

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 13th July, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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**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 - 8)**

To approve the minutes of the meeting held on 22 June 2011.

**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](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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

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

5. **11/0319C Land Rear Of 33 To 45, Mill Green, Congleton: Erection of Retirement Living Housing for the Elderly (Category II Type Accommodation), Communal Facilities, Landscaping and Car Parking for McCarthy and Stone Retirement Lifestyles** (Pages 9 - 26)

To consider the above planning application.

6. **11/1498C Ivanhoe, Holmes Chapel Road, Brereton, Congleton, CW12 4SP: Demolition of Existing Buildings and Redevelopment of the Site for 11 Dwellings (Including 3 Affordable Units) with Associated Landscaping and Access Improvements for Cranford Estates Ltd** (Pages 27 - 40)

To consider the above planning application.

7. **11/0627C Smallwood Storage Ltd, Moss End Farm, Moss End Lane, Smallwood, Sandbach, CW11 2XQ: Demolition of Existing Buildings and Erection of 15 Dwellings and Associated Infrastructure Works for Smallwood Storage Ltd** (Pages 41 - 58)

To consider the above planning application.

8. **11/1051N Land at Middlewich Road, Nantwich: Provision of Greenway from Crewe to Nantwich, Sections from Wistaston Green Road to A51/Nantwich Bypass including a 3m wide Surfaced Path together with associated Engineering and Landscaping Works for Cheshire East Council** (Pages 59 - 66)

To consider the above planning application.

9. **10/4373C Top Yard, Station Road, Sandbach: Construction of Eight, Light Industrial, Commercial and Retail Units for Mr R Bettley** (Pages 67 - 76)

To consider the above planning application.

10. **11/1030N 6, Oak Villas, Nantwich Road, Wrenbury, CW5 8EL: Outline Application for New Dwelling for Mr P Probin** (Pages 77 - 84)

To consider the above planning application.

11. **11/1359N 8, Chidlow Close, Hough, CW2 5RE: Two Storey Side Extension, Ground Floor Garage and Utility, First Floor Bed with Ensuite and the Existing Garage to be Converted to Playroom/Store and single storey rear extension for Mr E Potts** (Pages 85 - 92)

To consider the above planning application.

12. **11/1559N 2, Brookview Close, Wistaston, CW2 6WB: Side Two Storey Extension for Mr L Heath** (Pages 93 - 98)

To consider the above planning application.

13. **11/1584N Oakhanger Hall Farm, Taylors Lane, Oakhanger CW1 5XD: Excavation of a New Clay Lined Slurry Lagoon for D & S C Sutton** (Pages 99 - 106)

To consider the above planning application.

14. **11/1683N Unit DC 360, Fourth Avenue, Crewe: Solar Panels to be Affixed to the Roof of an Existing Warehouse Unit for Mr A Fornal, Juwi Renewable Energies Limited** (Pages 107 - 112)

To consider the above planning application.

15. **11/1782N 90 Crewe Road, Shavington Cum Gresty, Crewe, Cheshire CW2 5DW: Change Use of Single Garage into a Small Dog Grooming Salon. No External Alterations to be Made for Mrs N Kerr** (Pages 113 - 120)

To consider the above planning application.

16. **08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel** (Pages 121 - 124)

To consider a report regarding the above application.

17. **Planning for Growth and the Presumption in Favour of Sustainable Development** (Pages 125 - 130)

To update the Committee on recent ministerial announcements with regard to growth and sustainable development.

**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 June, 2011 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, M Jones, D Marren,  
M A Martin, G Morris, D Newton and M Sherratt

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors S Corcoran, R Fletcher, S Jones, M J Simon and S Wilkinson

**OFFICERS IN ATTENDANCE**

Simon Boone	Senior Development Control Engineer
Rachel Goddard	Senior Lawyer
Ben Haywood	Principal Planning Officer
David Malcolm	Southern Area Manager – Development Manager
Carol Jones	Democratic Services Officer

**APOLOGIES**

Councillors A Kolker and S McGrory and A Thwaite

**10 DECLARATIONS OF INTEREST**

No declarations of interest were made at this point in the proceedings.

