithstanding the existence of a 5-year supply, this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. The housing figures indicate 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.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The site would be accessed via Wolstanholme Close, a cul-de-sac comprising of modern detached dwellings that is accessed via Lamberts Lane to the south. The head of the cul-de-sac would be extended directly into the site and has been constructed with a view to serving the future development of the site. A Transport Statement has been submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the scale of development would not have a detrimental impact on the local highway network, including the nearby junction of Lamberts Lane, Astbury Lane Ends and Canal Road.

At the end of 2009, planning permission was refused for the erection of a free-range chicken unit at a nearby smallholding known as 'Lamberts Lane Farm' and a subsequent appeal was dismissed. Objectors have cited the appeal decision with particular reference to access, however, the main highways issues identified by the Inspector were with regard to the impact that large heavy lorries would have on the public safety and amenity value of Lamberts Lane where it is a single track after its junction with Wolstanholme Close. The proposed access off Wolstanholme Close would not require vehicles to use this section of Lamberts Lane and therefore the vehicle movements associated with the proposed development would not affect this section of Lamberts Lane. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Trees

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. Of particular note is a mature protected oak tree situated close to the proposed access off Wolstanholme Close. The indicative layout would allow for the retention of the protected Oak tree and many of the other prominent trees. Although a number of early mature Sycamore and Willow trees would have to be removed to create the access from Wolstanholme Close, the trees that would be removed have no individual amenity value. They do have some amenity value as a group where they are visible from Wolstanholme Close, however, there would be scope to secure replacement planting within the layout at the reserved matters stage.

Ecology

In view of the fact that the development would involve the removal of some tree specimens, scrubland, and outbuildings, the existence of protected species needs consideration. 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 line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has confirmed that the existing pond on the site does not lend itself well to supporting great crested newts but does offer potential wildlife habitat. As such, the Nature Conservation Officer has recommended that a replacement pond be as part of the landscape proposals to mitigate its loss. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

Affordable Housing

The application includes an undertaking for the provision of 17 homes within the site of which only 24% would be affordable. These would consist of 4 two-bedroom homes for social rent and 4 homes as low cost market (24%). Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning PPS 3.

The Housing Manager states that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 1 unit short of the 5 required, however as the Housing Manager is satisfied with this level of provision given that all of the units would be social rented. The Housing Manager would recommend acceptance because of the high demand for these types of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore this reduced number is deemed to be acceptable. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 ‘Provision of Public Open Space in New Residential Developments’, there is a requirement for the provision of public open space on

the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. Whilst the application is in outline form with details of access only, the indicative layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement and these are fully explained in the consultation response from the Greenspaces Officer. In summary they would comprise a sum of £2,958 for enhanced provision of Amenity Greenspace, with £6,622 for maintenance and £5,128 for improvements and £16,716 maintenance of a small Local Equipped Area for Play at Townsend Road.

Residential Amenity

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 and visual intrusion. As matters of appearance and layout are reserved for subsequent approval, full regard cannot be given to the amenities afforded to the nearest neighbouring properties as the proximity of principal windows in relation to neighbouring windows is unknown at this stage. Nonetheless, based on the indicative layout, sufficient distances between dwellings could be achieved in accordance with SPG2.

Drainage and Flood Risk

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. Some objector's have expressed concern about the existing ground conditions and have pointed out that the development of the site would lead to the increased risk of flooding particularly on Canal Road. Whilst an objector has submitted a short video recording showing runoff along Canal Road, this appears to be normal rainwater runoff travelling into existing storm water drains. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Other Considerations

British Waterways has recommended that the development should link in with the canal towpath on the Macclesfield canal to the north. However, the applicant has stated that the connecting land is third party and therefore cannot be secured for incorporation into the development. Consequently, whilst it would be advantageous to provide a pedestrian link between the development and the canal it is not feasible. With regards to the requirement to provide financial contributions towards the costs of improving and maintaining the adjacent towpath, this would not be relevant to the development and would not be reasonable for a scheme of this scale. The same applies for the requested contributions towards the Congleton Town centre cycle network recommended by Sustran.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing land over the next five years. If supply is deemed to be too low, there is a risk that less desirable or more sensitive sites will need to be released for development in the future.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. Whilst there is a shortfall of 1 affordable unit, all of the affordable units would be 2 bedrooms and social rented of which there is a large demand in Congleton. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme. The applicant has offered acceptance of the financial contributions towards public open space and the risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and the use of a separate sewerage system. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION:

Subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below, that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

1. Contribution of £31,424 towards public open space and CYPP and ongoing maintenance of the facilities.
2. Delivery of 4 No. 2 bed dwellings for social rent and 4 No. 2 bed houses at a 30% discounted for sale towards affordable housing.

Conditions

1. 3 year time limit
2. Development in accordance with submitted plans
3. Hours restriction – construction including delivery vehicles.
4. Hours restriction - piling activity.
5. Contaminated land.

6. Drainage - surface water and sewerage to include SUDS.
7. Landscaping to include native species for ecological value
8. Survey for breeding birds and protection during breeding season
9. Incorporation of features into the scheme suitable for use by breeding birds.
10. Submission of landscape management plan to include details of planting, habitat creation, maintenance, boundary treatments and replacement pond.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1307C
Application Address:	The Point, Crewe Road, Alsager
Proposal:	Application to Vary Condition no. 5 of Planning Approval 08/0764/FUL
Applicant:	Muller Palatine Properties Ltd
Application Type:	Section 73
Ward:	Alsager
Registration Date:	28-April-2010
Earliest Determination Date:	15-June-2010
Expiry Date:	23-July-2010
Date report Prepared	17-June-2010
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE

MAIN ISSUES:

Policy

Whether the variation of condition number 5 would undermine policies aimed at protecting the vitality and viability of Alsager Town Centre.

1. REASON FOR REFERRAL

Councillor S. Jones has called this application in for consideration by the Southern Planning Committee due to “environmental concerns on neighbouring residents”.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises a large 3 storey mixed use development fronting the busy Crewe Road at the junction with Close Lane, Alsager, where residential properties bound the site to the northeast and northwest and open fields reside to the south. This application relates to retail units 2 and 3 which are situated on ground floor level. The site is located within Alsager Settlement Zone Line but falls outside of the Alsager Principal Shopping Area as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

This application seeks to vary condition number 5 of planning approval 08/0764/FUL under Section 73 of the Town and Country Planning Act 1990. Condition number 5 states that:

“The retail floorspace hereby permitted shall be divided into 3 units, one of which shall be a maximum of 325.15 m², whilst the remaining two units shall be a maximum of 69.67m² each.”

The applicant wishes to remove the existing subdivision between the smaller retail units 2 and 3 to enable the creation of a unit large enough to accommodate a PDSA veterinary clinic. As such, it is proposed to vary condition number 5 as follows:

“The retail floorspace of unit 1 as identified on drawing number 918 – SK10 REV D received 14th April 2010 shall be divided from units 2 and 3 and shall not exceed 325.15 m². The combined floorspace of units 2 and 3 shall not exceed 174 m² and shall be occupied by the PDSA as a veterinary clinic.”

4. RELEVANT HISTORY

2004 (37059/3) Refusal of permission for demolition of existing buildings and erection of 37 no. 2 bedroom affordable starter flats and 1 replacement retail unit – Appeal Allowed

2005 (05/1002/FUL) Erection of 28 affordable starter flats (2 one bed and 26 two bed) max three storey with third floor within roof space, replacement retail units at ground floor, along with associated vehicle access, parking and landscaping – withdrawn.

2006 (06/0950/FUL) Erection of 29no. affordable starter flats (2 one bed, 26 two bed & 1 three bed units) max 3 storey with third floor within roof space, office and retail space at ground floor, along with associated vehicle access, parking, sub-station and landscaping. Permission granted.

2007 (07/0618/FUL) Section 73 application to vary conditions no. 21 & 22 of approval notice 06/0950/FUL relating to opening hours and delivery times for the retail and office units - Refused

2007 (07/1283/FUL) Section 73 Application to vary conditions 21 and 22 of Planning Permission 06/0950/FUL. Proposed Delivery hours Mon - Sat 7am to 7pm, Sun 8am to 4pm. Proposed opening times Mon - Sat 6am to 11pm, Sunday & Bank Holidays 7am to 11pm –Permitted

2008 08/0342/MOD Section 73 application to vary Condition 4 of planning permission 06/0950/FUL – Permitted

2010 08/0764/FUL Extension to office and rear car park with associated external lighting together with relocated bin and cycle stores, new canopies to residential entrances and amended retail / office floor area subdivision – Permitted

5. POLICIES

Local Plan Policy

PS4 Towns

S2 Shopping & Commercial Development Outside Town Centres

Other Material Considerations

'Circular 11/95 - The Use of Conditions in Planning Permissions'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No comments received.