**11 MINUTES**

**RESOLVED:** That the minutes of the meeting held on 1 June 2011 be approved as a correct record.

**12 11/0674C-TWO STOREY EXTENSION TO REAR, 93 HEATH ROAD, SANDBACH, CW11 2JY FOR MR R CLARKE**

Notes: (a) Councillor S Corcoran (Ward Councillor) who had called-in the application attended the meeting and addressed the Committee on this matter, speaking against the application;

(b) Councillor A Barratt who was neither the Ward Councillor nor a Member of the Committee was in attendance and spoke against the application on behalf of a local resident;

(c) Mr P Crewdson (speaking on behalf of Mrs Moffatt, objector) who were in attendance addressed the Committee on this matter; and

(d) Ms U Griffiths (Sandbach Town Council) had registered to speak on this matter but was not in attendance.

The Committee considered a report in respect of planning application No. 11/0674C.

**RESOLVED:** That the application be APPROVED subject to the following conditions:

1. Standard time
2. Approved plans
3. Permitted development rights removed for any windows on the side elevations of the extension
4. Materials to match existing dwelling.

**13 11/0680C-PROPOSED ERECTION OF A NEW DWELLING, 2 RYDAL WAY, ALSAGER, ST7 2EH FOR MR SIMON PALFREYMAN**

Notes: (a) Councillor S Jones (Ward Councillor); Councillor R Fletcher (Alsager Town Council); and Mr A Pickersgill (objector) addressed the Committee on this matter and spoke against the application.

The Committee considered a report in respect of planning application No. 11/0680C.

**RESOLVED:** That, contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposal, by reason of its size, height, form and design, would be a cramped form of development that would be intrusive in the street scene and out of keeping with the character of the existing properties in the immediate vicinity of the site. The proposal is therefore contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review 2005.
2. The proposal, by virtue of its size, height, design and position relative to the adjoining property number 176 Sandbach Road North, would be unduly dominant when viewed from that adjoining property, to the detriment of the residential amenities of the occupiers. The proposal is therefore contrary to Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.

**14 11/1545N-CHANGE OF USE INCLUDING FORMATION OF ALTERED ACCESS FROM HIGHWAY INCLUDING DROPPED KERB, 501 CREWE ROAD, WISTASTON, CW2 6QP FOR MR W LAU**

Notes: (a) Each Member of the Committee reported that they had received an e-mail and photographs from Councillor M J Simon, the Ward Councillor;

(b) Councillor M J Simon, (Ward Councillor); Mrs J Bond (on behalf of Wistaston Parish Council); Mrs T Charlesworth (on behalf of Wells Green Church); and Ms C Darwin (objector) were in attendance at the meeting and spoke against the application.

(c) During discussion of this item, Councillor D J Newton withdrew from the meeting; on his return, he did not participate in the discussion or vote on the item; and

(d) Following discussion of this item, Councillor W S Davies declared a personal interest on the basis that he was acquainted with Mrs Thelma Charlesworth, a former Councillor colleague at Crewe and Nantwich Borough Council, who had addressed the Committee on this matter.

The Committee considered a report in respect of planning application No. 11/1545N, together with a written update.

**RESOLVED:** That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. Inadequate parking provision associated with the proposed change of use.
2. Noise and disturbance would be incompatible with the local area and have a detrimental impact on the amenity of local residents contrary to policy BE1.

**15 11/0573N-THE ERECTION OF POULTRY HOUSE AND FEED HOPPER WITH ASSOCIATED ACCESS ROAD AND HARDSTANDING, LAND OFF MINSHULL LANE, CHURCH MINSHULL, CW5 6DX FOR MR IAN HOCKNELL**

Prior to consideration of this application by the Committee, Members were informed by the Southern Area Manager, Development Management, that additional representations had been received which required further consideration.

**RESOLVED:** That the application be DEFERRED pending Officer consideration of additional representations in respect of the application.

**16 11/0753C-A GARDEN FENCE WITH PEDESTRIAN GATE FOR ACCESS TO MAINTAIN SERVICE AREA, MOSS NOOK COTTAGE, 9 BACK CROSS LANE, CONGLETON CW12 3HT FOR MS P DAWSON**

Notes: (a) Each Member of the Committee reported that they had received an e-mail communication from Councillor P Mason (Congleton East Ward Councillor) in respect of this application;

(b) Mrs L Banks (objector) was in attendance and addressed the Committee on this matter;

(c) Mrs P Dawson (applicant) was in attendance and addressed the Committee on this matter; and

(d) Mr R Gidman (objector) who had registered to speak on this matter, was not in attendance.