Highways:

No comments received.

7. VIEWS OF ALSAGER TOWN COUNCIL

The Town Council support the objections stated in the attached letter dated 26th May 2010 from Mr and Mrs Rosenthal of 259 Crewe Road, Alsager and would add the following further points of objection:-

- While recognising that the proposed PDSA clinic would be advantageous for pet owners in Alsager the Town Council feel that this is the wrong development for what is essentially a residential area with accommodation above the proposed clinic.
- The Town Council is of the opinion that the proposed change of use from commercial/retail premises to a PDSA clinic is not appropriate.
- There could be noise nuisance to neighbouring residential properties particularly in The Point itself from the animals being treated at the clinic.
- The Town Council request the Southern Area Planning Committee obtain an Environmental Health report because of the likelihood of vermin and infestation to neighbouring properties.

8. OTHER REPRESENTATIONS

Letters have been received from 7 adjoining properties objecting to this application on the following grounds:

- The veterinary use in such close proximity to residential is unsuitable.
- Noise nuisance, smells and ventilation within and outside opening hours.
- Concern about animals being kept on the premises overnight.
- Associated health risks arising from disposal of clinical and animal waste.
- When residents purchased the flats, they were of the impression that the ground floor use of the units would be retail only.
- There is already adequate provision of veterinary clinics and pet shops in Alsager and there is already a very large PDSA clinic in Stoke-on-Trent. There is no qualitative or quantitative need for the proposal
- There is inadequate retail provision.
- Allowing the use may discourage further retail uses.
- The landlord may need to reconsider his rent demands in order to encourage retail interest.
- Impact on property values.
- Security.
- Tenants are not allowed to keep pets.

9. APPLICANT'S SUPPORTING INFORMATION

Initially the applicant sought to remove condition number 5 of planning approval 08/0764/FUL. The LPA cannot agree to the removal of the condition entirely as without it the internal subdivisions could be removed and the 3 units amalgamated into 1 large unit. This would undermine policy S2 of the adopted local plan and would have a significant impact on the vitality and viability of Alsager Town Centre. Consequently, the applicant has applied for a variation of the condition instead.

10. OFFICER APPRAISAL

The condition being considered under this application was imposed on planning permission 08/0764/FUL in order to ensure that the retail development included as a component of the scheme avoided an adverse impact upon the vitality and viability of Alsager Town Centre which an otherwise unfettered permission in an out of centre location would have but which would not otherwise occur from a series of smaller, individual, subdivided retail units.

Whilst the validity of this condition is not in question on the basis of the development as it currently stands, the applicant has applied to vary the condition to allow the proposed D1 use, which is being considered under application 10/1361C on this agenda, to be implemented.

On the premise that Members resolve to grant planning permission for the change of use of retail units 2 and 3 to D1 use it is considered that the condition in its current form would no longer be necessary, relevant or reasonable and would not therefore meet the test within Circular 11/95. In its place would need to be a condition with revised wording which still served to restrict the remaining A1 retail use (currently occupied by Tesco) but which allowed sufficient flexibility for amalgamation of the two former retail units into a single D1 unit for use as a Veterinary Clinic.

On that basis it is considered that the wording of the condition should be varied to read as follows: -

The retail floorspace of unit 1, as identified on drawing number 918 – SK10 Rev D received 14th April 2010, shall remain permanently divided from units 2 and 3 and shall not exceed a total floorspace of 325.15m² floorspace. The amalgamation of units 2 and 3 shall only be undertaken for D1 veterinary clinic use where the combined floorspace of both units 2 and 3 shall not exceed 174m². Should the D1 veterinary use cease, the partitioning of the units required to ensure subdivision shall be fully reinstated in accordance with the approved plans under 08/0764/FUL unless otherwise agreed in writing by the Local Planning Authority.

Objections received

Whilst a number of objections have been received to this application expressing concerns in relation matters such as amenity, odour and waste, these matters cannot be taken into account in the determination of this application and the assessment as to whether to agree to vary the wording of the condition. Rather they relate to application 10/1361C (proposed change of use) and have therefore been considered in full as part of the determination of that application.

11. CONCLUSIONS AND REASONS FOR THE DECISION

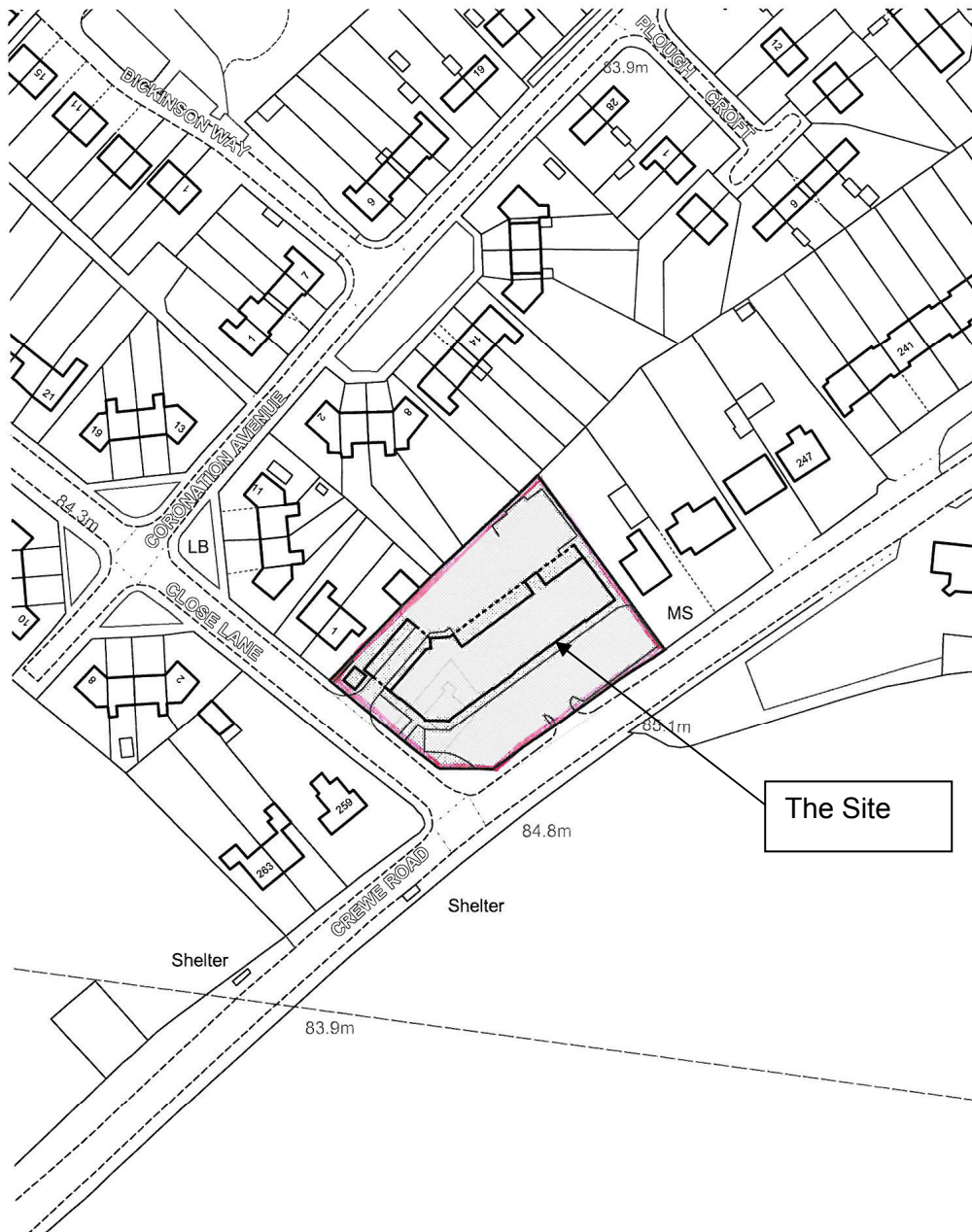
The proposed variation of the wording of the condition would not conflict with the reasons behind its imposition on the original planning permission having regard to the requirements of policy S2. The proposed revised wording of the condition is necessary to allow the change of use of units 2 and 3 to D1 veterinary use and is considered to comply with the requirements of Circular 11/95. It has regard to the fact that the use may not remain as D1 indefinitely and incorporates a requirement for the partition to be fully reinstated should the D1 use cease.