The Committee considered a report in respect of planning application No. 11/0753C.

**RESOLVED:** That the application be APPROVED subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be carried out in strict accordance with approved plans.
3. Materials as per application.
4. Scheme of landscaping to secure infill planting to be submitted to, and approved by the local planning authority and implemented within first planting season.
5. 5 years maintain planting.

**17 11/0860C-PROPOSED TWO STOREY SIDE AND REAR EXTENSION, 68 ELWORTH ROAD, SANDBACH, CW11 3HN FOR MR J BARTLAM**

Note: Councillor G Merry, Chairman of the Committee, had called-in this application, but confirmed that she had not fettered her discretion in respect of participating in the discussion and voting on the matter.

The Committee considered a report in respect of planning application No. 11/0806C.

**RESOLVED:** That the application be APPROVED subject to the following conditions:

1. Standard time limit.
2. Plans
3. Materials to match existing
4. Obscure glazing to side openings facing No. 66 Elworth Road.



**18 11/1022C-CHANGE OF USE FROM EXISTING OFFICES TO A PAIR OF THREE-BED SEMI DETACHED HOUSES, 1 THE CHANDLERY, WHARF MILL, CONGLETON, CW12 3GQ FOR MCDERMOTT DEVELOPMENTS**

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

The Committee considered a report in respect of planning application No. 11/1022C.

**RESOLVED:** That the application be approved subject to the following conditions:

1. Standard time limit.
2. Development carried out in complete accordance with the approved plans.
3. Removal of permitted development rights for extensions.

**19 11/1025N-OUTLINE APPLICATION FOR 3 BEDROOM HOUSE IN REAR GARDEN, 4 GORSEY BANK CRESCENT, WYBUNBURY, CW5 7LX FOR MICK JONES**

Note: Councillor J Clowes had called-in this application, but confirmed that she had not fettered her discretion in respect of participating in the discussion and voting on the matter.

The Committee considered a report in respect of planning application No. 11/025N, together with a written update.

**RESOLVED:** That the application be APPROVED subject to the following conditions:

1. Commencement of Development
2. Submission of Reserved Matters
3. Time Limit for Submission of Reserved Matters
4. Materials to be submitted and agreed
5. Surfacing Materials to be submitted and agreed
6. Landscaping scheme to be submitted and agreed
7. Landscape Implementation
8. Tree Protection scheme
9. Drainage Scheme to be submitted
10. Details of Boundary Treatment
11. Bin Storage to be provided
12. Phase 1 Contaminated Land Survey to be submitted
13. Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH
14. Removal of all PD
15. No windows at first floor level within flank elevations and no windows to habitable rooms whatsoever in flank elevations
16. Ridge height to be no greater than 7.9m

17. Indicative layout
  18. Access to be via Church Way, detailed drawings to be submitted and access to be constructed to CEC standard
  19. Pile Driving
- 20 **11/1051N-PROVISION OF GREENWAY FROM CREWE TO NANTWICH, SECTIONS FROM WISTASTON GREEN ROAD TO A51/NANTWICH BYPASS INCLUDING A 3M WIDE SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING AND LANDSCAPING WORKS, LAND AT MIDDLEWICH ROAD, NANTWICH FOR CHESHIRE EAST COUNCIL**

Notes. (a) Councillor M J Simon (Ward Councillor); Mr G Roberts (on behalf of Wistaston Parish Council); and Mr S Lawley (objector) were in attendance and addressed the Committee on this matter; and

(b) Mr D Vass (objector) who had registered to speak on this item was not in attendance.

The Committee considered a report in respect of application No. 11/1051N, together with a written update.

**RESOLVED:** That the matter be DEFERRED for a site visit to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

- 21 **11/1286N-ERECTION OF 2 AGRICULTURAL BUILDINGS AND SLURRY STORE, ALLOWING FARM TO COMPLY WITH NVZ REGULATIONS. THE 2 CUBICLE SHEDS WILL EACH HOLD 220 COWS AND INCORPORATE SLURRY CHANNELS TO THE STORE TO MINIMISE YARDAGE AND WASTE, BADDILEY HULSE, BADDILEY HALL LANE, BADDILEY, CW5 8BS FOR J.H. BLACKBURN & SON**

The Committee considered a report in respect of planning application No. 11/1286N.