12. RECOMMENDATION:

Agree to vary the condition wording to read as follows: -

The retail floorspace of unit 1, as identified on drawing number 918 – SK10 Rev D received 14th April 2010, shall remain permanently divided from units 2 and 3 and shall not exceed a total floorspace of 325.15m² floorspace. The amalgamation of units 2 and 3 shall only be undertaken for D1 veterinary clinic use where the combined floorspace of both units 2 and 3 shall not exceed 174m². Should the D1 veterinary use cease, the partitioning of the units required to ensure subdivision shall be fully reinstated in accordance with the approved plans under 08/0764/FUL unless otherwise agreed in writing by the Local Planning Authority.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1361C
Application Address:	Units 2 & 3 The Point, Crewe Road, Alsager
Proposal:	Change of Use of from A1 Retail to D1 PDSA Veterinary Clinic
Applicant:	Muller Palatine Properties Ltd
Application Type:	Change of Use
Ward:	Alsager
Registration Date:	20-May-2010
Earliest Determination Date:	12-June-2010
Expiry Date:	15-July-2010
Date report Prepared	17-September-2010
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Policy
- Principle of Development
- Environmental Health
- Highways and Parking
- Other matters

1. REASON FOR REFERRAL

Councillor S. Jones has called this application in for consideration by the Southern Planning Committee as “local residents have serious concerns about the environmental impact this change of size will have on their quality of life and their homes. Residents have grave concerns about the impact of the proposed occupiers the PDSA.”

2. DESCRIPTION AND SITE CONTEXT

The application site comprises a large 3 storey mixed use development fronting the busy Crewe Road at the junction with Close Lane, Alsager, where residential properties bound the site to the northeast and northwest and open fields reside to the south. This application relates to retail units 2 and 3 which are situated on ground floor level. The site is located within Alsager Settlement Zone Line but falls outside of the Alsager 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 units 2 and 3 from use class A1 (retail) to use class D1 (non residential institutions) for use by the PDSA as a Veterinary Clinic.

The proposal would require the removal of an existing internal partition to facilitate the creation of a larger unit measuring 174 square metres.

Condition number 5 of the original permission would also need to be varied to allow the amalgamation of the units to occur and this item is also being considered under the same committee agenda (application 10/1307C).

4. RELEVANT HISTORY

2004 (37059/3) Refusal of permission for demolition of existing buildings and erection of 37 no. 2 bedroom affordable starter flats and 1 replacement retail unit – Appeal Allowed

2005 (05/1002/FUL) Erection of 28 affordable starter flats (2 one bed and 26 two bed) max three storey with third floor within roof space, replacement retail units at ground floor, along with associated vehicle access, parking and landscaping – withdrawn.

2006 (06/0950/FUL) Erection of 29no. affordable starter flats (2 one bed, 26 two bed & 1 three bed units) max 3 storey with third floor within roof space, office and retail space at ground floor, along with associated vehicle access, parking, sub-station and landscaping. Permissions granted.

2007 (07/0618/FUL) Section 73 application to vary conditions no. 21 & 22 of approval notice 06/0950/FUL relating to opening hours and delivery times for the retail and office units - Refused

2007 (07/1283/FUL) Section 73 Application to vary conditions 21 and 22 of Planning Permission 06/0950/FUL. Proposed Delivery hours Mon - Sat 7am to 7pm, Sun 8am to 4pm. Proposed opening times Mon - Sat 6am to 11pm, Sunday & Bank Holidays 7am to 11pm –Permitted

2008 08/0342/MOD Section 73 application to vary Condition 4 of planning permission 06/0950/FUL - Permitted

2010 08/0764/FUL Extension to office and rear car park with associated external lighting together with relocated bin and cycle stores, new canopies to residential entrances and amended retail / office floor area subdivision - Permitted

5. POLICIES

Local Plan Policy

PS4 Towns

GR1 General Requirements for New Development

GR6 Amenity and Health

GR17 Car Parking

S2 Shopping & Commercial Development Outside Town Centres

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPG24 'Planning & Noise'

'Circular 11/95 - The Use of Conditions in Planning Permissions'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

Further information has recently been supplied by the PDSA stating that:

"The PDSA will not keep any live animals at the premises overnight unless in cases of extreme emergency. It is intended that any animal that will require overnight care will be treated at the PDSA Pet Aid Hospital in Stoke on Trent."

Taking this information into consideration, this Division would recommend that no animals are kept on the premises after opening hours and that if an animal does require further treatment resulting in an overnight stay that all animals are taken to Stoke on Trent. In doing so ensuring that the neighbouring properties are not affected by noise nuisance that could arise from distressed animals.

Highways:

No objection

7. VIEWS OF ALSAGER TOWN COUNCIL

The Town Council support the objections stated in the attached letter dated 26th May 2010 from Mr and Mrs Rosenthal of 259 Crewe Road, Alsager and would add the following further points of objection:-

- While recognising that the proposed PDSA clinic would be advantageous for pet owners in Alsager the Town Council feel that this is the wrong development for what is essentially a residential area with accommodation above the proposed clinic.
- The Town Council is of the opinion that the proposed change of use from commercial/retail premises to a PDSA clinic is not appropriate.
- There could be noise nuisance to neighbouring residential properties particularly in The Point itself from the animals being treated at the clinic.
- The Town Council request the Southern Area Planning Committee obtain an Environmental Health report because of the likelihood of vermin and infestation to neighbouring properties.

8. OTHER REPRESENTATIONS

Letters have been received from 7 adjoining properties objecting to this application on the following grounds:

- The veterinary use in such close proximity to residential is unsuitable.
- Noise nuisance, smells and ventilation within and outside opening hours.
- Concern about animals being kept on the premises overnight.
- Associated health risks arising from disposal of clinical and animal waste.

- When residents purchased the flats, they were of the impression that the ground floor use of the units would be retail only.
- There is already adequate provision of veterinary clinics and pet shops in Alsager and there is already a very large PDSA clinic in Stoke-on-Trent. There is no qualitative or quantitative need for the proposal
- There is inadequate retail provision.
- Allowing the use may discourage further retail uses.
- The landlord may need to reconsider his rent demands in order to encourage retail interest.
- Impact on property values.
- Security.
- Tenants are not allowed to keep pets.

9. APPLICANT'S SUPPORTING INFORMATION

The applicant has confirmed in writing that “The PDSA will not keep any live animals at the premises overnight unless in cases of extreme emergency. It is intended that any animal that will require overnight care will be treated at the PDSA Pet Aid Hospital in Stoke on Trent.”

Further, the applicant has submitted an acoustic report detailing the measures employed to minimise noise nuisance for adjoining residents emanating from the commercial/retail units at ground floor.

10. OFFICER APPRAISAL

Principle of Development

The proposed commercial floorspace created by the veterinary clinic would be located within two existing retail units with a combined floorspace of 174 square metres, well below the 500m² threshold identified under policy S2. It is not therefore necessary to demonstrate that there is a proven need for the development; that no town centre site or other site allocated for retail use is available and suitable; and that the proposal would not undermine, either individually or cumulatively, the vitality and viability of Alsager town centre. In terms of operation, the use would not deviate significantly from the authorised retail uses that could occupy the premises.

The authorised uses within the D1 use class are wide ranging and include art galleries and day nurseries as well as places of worship and the proposed veterinary use. While these other uses fall into the same use class and are of a similar character, the number of employees generated by these uses would differ substantially from those generated by a veterinary practice. Also churches, crèches and museums would have very different requirements particularly in relation to highway and parking requirements from the use applied for which might mean that these uses would be inappropriate in this locality especially given the site's location within a residential area.

As a precautionary measure it is suggested that any consent should be limited to the veterinary clinic use applied for with a condition limiting future movement within the D1 use class without the submission of a further application for planning permission. This would

give the Local Planning Authority the opportunity to consider the future change of use of this site for uses other than as a veterinary surgery in order to establish the impact on neighbouring residential amenity and any highway implications that may arise.