**RESOLVED:** That the application be approved subject to the following conditions:

1. Standard time limit.
2. Approved plans.
3. Materials as submitted.
4. Scheme of landscaping to be submitted.
5. Implementation of landscaping scheme.
6. Storage of slurry from farm only.

**22 11/1416N-ERECTION OF AN AGRICULTURAL STEEL PORTAL FRAME BUILDING TO PROVIDE SPACE FOR TWO ROBOTIC MILKING MACHINES AND COW CUBICLES, CALVELEY GREEN FARM, CALVELEY GREEN LANE, CALVELEY, CHESHIRE, CW6 9LF FOR A PLUMBLEY AND CO**

The Committee considered a report in respect of planning application No. 11/1416N, together with a written update.

**RESOLVED:** That the application be APPROVED subject to the following conditions:

1. Standard time.
2. Approved plans.
3. Materials used shall in in accordance with those specified in the application unless different materials are first agreed with the local planning authority.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor G Merry (Chairman)

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Application No: 11/0319C

Location: Land Rear Of 33 To 45, Mill Green, Congleton.

Proposal: Erection of Retirement Living Housing for the Elderly (Category II Type Accommodation), Communal Facilities, Landscaping and Car Parking

Applicant: McCarthy and Stone Retirement Lifestyles

Expiry Date: 12-May-2011

**SUMMARY RECOMMENDATION**

**Approve subject to Section 106 Agreement and conditions**

**MAIN ISSUES**

**Principle of Development**  
**Housing Supply**  
**Landscape**  
**Accessibility and Car Parking**  
**Contamination**  
**Residential Amenity**  
**Design**  
**Flooding**  
**Affordable Housing**  
**Open Space Provision**  
**Ecology**

**REFERRAL**

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

**1. SITE DESCRIPTION**

The application relates to 0.269ha of land located adjacent to Dane Bridge in Congleton. There are no buildings on the site, the former building has been demolished during the wider redevelopment of the industrial buildings on Mill Green to the east of the application site. The south western boundary fronts the River Dane which flows from east to west towards Dane Bridge. There are a number of trees along the riverbank notably a substantial copper beech tree next to the bridge.

The north western and north east boundaries front Mill Green which accesses the rest of the redevelopment to the east and Congleton Park. The South eastern boundary adjoins a terrace of three storey town houses numbered 33 to 45 whose back gardens abut the site.

A substantial block of five storey flats and commercial accommodation is located beyond the north eastern corner across Mill Green,

The site itself is fairly level with an embankment sloping down to the River Dane at approximately 3 metres below the nominal site level. The former mill stream (tail race) located to the north of the site has been filled in except for the last section where it reentered the river to the west.

## **2. DETAILS OF PROPOSAL**

The proposed development comprises 30 x 1 bedroom and 14 x 2 bedroom sheltered flats for sale to the elderly design to category II accommodation standards. The proposals will also feature house managers accommodation and communal facilities such as residents' lounge, laundry and emergency call alarm systems.

## **3. RELEVANT PLANNING HISTORY**

The wider site was the subject of a comprehensive redevelopment proposal under application reference no.32718/3. This was approved in January 2003 and was for 11 new houses, 35 new build apartments 53 apartments in extended and converted Roldane Mill, new 40 bedroom hotel and gross 650sq.m of commercial / employment units. All elements within this application have been implemented, apart from the hotel; the site of which is now the subject of this application.

A previous application for a similar development on the site (08/008/FUL refers), was refused in January 2009 for three reasons. Firstly, concern about the design of the proposal, secondly the lack of affordable housing provision, and thirdly concern about the impact on the amenities of local residents and 37, 39, 41 and 43 Mill Green.