Environmental Health

One of the main considerations with this application is the likely noise and disturbance that the proposed veterinary use may have on the nearby residents. Neighbouring residents have expressed concern regarding the potential for noise generated from animals on the premises. In response to this, the applicant has provided an acoustic report which details the measures that were put in place at the time of construction to prevent noise and vibration from travelling from the retail/commercial units at ground floor up to the residential units occupying the upper floors above. In any event, the PDSA have confirmed in writing that no live animals will be kept on the premises outside of openings hours and therefore the applicant has indicated that they would be willing to accept a condition specifying this. Furthermore, the hours of use would be restricted to 8am to 6pm Monday to Friday as specified on the application form.

As such, it is considered that the proposed use would be no more intrusive than the activities associated with the current authorised A1 retail uses that could occupy the premises. Environmental Health have taken into account the additional acoustic report and offer no objection to the proposal subject to the imposition of a condition preventing live animals from being kept on the premises overnight.

With regards to comments made about the possible spread of vermin, infestation to adjoining properties and risks arising from clinical waste, these are matters covered under Environmental Health legislation and are not something that could be reasonably controlled by the planning process.

Highways and Parking

The access arrangements remain unchanged and the existing parking arrangements are more than adequate to support the proposal. The traffic that would be generated and the demand for parking that would arise from the proposed use would be no greater than the authorised A1 uses. In the absence of any objection from the Strategic Highways Manager, the parking, access and highways provision is considered to be acceptable.

Other matters

Whilst a number of other matters have been raised such as impact on property values and the fact that residents are not allowed to keep pets and had not anticipated that the ground floor units would change from retail use are not material to the determination of the application and cannot therefore be considered as part of the decision making process.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the proposed change of use is considered to be acceptable in this location. The measures built into the scheme to attenuate noise from the proposed retail uses are deemed sufficient to mitigate against any harm to the amenities afforded to adjoining properties from the proposed use and this is further supported by the fact that animals will

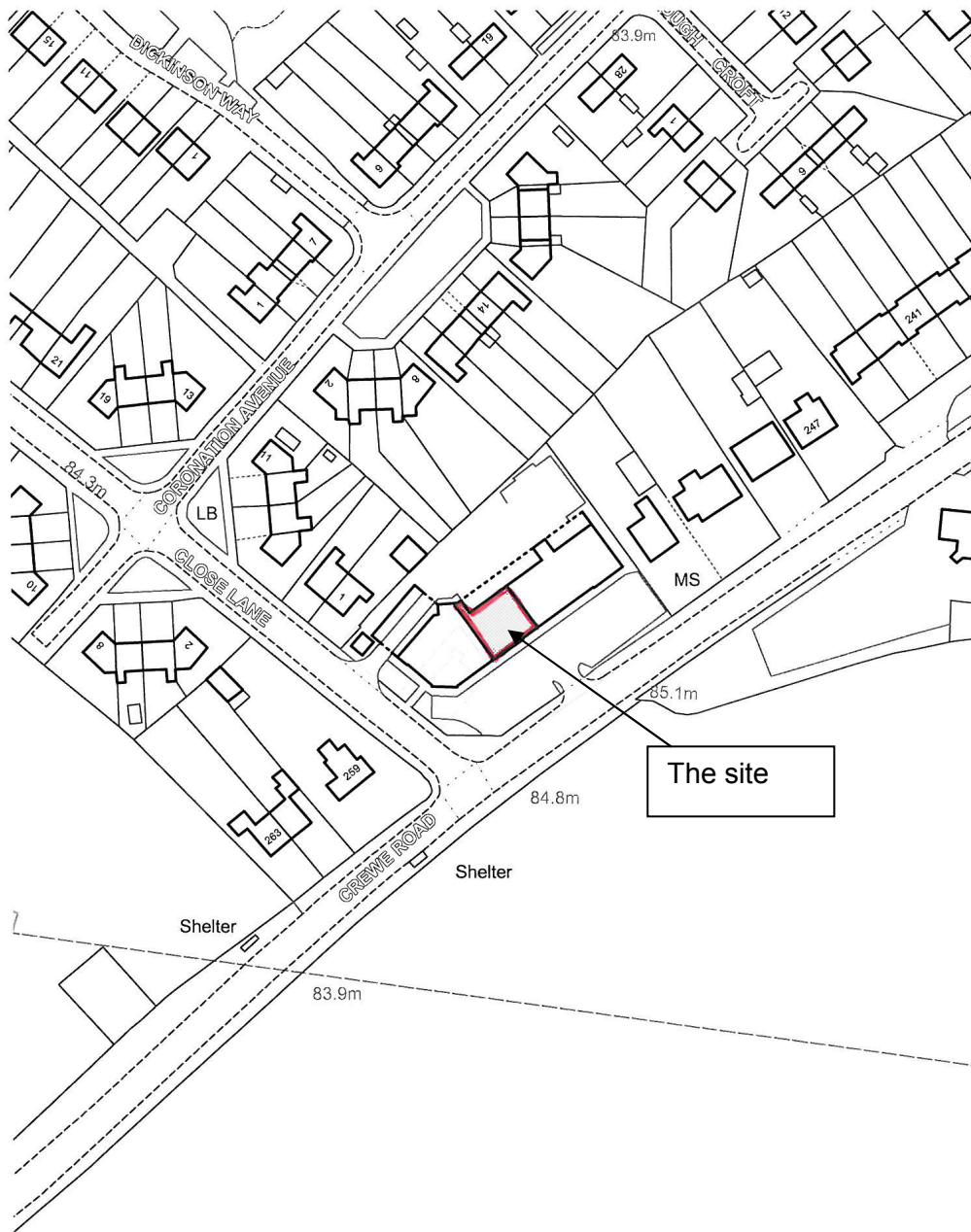
not be kept on the premises outside of opening hours. . There are no highways or parking issues. Consequently, it is not considered that the concerns expressed by the Local Ward Councillor or the neighbouring residents would warrant a refusal given that the proposed development accords with the requirements of the relevant policies of the adopted Congleton Borough Local Plan First Review (2005). As such the proposal is deemed to be acceptable and is recommended for approval.

12. RECOMMENDATION:

APPROVE the proposed change of use subject to the following conditions:

- 1. Commencement of use within 3 years**
- 2. Floor plan in accordance with submitted plans**
- 3. Restriction of hours of operation to 08.00 to 18.00 Monday to Friday**
- 4. No animals kept on premises overnight**
- 5. No other activity within the D1 Use Class shall be permitted**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/1477N
Application Address:	Ridley Hall Farm, Wrexham Road, Ridley
Proposal:	Extension of time to approved planning permission P05/1529 – Conversion of Redundant Detached Farm Buildings into 10 Residential Units.
Applicant:	Cheshire East Borough Council
Application Type:	Extension in time for full planning permission
Grid Reference:	354688 354762
Ward:	Cholmondeley
Earliest Determination Date:	7 th July 2010
Expiry Dated:	16 th August 2010
Date of Officer's Site Visit:	August 2010
Date Report Prepared:	7 th September 2010
Constraints:	Wind Turbine Consultation Area. Open Countryside

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design
- Amenity
- Ecology
- Highway matters

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee because the application is for ten dwellings and the Council is the applicant.

2. DESCRIPTION OF SITE AND CONTEXT

Ridley Hall Farm is located to the north of A534, the Nantwich to Wrexham Road between the A49 and the village of Bulkeley. The application area comprises the brick buildings which formed the farm outbuildings to Ridley Hall, although the Hall itself, outbuildings immediately to the north of it and the dwelling known as Number 6 Holding are all excluded from the application area. This latter dwelling fronts the Wrexham Road and was used as the farmhouse, however it is currently vacant. The farmhouse has relocated to a new dwelling with modern farm outbuildings some 300 metres north of this group of buildings. Access is along the existing drive to the farm outbuildings and passes immediately adjacent to the existing farmhouse known as Number 6 Holding. The access passes into the courtyard through a stone and brick Gatehouse which is a Grade II* Listed Building. The Gatehouse is a structure located centrally within the southern range of brick buildings rather than a separate building. The single access point on the highway splits into two separate accesses, one to the Hall and a second to the application site, part of Ridley Hall, Number 6 Holding and the new farm located to the north. This access

which serves the majority of buildings then subdivides into two separate accesses some 50m back from the highway.

The site is located in open countryside as represented in the Borough of Crewe and Nantwich Replacement Local Plan.

3. DETAILS OF PROPOSAL

This application seeks to extend the time for the implementation granted under planning permission P05/1529. In considering the application the Authority should consider whether there have been any material changes in circumstance since the original permission was issued, which would justify a different decision on the application.

The development comprises the conversion of the outbuildings to ten dwellings on three sides of the courtyard with Ridley Hall (now split into two dwellings) forming the fourth side of the courtyard. A sandstone enclosure in the centre of the courtyard would be retained and eight of the proposed dwellings would incorporate garages. A timber structure would be provided as garaging to units 9 and 10. Dwellings would be three or four bedroomed properties with rear garden areas arranged to the outside of the courtyard.

Landscaping is proposed either side of the access to the new dwellings and also hedging around the edge of the development site.

Whilst the Gatehouse is a listed building it is noted that at no time has any listed building application been lodged for this development.

4. RELEVANT HISTORY

P05/1529 Conversion of Redundant Detached Farm Buildings to 10 Residential Units. Approved with conditions 15th May 2007

5. LOCAL PLAN POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.16 Reuse of a Rural Building for Residential Use
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.9 Listed Buildings Alterations and Extensions
BE.10 Change of Use to Listed Buildings
TRAN.9 Car Parking Standards

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS5: Planning for the historic Environment.

PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objections.

Archaeology: The provision of services, construction of new garages and lowering of floor levels may disturb archaeological remains and a condition should be imposed on any consent for a watching brief. The condition should be worded to reflect the requirements of policy HE6 of the new PPS5: Planning for the Historic Environment.

Ecology: The original great crested newt (GCN) survey is now 5 years old and out of date. In order to update the survey a 'walk over' survey has been undertaken to examine whether there have been any significant changes to the ponds or the habitats present on site together with some limited effort to establish presence/absence of newts at the adjacent ponds. No evidence of GCN was recorded during this survey, however this finding is not reliable due to the time of year and the limited survey effort expended. There have also been some modifications recorded to one of the ponds. The submitted report however concludes that the ponds are still likely to support GCN.

In accordance with the finding of the 2005 survey, outline mitigation has been proposed based on the presence of a small population present at a pond over 100m from the proposed development. The survey report concludes that the adverse impacts of the development are likely to be low and that considering the small scale of habitat lost the mitigation required is independent of the population size. This approach seems reasonable and as the size of the population is not required to assess the mitigation required a further survey is not required. Details of habitat mitigation in the form of shelter and hibernation are provided and also measures to reduce the likelihood of killing or injuring newts during development. These are acceptable.

Water voles do not appear to be reasonably likely to be affected by the proposed development.

The site supports two species of bats which roost on the premises. Neither roost supports large numbers of bats. In the absence of mitigation the development is likely to have a minor impact on the conservation status of the species as a whole but the works could pose a significant risk of killing or injuring bats. The submitted report recommends replacement bat lofts and timing and supervision of works to reduce the risks posed while works take place. The proposed bat mitigation is acceptable and would reduce the potential adverse impacts of the development to a negligible level. Conditions should be imposed to require the mitigation works to be completed.

Evidence of barn owl activity is also recorded at the site. This seems to be limited to a juvenile and there is no evidence of breeding. The submitted survey recommends the provision of two barn owl nest boxes and timing and supervision of works to avoid the sensitive nesting season. A condition should be imposed to ensure the mitigation works take place and for final detail of the design of the barn owl nest box to be agreed with the Local Planning Authority.

In terms of nesting birds, two conditions are recommended, one to ensure that if works commence in the nesting season then a survey should take place to ensure that no

nesting birds are disturbed. A second condition should ensure details of features to support nesting birds are submitted to the Local Planning Authority and implemented.

Environmental Health: The application is for residential properties which are a sensitive end use and could be affected by contamination. No objections but a conditions should be attached to any permission to ensure that a contaminated land survey is submitted with remediation if found to be necessary.

7. VIEWS OF PARISH COUNCIL

None received.

8. OTHER REPRESENTATIONS

None received.

9. APPLICANT'S SUPPORTING INFORMATION

Building Survey Report (Prepared by Hodkinson Mallinson dated 6th July 2010).

South East Range- - Note the need to remove the sheeted roof coverings and replace with slate roof. Part of this building has been much altered in the past and a small structure on the south corner will be removed because it is in a poor condition.

The south east elevation of the left hand side of the driftway requires an area of rebuilding and it is anticipated that a number of courses of brickwork will need to be removed at eaves level. Another section of brickwork abutting the driftway will also need rebuilding.

Gatehouse – Although the stone work is suffering from erosion, the structural condition is not in doubt. The right hand wall will need more extensive rebuilding and will need to be taken down to approximately mid-height. The left hand internal wall is in better condition but need cleaning being affected by diesel spillage.

There will be a need for considerable work to the small lean-to to the side of the Gatehouse.

Internal Elevation of south east range shows a substantial area of rebuilding following fire damage.

To the west (left) of the driftway the building has been substantially altered in the past and some disturbance is noted at eaves level resulting from roof spread. Bricks are also weathered.

North West Range- Roofs are generally in a good condition. The buildings have also been altered throughout their life and repairs carried out. The central area has suffered from structural movement and there is evidence of bowing. Sections will require extensive repointing and in some sections rebuilding.

The Dutch Barn to the east is severely weathered at the low level and an area 3m x 3m will need rebuilding but overall this is relatively small scale.

North East Range – The building has a slate roof. A dilapidated lean-to will be removed. Columns to the barn will need to be reconstructed and the brickwork is heavily weathered.

In conclusion the alterations are typical of those of buildings of this age and the re-introduction of cross ways during the conversion will help to strengthen the buildings where they have previously been removed. Where light weight roofing has been provided this will need to be replaced. The scheme will need significant structural repairs but it should be both possible and practical to carry out the conversion without the need to undertake widespread demolition.

Bat and Barn Owl Survey: (Prepared by Ecologically Bats and amended September 2010.)

- An emergence survey took place on 15th July 2010 and a re-entry survey at dawn on 16th July
- Common Pipstrelles were seen to enter the building south west of the driftway but not re-emerging and are therefore considered to roost in the buildings.
- Brown Long Eared Bats were recorded flying inside the northern and eastern buildings and are considered to roost in them.
- The site is therefore of medium importance for bats.
- Evidence of nesting by barn owls, swallows and pigeons was found.
- Measures are proposed to minimise risk of harm to bats including “soft protocol” method using hand searches of buildings, and sensitive timing for works to the buildings.
- Alternative roost sites will be provided for Pipistrelles within the new garage building. The proposed landscaping also includes species which will encourage bats to forage.
- The driftway can be used to provide appropriate mitigation for the brown long eared bats with entry points formed using a louvred panel in the pitch hole and entry points through appropriate roof tiles.
- The surrounding land should be managed to encourage small mammals and insects which will attract bats.
- Two barn owl nest boxes should be provided one in unit 6 and one in unit 10.
- Work should not commence in the bird nesting season unless the buildings are first checked and no nesting birds are found.

Great Crested Newt and Water Vole Appraisal (Prepared by CES Ecology and dated July 2010)

- The site had been surveyed in 2005 and a re-survey took place in July 2010.
- Three of the four original ponds surveyed had not changed. The fourth pond had been subject to works to deepen and extend the pond at some time between 2005 and 2010.
- A “small” population of Great Crested Newts were found in 2005. Although no Great Crested Newts were found at the 2010 survey it is concluded that they may have evaded detection and considered that bearing in mind the high scoring Habitat Suitability Index there may still be a “small” population living locally. The predicted impacts of the proposed development on the species is considered “low”.
- The effects on the population can be mitigated by the provision of improved habitats within the application area in the form of hibernacula.
- Mitigation would include the provision of Temporary Amphibian Fencing (TAF) around the development site, careful searching of Great Crested Newt resting places, relocation of any Newts captured, the retention of TAP throughout development to ensure that Newts do not re-enter the site, and the provision of hibernacula at five locations within the boundary hedgerows around the edge of the site. Future owners should be provided with copies of the Great Crested Newt Conservation Handbook to inform them of routine day to day maintenance for hibernacula.

- The development works are unlikely to have any direct impact on Water Voles or their aquatic habitat.