## **4. PLANNING POLICIES**

### **National Policy**

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

### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP4 – Make best use of resources and infrastructure  
DP5 – Managing travel demand  
DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

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

MCR4 – South Cheshire

### **Local Plan Policy**

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

### **Other Material Considerations**

Cheshire East Interim Housing Policy

Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTÉES**

### **United Utilities**

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer.
- Surface water should discharge to the soakaway/watercourse/surface water sewer
- If surface water is allowed to be discharged to the public surface water sewerage system the flow to be attenuated to a maximum discharge rate of 20 l/s as
- Several public sewers cross this site of which, they will not permit building over them and will require sufficient access strip widths upon each sewer for protection, maintenance or replacement measures.

## **Environmental Health**

No objection subject to the following

- Submission of contaminated land assessment
- Submission of air quality impact assessment
- Submission of air assessment of traffic noise and vibration
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details

## **Highways**

- No objection

## **Environment Agency**

- Object because the application does not consider other sites available within the Borough at a lower probability risk of flooding. It is explained within the FRA that a detailed analysis of alternative sites, at lower flood risk, has not been made. The Sequential and Exception Tests will need to be carried out, considering other sites at lower risk of flooding.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

- No objection provided highways check the junction for emergency vehicle access and any section 106 monies are allocated to the town for public realm.

## **6. OTHER REPRESENTATIONS**

Representations have been received from 7 Wood Street, 14 Mill Green 110 Mill Green 52 Mill Green and 45 Mill Green Congleton making the following points supporting the application:

- It will improve the general area and remove an eyesore from view.
- The changes to the original application are a significant improvement.
- The Development does not obstruct the view from Mill Building.
- When the site is completed it will be much better than the present squalor.
- The scheme will create jobs

However, the following concerns are also raised:

### ***Amenity***

- Plans are similar to last plan which was refused



- Height has not been dropped and is still too high
- Other retirement apartments are 2 storeys which is enough for the elderly if there is a fire or lifts not working.
- Could cause a loss of TV signal
- Would be better if 2 storeys at the edge and 3 in the middle.

***Concern about car parking on Mill Green.***

- Existing parked traffic that it is difficult for cars to get through. It would be difficult/impossible for ambulance or fire tender.
- The cars are parked either side of the road (there are no parking restrictions whatsoever) and frequently partially on the pavements. This means that pedestrians with buggies/wheelchairs etc have to use the road, which is a potential hazard.
- the Transport Statement indicates that there should be no increase in on-road parking as a result of the development but does mention that the use of controlled on-road parking is an acceptable solution to any overspill parking that may occur.
- None of the information submitted made any reference to the existing parking situation.
- There will be a reduction in the space available on Mill Green as the development entrance area will not be available.
- All the data submitted with reference to the number parking spaces and traffic movements is based on historical evidence from other McCarthy & Stone developments which may not apply in the future.
- The minimum age for ownership is given as 60 with 55 for a partner of someone who is 60 or older and the average age is just over 75. Many people in the future will still be working at this age and given the change in longevity/health improvements of an aging population this will increase car ownership.
- McCarthy and Stone state that couples with 2 cars were given a time limit during which they had to get rid of one car. Who ensures that this is done?
- Existing residents have 2 cars but only one space which means that they have to park on the road. Normally, this is fine but space is becoming limited due the patrons of Congleton Park in the nice weather. However, there is a good carpark for the park.
- There should be a residents parking permit scheme or can you confirm there will be adequate provision for parking?
- lack of car parking spaces for the residents has become a severe issue with the commercial units that are now occupied. An average unit employs between 7 – 10 staff and yet there are only one space for each unit
- The implementation of charging for parking in the town adds to the problems
- The addition of site traffic and workers vehicles on the road would cause some very serious highways issues and a further risk for pedestrians and for access for emergency vehicles that may need to pass along the road.
- Any additional traffic should therefore be contained within the proposed site area and vehicles attending the site should not be allowed to reverse on to Mill Green. All site traffic should be made to turn around in the site area and all workers should have a designated parking area within the site.
- The implementation of double yellow lines should also be a consideration along the road before work commences on the site and for the number of proposed homes and visitors this should also be considered post completion.

***Impact of Construction***

- The area is kept very clean and this should be maintained during construction.