10.OFFICER APPRAISAL

Principle of Development

The site is located in open countryside where policies allow for the re-use of rural buildings for residential development subject to a number of criteria. In 2005 no evidence was submitted with the original application to demonstrate that the buildings were not required for a use which would benefit the rural economy. However the Gatehouse is a Grade II* Listed Building. It was therefore considered that the use of the buildings for employment purposes would generate considerably more car parking and service vehicles which would be detrimental to the setting of the Listed Building. The use for residential purposes would generate far less demand for such parking/ servicing and enable the retention of the stone walled enclosure located within the courtyard. In addition it was noted that the village of Bulkeley is a relative small scale settlement which is unlikely to generate a demand for employment buildings on this scale.

Since that decision PPS4: Planning for Sustainable Economic Growth and PPS5: Planning for the Historic Environment have been published. Policy EC6 of PPS4 notes the need to protect the countryside for the sake of its intrinsic character and beauty, diversity of landscape, heritage and wildlife. It also supports the conversion of buildings for economic purposes in the rural area and farm diversification for business purposes, which are of a scale and have environmental impacts, consistent with the rural location.

On this basis it is considered that the comments on the previous application that economic or business use would have an adverse impact on the setting of the Listed Building still apply. Further this approach is supported by Policies HE7, HE8, HE9 and HE10 of the PPS 5 which note the need to ensure that the more significant heritage assets are given greater weight in determining planning applications. Further the factors taken into consideration should include the setting of the building as well as the impact on the listed building itself.

It is therefore considered that PPS4 and PPS5 support the re-use of the buildings for residential use at this location.

The Building Survey submitted with the application concludes that the scheme will need some significant structural repairs but it should be both possible and practical to carry out the conversion without the need to undertake widespread demolition.

It is therefore considered that the condition of the buildings will allow the conversion for residential use without major reconstruction and in accordance with policy NE16 for the re-use of rural buildings. The buildings have undergone considerable alteration in the past particularly as a result of fire damage but also for farming practices and the further alteration required to convert the buildings to dwellings are not considered to be detrimental to the character, appearance and setting of the Listed Building.

Design

Since the application is for an extension of time there are no changes to the design of the buildings. The alterations to openings in relation to the formation of windows and doors was considered appropriate in 2005 and are still considered acceptable.

Amenity

The proposed conversion is not so close to the two existing dwellings at Ridley Hall or the dwelling known as Number 6 Holding as to adversely affect residential amenities at these properties. The proposed layout would retain appropriate open space and separation distances for the new dwellings.

Ecology

The submitted surveys identify the presence of two species of bats, Pipistrelles and Brown Long Eared Bats, in the buildings to be converted. Mitigation is recommended in the form of details of the timing and supervision of the conversion works and also by allowing access for Brown Long Eared Bats for roosting in the driftway/gatehouse and the provision of roost boxes in the roof space of the proposed garage for Pipistrelles. Exact details of the placement / construction of these roosts will need to be provided under a condition which should also require the implementation of these and the bat mitigation measures.

Great Crested Newts have been found in the locality but not within the application area itself and there is a possibility that they may be present within the application site. Mitigation is proposed in the form of careful timing and supervision of works and the formation of four hibernacula to compensate for any loss of habitat as a result of the development. This should be subject of a condition.

There is evidence of a juvenile barn owl present on the site and mitigation is proposed including the provision of two barn owl boxes. The Ecologist recommends full details of the barn owl box to be submitted and approved in writing prior to the commencement of development together with implementation of these works.

Subject to the provision of the mitigation there should be a negligible impact on these species.

In addition conditions are recommended to check the site before the commencement of site works if this takes place in the nesting season. If nesting birds are found protection should be afforded to the areas of nesting birds until the young have fledged. A further condition is recommended for the provision of nest boxes.

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 NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan allows development which affords measures of support 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.

In this case it was estimated in 2005 that there was a "small" Great Crested Newt population based on four ponds varying distances from the application area. Whilst no Great Crested Newts were found in the more recent survey the submission still proposes some mitigation. This includes supervision and timing of works and the provision of five hibernacula around the application site to compensate for the loss of habitat.

There are two species of bats using the buildings and mitigation proposed includes works of supervision and the provision of new habitats for both species. A juvenile barn owl is thought to use the site and mitigation is proposed for this species. Measures are also detailed to protect nesting birds and provide for replacement habitats. Landscaping is also proposed which will include plants which would promote the use of the area by the protected species which have been found.

The buildings which are the subject of the application are traditional brick buildings which if left would fall into disrepair and create an unsightly group of buildings in the open countryside. In a state of disrepair, if the roof collapsed, which would allow light into the building, they would no longer be suitable for use by bats which prefer a darker

environment. The buildings are located close to residential properties. Policies allow for the conversion of the buildings for other uses and it is considered in this case the proposed bat mitigation would provide suitable and appropriate roosts and habitats for the species concerned and is of an appropriate scale in its provision. It is therefore considered that with the implementation of the mitigation the development would not adversely impact on the species so as to justify refusal of the application, further that there is no other suitable alternative and that it is in the public interest that the development is granted planning permission. Similarly the provision of two barn owl boxes will ensure the continuity of an appropriate habitat and this will ensure no adverse impact on this species.

Under the circumstances it is considered that the impacts of development on the species will be negligible.

Highway Matters

The Strategic Highways Manager raises no objections.

11. CONCLUSIONS

There have been no material changes in circumstances which would warrant a refusal of this application for an extension of time for the planning permission issued in 2005. The report on the condition of the buildings indicates that while some significant repairs will be required these can take place without the need for significant rebuilding works. The Ecological Surveys and mitigation proposed show that the effects on protected species will be negligible provided the mitigation is completed. The development will comply with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-use of a Rural Building for Residential Use), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking), of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

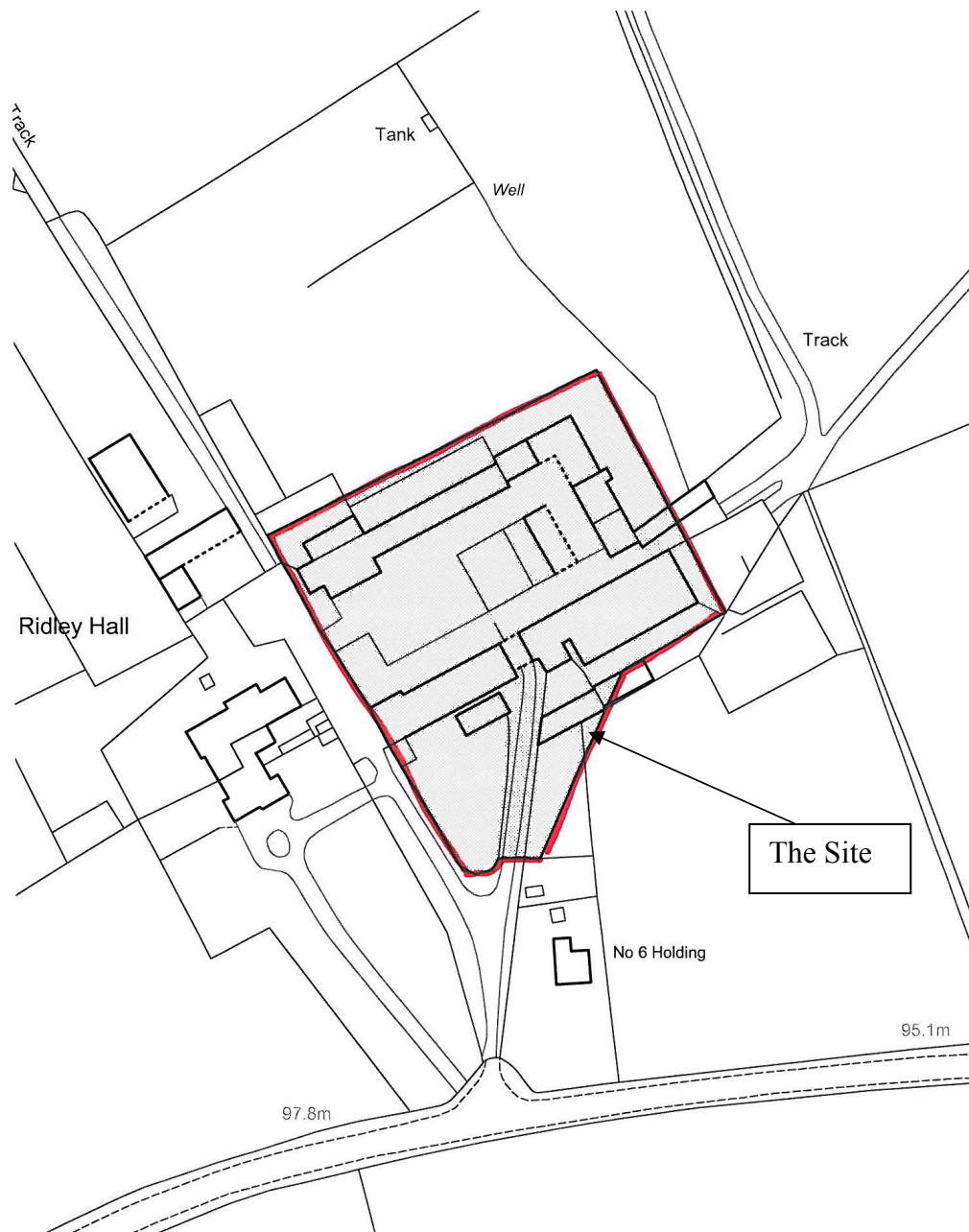
12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Commencement within 3 years**
- 2. Development in accordance with approved plans**
- 3. Any new materials to be used in the conversion to be submitted for approval first.**
- 4. Submission of full landscaping scheme to include species to promote use of the site by bats.**
- 5. Implementation of landscaping**
- 6. Boundary treatment**
- 7. Surface materials**
- 8. Contaminated land survey**
- 9. Archaeology**
- 10. Consent for conversion only**
- 11. Method Statement for areas of rebuilding and accurate identification of areas to be rebuilt**
- 12. Ventilation details**
- 13. Roof lights**
- 14. Metal rainwater goods**