- Local Businesses attract visitors from all over the UK and in some cases from Europe. These include large commercial organizations including Zurich, Aegon, Prudential and HBOS. Visitors of this nature should leave with a lasting impression of Congleton and a very clean and beautiful area and not one of a dirty building site.
- The site hours should be restricted on the grounds of noise.
- The developer should contribute or make their own arrangements to cleaning of adjacent office frontage every week or when requested to do so.
- Business premises leave their doors and windows open in the summer months to get air in to the office and they would ask that a contribution be made to any additional cleaning costs that we may incur.
- In this current economic environment they do not need to be distracted by these issues and as local businesses that supports the town centre we they ask for our concerns to be considered carefully.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

### **Planning Statement**

- In providing much needed accommodation for the local elderly population, the proposed development will optimise the use of this vacant brownfield site that is ideally located for a higher density development, such as that typical of retirement living accommodation, and so consequently significant planning benefits will ensue.
- The provision of this specialised Category IOI type retirement living housing meets an acknowledged priority need, both locally and nationally, fulfilling the aims of both PPS3 and PPG13. The proposed development will optimise the use of this site that is ideally located for a higher density development and in order to serve the special housing needs of Congleton. Significant visual and environmental benefits will ensue. In short, the proposal fulfils the Government's Planning aims in respect of sustainable development
- There is no doubt that a high quality development including new hard and soft landscaping will make an effective and worthwhile use of this urban site to the enhancement of the locality. At the same time sheltered housing is acknowledged to be a passive use and an entirely sympathetic neighbour with extremely low levels of traffic generation. The development proposals will enhance both the character and appearance of the area and will provide much needed specialised accommodation for the elderly.

### **Transport Statement**

- The Category II type development proposal will continue to take vehicular access by way of the existing dropped crossing access into Mill Green. Hence, there will be no net increase in the number of accesses onto the local highway network as a direct consequence of the development proposal.
- The traffic generated by the proposed Category II type housing development on the application site will have no material impact upon the operation of the highway network.
- This Statement provides information on the nature of the development, access, traffic generation, parking demand and sustainability issues associated with the proposal. It clearly demonstrates that the development of this Brownfield site complies with

government policy, that the access onto Mill Green (by which it will be served) is safe and satisfactory, that it has sufficient on-site parking provision and that the traffic generated by it will have no adverse impact up on the operation of the adjacent highway network

- The site is located close to Congleton Town Centre, where there is a range of shops and services (including Tesco Morrisons and Aldi food retail stores) available to serve the daily needs of the residents of the Category II type housing development. It is also located adjacent to an existing bus route (On Mill Street) and Congleton Bus Station (on Market Street) with existing bus stops located within convenient walking distance of the application site.
- The proposed development of a Category II type housing scheme will make best use of a brownfield site. The site is in a highly sustainable location and the current proposed development is consistent with and will enhance the aims of current Government development sustainability policy
- It is concluded therefore, that there are no defensible highway reasons why the proposed Category II type housing development should not be acceptable or planning permission withheld.

### **Amenity Space Statement**

- McCarthy and Stone have been supported by numerous Inspectors who generally conclude that the use of amenity space standards is a crude and inappropriate method of assessing the amenity space needs of sheltered housing development. Indeed with the recent increase emphasis on making effective and efficient use of previously developed land, the application of such policies are considered to be outdated and contrary to national and regional planning policy and guidance.

### **Bat Survey**

- A thorough visual survey of all trees within the site and using ultrasonic detection equipment with data analysis was made on the dawn activity survey by experienced ecologists. No bat roosts were identified within the trees and no bats were observed either emerging or entering the trees.
- If the building works does not start within 12 months of the report then a further survey is recommended
- An appropriate type of lighting should be used to light the site during silent hours and any exterior lighting used during the building works should be angled downward where appropriate and switched off during periods of darkness when not needed
- The dark corridor along the River Dane should be protected with hoarding throughout the construction phase.

### **Phase 1 Habitat Study**

- A bat activity survey should be undertaken to map foraging and commuting activity within the site boundaries
- Precautions should be taken to protect the River Dane from pollution when works begin
- A dedicated Water Vole and Otter Survey is Required

- Bat and bird boxes should be included within the new building design and wherever possible wild flower seed mixed and native trees and shrubs used to landscape areas around the buildings.
- Himalayan Balsam has been found on the site, therefore a management plan will be required to prevent the spread of this invasive weed that ensure compliance with Schedule 9 of the Wildlife and Countryside Act
- No further survey is considered necessary unless changes are made to the development area over and above that indicated within the report.