15. All doors and windows to be timber with reveals. Large Scaled detailed drawings to be submitted and approved
16. All new brickwork or timber infill panels in Dutch barn areas to be recessed. Details to be submitted
17. Retention of all stone on site for use in enclosure in courtyard. Walled enclosure within courtyard to be retained and repaired
18. No other enclosure within the courtyard or on the western side of the courtyard to separate the site from Ridley Hall.
19. Scheme for repair of sandstone lean-to the side of the Gatehouse
20. No permission for any works to the Listed Gatehouse including repointing and general repair, which shall be subject to Listed Building application
21. Site works and construction to proceed in accordance with the procedures detailed for Great Crested Newt and Bat mitigation
22. Details of exact location of Pipistrelles and Brown Long Eared Bat mitigation to be submitted approved and implemented.
23. Full details including final location of Great Crested Newt Mitigation to be submitted approved and implemented.
24. Scheme for the provision of features to encourage nesting birds and planting to encourage formation of habitats
25. No works to commence between 1st March and 31st August in any year without prior survey. If nesting birds are found appropriate clearance allowed.
26. Full detail of location and provision of barn owl nesting boxes to submitted approved and implemented.
27. Obscure glass to south east gable first floor window at Unit 6
28. Garages to be retained for parking of cars and not used as part of living accommodation
29. Withdraw PD Classes A, B, C, D, E, G, H and for means of enclosure and Domestic Microgeneration Equipment.
30. Full details of appearance and finish to timber garages to be submitted

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/2779C
Application Address:	Albany Mill, Canal Street, Congleton
Proposal:	Amendment to Approval 06/1414/FUL to Change Slab Levels to the Apartment Block containing 6 x 1 Bed Units and 10 x 2 Bed Units (Block A)
Applicant:	Great Places Housing Group
Application Type:	Full Planning Permission
Grid Reference:	386192 362592
Ward:	Congleton Town West
Consultation Expiry Date:	9 th September 2010
Date for determination:	27 th October 2010

SUMMARY RECOMMENDATION

APPROVE subject to a Deed of Variation to the existing Section 106 Agreement and conditions

MAIN ISSUES

- Principle of development
- Trees
- Ecological Impacts
- Highway safety
- Design considerations
- Amenity of neighbouring and prospective occupiers

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the site of a former textile mill building, and the associated car park, which has recently been demolished.

The surrounding development comprises residential properties on the opposite side of Canal Street to the north east and Burslam Street to the north west. A pair of semi-detached properties and another mill, which has been converted to offices, stand in Highfield Road to the southeast. On the Canal Street frontage, the development site adjoins the Vale Club and the property known as 58 Canal Street.

3. DETAILS OF PROPOSAL

Full planning permission was granted in 2006 for the demolition of the existing buildings and the erection of 43 no. affordable 2 bed apartments, comprising a mix of shared ownership, discounted for sale and rented accommodation. This application seeks consent

for revisions to the approved scheme to change the slab levels to the Apartment Block A on the Canal Road frontage.

4. RELEVANT HISTORY

1982 - 14197/3 Refusal of permission for covered area unloading/loading.

1983 - 15362/3 Refusal of permission for covered area unloading/loading.

1991 - 23700/3 Refusal of permission change of use to furniture showroom and sales area.

1992 - 24104/3 Permission for change of use to furniture warehouse for sales.

1994 - 26157/3 Permission for change of use from storage to gymnasium

1995 - 27308/3 Permission for change of use of land to parking area for use of the Vale Club

2006 - 06/0157/OUT Redevelopment including 49 no. affordable apartments, comprising a mix of shared ownership, discounted for sale and rented accommodation – Withdrawn

2006 - 06/0590/OUT Outline planning permission for redevelopment including 49 no. affordable apartments, comprising a mix of shared ownership, discounted for sale and rented accommodation.

2007 - 06/1414/FUL Full planning permission for redevelopment including 43 no. affordable 2 bed apartments, comprising a mix of shared ownership, discounted for sale and rented accommodation

5. POLICIES

National Policy

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing

PPS25 - Development and Flood risk.

Local Plan Policy

GR21 - Flood Prevention

GR1 - New Development

GR2 - Design

GR3 - Residential Development

GR5 - Landscaping

GR9 - Accessibility, servicing and provision of parking

NR1 - Trees and Woodland

NR3 - Habitats

NR5 - Habitats

H4 - Residential Development within Settlement Boundaries

H13 - Affordable Housing and low cost housing

E10 - Re-use and redevelopment of existing employment sites

6. CONSULTATIONS (External to Planning)

Highways:

The Strategic Highways Manager has assessed this application and recommends the following condition be attached to any application which may be granted: The internal layout shall be sustainably drained in such a way so that no discharge onto the public highway prevails.

7. VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council has no objections

8. OTHER REPRESENTATIONS

An e-mail has been received from a resident of Highfield Road, expressing concern about loss of light.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

The amendment to floor levels has been necessary in order that the existing and proposed site levels for the whole development are coordinated to provide acceptable gradients for both pedestrian and vehicle uses in and around the site. The architectural design of Block A remains as planning permission 04/1414/FUL.

10 . OFFICER APPRAISAL

Principle of Development

In view of the previous approval on this site, this application does not present an opportunity to re-examine the principle of redeveloping the site for affordable housing or the loss of the existing employment site. The current application does not propose any change in the number of units from the approved scheme and therefore no new housing land supply questions are raised. The main issues in this case are, therefore, the acceptability or otherwise of the detail of the scheme in terms of the effect on protected trees and other trees of amenity value, ecology, highway safety, design and street scene and the impact on the privacy and residential amenity of neighbouring occupiers.

Trees

The Canal Road, Congleton TPO 1980 protects an area of trees on land to the south west of the site. There are also a number of other trees in the vicinity, which are not protected. However, as the proposed amendment relates to the frontage building, which would be located on the opposite side of the site from the trees concerned, it is not considered that there would be any impact on trees.

Ecology

The buildings which stood on the site previously had some potential for roosting bats. However, the site has recently been completely cleared and as a result there will be no ecological impacts from the development.

Highway Safety

No change is proposed to the layout of the access and parking arrangements. However, according to the applicant, the amendment to floor levels has been necessary in order to ensure that the site levels are coordinated to provide acceptable gradients for both pedestrian and vehicle uses in and around the site. The Strategic Highways Manager has raised no objection subject to the imposition of a condition relating to the drainage of the site. This is considered to be a reasonable request, given that the site access and parking areas would slope downwards towards the public highway.

Design

In terms of design and street scene implications, Block A as already approved would be three storeys in height and it is proposed to increase its height by a further 0.8m. However, it would remain lower in height than the mill building which it replaced, which rose to 4 storeys on the road frontage. Furthermore the building would be read in the context of the adjacent 3 storey Sunnyside Mill and the properties on the opposite side of the road, which are at a substantially higher ground level.