### **Water Vole and Otter Survey**

- It is not possible to say that water voles are absent from the southern boundary bank side.
- Evidence of otter is present on the opposite bank of the river within the culvert behind the moored boat
- As it cannot be concluded that water voles are absent in respect of the river bank and otter are present directly opposite the site then following recommendations are made
  - o The southern bank structure should be protected from construction activities using suitable specified fence
  - o A Biodiversity Management Plan should be prepared for the buffer zone to ensure that its effectiveness as a riparian corridor is maintained into the future.
  - o All contractors should undergo an ecological induction prior to works commencing on site
  - o Prior to works commencing on site an otter mitigation plan should be prepared by a suitably qualified ecologist and recommendations implemented fully prior to development works commencing.

### **Sustainability Study**

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

### **Contaminated Land**

- The remediation / validation works have been fulfilled for this site in accordance with the Remediation Statement, with no further remediation works being required.

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the Settlement Zone Line for Congleton, to the north of the Town Centre as identified in the adopted Congleton Borough Local Plan first review. Therefore, there is a presumption in favour of development.

The site is allocated as a mixed-use development site in the Local Plan. The site has been extensively marketed as a hotel development by Bovis Homes with no success. As such the proposed residential development is considered to be an appropriate alternative.

To east and north east of the site are residential properties; to the south is the River Dane, with Congleton Town Centre on the opposite side of the river; to the west is the junction of Rood Hill, Hill Fields and Mill Green. The site is a brownfield site that previously formed part of the Roldane Mill site and is within close proximity of Congleton Town Centre, which affords good access to public transport facilities. As such, it is considered that the site is a sustainable location for residential development by reason of its close proximity to the town centre and its re-use of previously developed land, in accordance with PPS1: Delivering Sustainable Development.

### **Housing Supply**

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

### **Landscape**

As initially submitted the Senior Landscape Officer, was concerned about the proximity of the proposed building to the protected tree on the site. However, amended plans have been submitted, which show the building located 2m further away from the tree. Whilst, the building will remain very close to the tree, with branches immediately adjacent to windows and balconies, it is considered that the level of separation is now sufficient to avoid any damage to the tree during construction and any long term pressure to prune or remove the tree would be insufficient to sustain a refusal. Furthermore, protected trees did not form a reason for refusal on the previous scheme and the building as now proposed is located further away from the tree than would have been the case under that application. It will also be sited further away from the protected tree than the previously approved hotel. However it is considered that conditions should be attached requiring a scheme of tree protection and an arboricultural method statement to ensure that the requirements of policy NR1 are satisfied.

### **Accessibility and Car Parking**

Following an assessment of the application, the Highways Officer is satisfied that the scheme would be acceptable having regard to accessibility, traffic generation and parking and would meet the requirements of policies H4, GR3, GR17, GR18 and PPG13 particularly as the site lies within close proximity to Congleton Town Centre and has access to public transport.

Whilst concern has been raised about insufficient parking provision within the scheme, the Highway Officer is satisfied that the provision is acceptable and would not impact upon highway safety. Residents make reference to existing on-street parking problems at Mill Green. However, dangerously parked vehicles are a matter which can be dealt with by the police. Whilst new developments must not make the situation materially worse it is

unreasonable to require developers to make provision to remove existing problems. In the light of the information submitted with the application, the Highways Engineer is of the opinion that sufficient off street parking will be provided to serve the new development and on this basis it is not considered that a refusal on highway safety grounds could be sustained.

### **Contamination**

The developer has submitted with the application a ground investigation report which indicates that the site is likely to be contaminated as a result of its former industrial use and recommends a number of mitigation measures. A remediation validation report has also been provided which explains that these measures have now been carried out and that no further remediation works are required. Therefore the requirements of PPS23 'Planning and Pollution Control' have been met and a further condition requiring submission of further surveys is not required.

### **Residential Amenity**

The previous McCarthy and Stone application on this site was refused on the grounds that the scheme would have an unacceptable impact on the amenity, in terms of outlook, dominance and privacy, of residents living at numbers 35 to 43 Mill Green. These concerns were predicated on the height of the scheme and its massing, the fact it has adopted substandard interface distances (approximately 18m) and the fact habitable room windows would face directly onto habitable windows and rear gardens of properties within Mill Green. It was concluded that the application failed to meet the requirements of policy GR6 as a result of the negative effect it would have on amenity (loss of privacy and visual intrusion) and SPG2: *'Provision of Private Open Space in new Residential Development'*, which states that elevations with habitable room windows should be separated by a minimum distance of 21.3m.

Under the revised proposals, however, the building will be located 21.3m from 35 to 43 Mill Green at the closest point. Elsewhere the separation distance will be greater. Furthermore, the overall height of the building at its western end has been reduced from 16.5m to 12.5m, which equates to 3.5 storeys. It is considered that with these modifications, the proposal will not have any adverse effect of the privacy and amenity of neighbouring occupiers and will meet the requirement of both policy GR6 and SPG2.

### **Design**

The second reason for refusal in respect of the previous application related to design. In particular, its overall height, the treatment and appearance of the upper floor and roof area and also the scale, mass and elevational treatment of the eastern gable facing onto no's 33-45 Mill Green.

Furthermore there was concern about the impact that the scheme would have on townscape character. The overall height of the scheme, coupled with the concerns over the upper floor and roof, would draw attention away from the primacy of an existing mill building northwest of the site which should clearly act as the focal point for the immediate context and which plays an important role in terms of townscape character. As a result the development proposed

would have undermined the primacy of this building to the extent that the scheme would harm the established townscape character.

As stated above, the overall height and massing of the building has been significantly reduced, particularly the eastern gable facing onto no's 33 to 45 Mill Green. The design has also been amended to omit the flat roofed sections, glazed corners, internal balconies, jettied upper floors and glazing to gables, and wood cladding finish, which gave the building a very modern appearance that would have been at odds with the traditional vernacular design of the adjoining residential development and mill buildings.

The revised proposal is of brick and tile construction, with projecting gable features. A number of vertical windows and projecting balconies have been incorporated to create the appearance of a former mill building. It is considered that this approach is more appropriate and will be in keeping with character and appearance of the surrounding townscape. It is therefore concluded that the previous reason for refusal has been overcome and that the proposal now complies with PPS 1 'Delivering Sustainable Development' and PPS3 'Housing' which seek to encourage high quality sustainable design and policies GR1 and GR2 of the Congleton Borough Local Plan which expects new developments to be of a high standard and to conserve or enhance the character of the area.

### **Flooding**

The Flood Risk Assessment has identified that the application site lies within Flood Zone 3 which is defined by Planning Policy Statement 25: Development and Flood Risk (PPS25) as having a high probability risk of flooding. Paragraph D.5 of PPS25 requires decision-makers to steer new development to areas as the lowest probability of flooding by applying a Sequential Test which considers other sites available within the Borough at a lower probability risk of flooding. In this instance, a detailed analysis of alternative sites, at lower flood risk, has not been made. Therefore the Environment Agency has objected because the application fails to demonstrate that the Sequential Test has been adequately applied. They recommend that this application should not be determined until the Sequential Test has been demonstrated because retirement housing is classified as 'More Vulnerable' development in table D.3 of PPS25 and as such, the Sequential Test must be applied.

The applicant has been made aware of this issue and submitted the required Sequential Test. This has been forwarded to the Environment Agency for comments, which were still awaited at the time of report preparation and therefore an update will be provided to Members prior to their meeting.

### **Affordable Housing**

There is a need for older persons 1 or 2 bed affordable housing in Congleton. The Strategic Housing Market Assessment 2010 (SHMA) identifies that in the former Borough of Congleton there is an annual requirement for 272 additional affordable homes including 57 which are 1 or 2 bed older person's accommodation. The SHMA splits the former Borough of Congleton down further into sub-areas the sub-area of Congleton where the proposed development is to be located has a requirement for an additional 33 affordable homes per year this includes a requirement for 15 no. 1 or 2 beds older persons affordable accommodation. In addition there are also currently 16 active applicants seeking affordable accommodation for over 55's in

Congleton. This shows documented and clear evidence of need for older persons affordable accommodation.

Congleton Borough Council adopted Supplementary Planning Guidance and the Cheshire East “Interim