As a result of the proposed amendments, the ground floor level of the building would be between 0.8m and 3m above the pavement. Consequently, there would be a lack of active frontage at the northern end of the building. Whilst this is undesirable in urban design terms, it would provide an improved level of privacy to the occupants of the flats. Furthermore, due to the bend in the road, the north end of the building would be set further back from the pavement than the south end. This would help to mitigate any oppressive sense of enclosure when walking along Canal Street, and would give the opportunity to provide landscaping and planting to soften the impact of the brick wall. No changes are proposed to the elevational detailing of the building and therefore, overall, it remains acceptable in design terms.

Amenity

No changes are proposed to the site layout, and therefore window to window distances would be unchanged. Consequently, the main issue in the consideration of the amenity implications is whether the increase in the overall height of the building would affect light to any neighbouring dwellings.

A distance of 47m, 22m and 25m would be maintained between Block A and the properties in Highfield Road, Burslam Street and Sherratt Close respectively. The dwellings in Sherratt Close are also well screened by a bank of mature trees and hedgerow planting on the opposite side of Canal Street. Furthermore, all of the surrounding properties are at a higher ground level than Block A and therefore, it is considered that the increase in the overall height of the building would not have any discernable impact on the level of light or residential amenity afforded to those dwellings.

Block A would be situated immediately alongside the adjacent Vale Club building. There are no side windows in the Vale Club which would be adversely affected by the increase in the height of the building, and it would not project sufficiently far back into the site to impact on the amenity areas to the rear of the club, or the principal windows in its rear elevation. Furthermore, these areas were already heavily overshadowed by the former mill buildings, and notwithstanding the increase in height, it is considered that the proposed redevelopment is likely to improve the overall standard of amenity for the club.

11. CONCLUSIONS

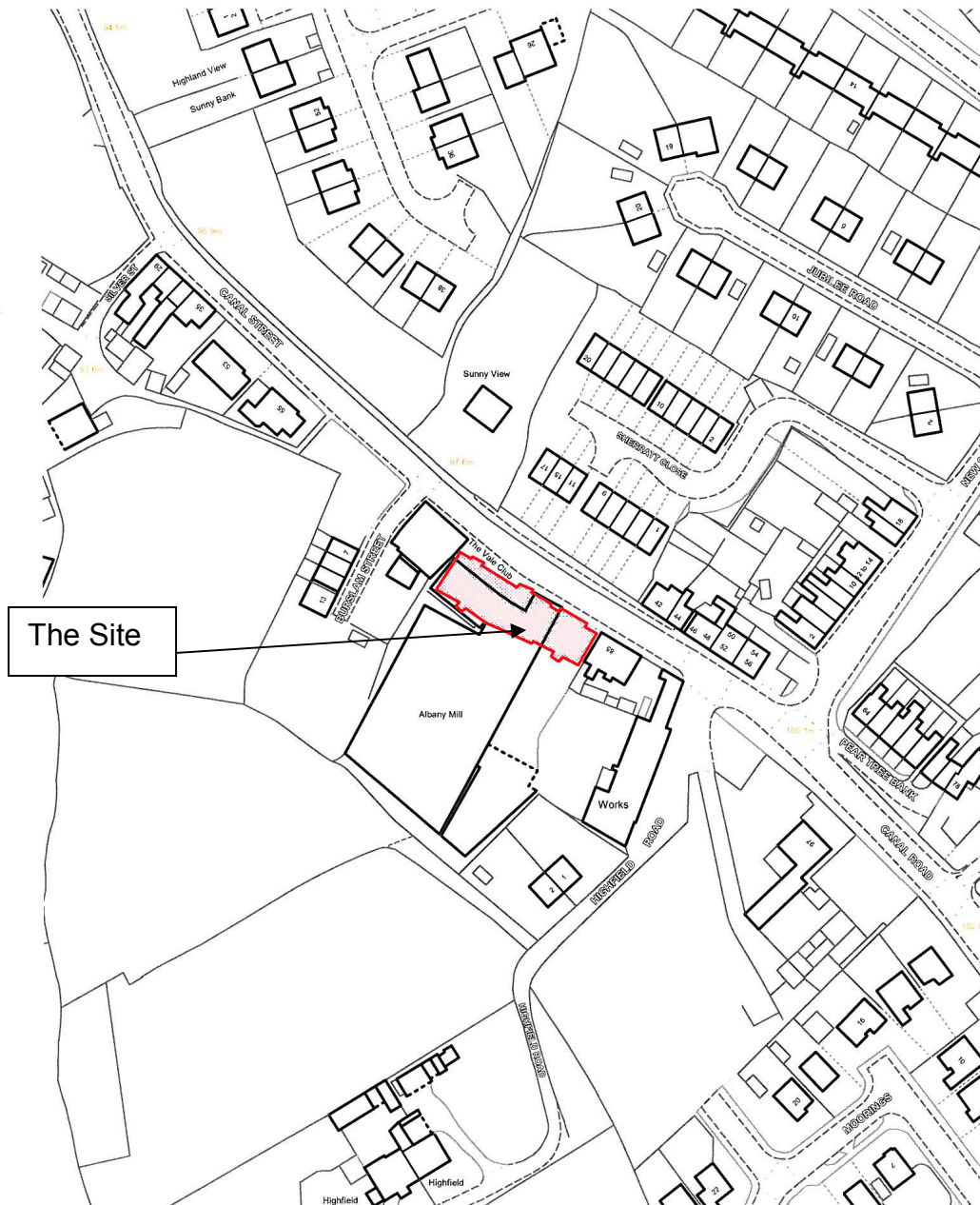
In summary, it is considered that the proposed development is acceptable in terms of its impact on protected trees and other trees of amenity value, highway safety, ecology, design and street scene and would provide adequate protection for the privacy and residential amenity of neighbouring occupiers. It therefore meets the requirements of the relevant local plan policies and is recommended for approval.

12. RECOMMENDATIONS

APPROVE subject to a Deed of Variation to the existing Section 106 Agreement to reference the new permission and the following conditions:-

- 1. Standard time limit**
- 2. Approved plans**
- 3. Revised scheme of drainage to be submitted and approved**
- 4. Revised scheme of landscaping to be submitted and approved**
- 5. Implementation and maintenance of landscaping**
- 6. With the exception of the above, development to be carried out in accordance with the conditions attached to planning permission 06/1414/FUL and details approved pursuant to those conditions.**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/3558N
Application Address:	6 Aldersey Way, Bunbury, Tarporley, Cheshire, CW6 9GN
Proposal:	Extension to time limit – Ref: P07/1241 Loft conversion with two new rear dormers, two rear rooflights and a side second floor window.
Applicant:	Mr & Mrs Melia
Application Type:	Extension to time limit
Grid Reference:	356315 357916
Ward:	Cholmondeley
Earliest Determination Date:	7 th October 2010
Expiry Dated:	2 nd November 2010
Date of Officer's Site Visit:	29 th September 2010
Date Report Prepared:	29 th September 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Principle of development – has there been any material change in policy/circumstances since the previous application?

1. REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to the extension in time to an application decided by the former Crewe and Nantwich Borough Council Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a large detached house situated on the residential cul-de-sac of Aldersey Way, Bunbury.

3. DETAILS OF PROPOSAL

The proposal is for the insertion of two new rear dormers at either end of the roof slope, two rooflights on the rear roof slope and a second floor gable window facing number 5 Aldersey Way.

4. RELEVANT HISTORY

P02/0091 – Nine detached dwellings and garages - approved with conditions 2002

P07/1241 – Loft conversion with 2 dormers, 2 roof lights and a second floor side window – approved with conditions 2001.

5. POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

RES.11 – Improvements and Alterations to Existing Dwellings

Other Material Considerations

SPD – Extensions and Householder Development.

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH / TOWN 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

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in terms of development plan policy or national policy or other material considerations such as Case Law.

Has there been any material changes in policy/circumstances since the previous application?

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area. There has been no material change in circumstances.

All conditions attached to the original approval are still considered to be appropriate and are therefore replicated in the recommendation.

11. CONCLUSIONS

It is considered that there have not been any significant, material changes since application P07/1241 was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to conditions.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard 3 year time limit**
- 2. In accordance with approved plans**
- 3. Materials to match existing dwelling as closely as possible**
- 4. No new windows/dormers**

Location Plan:

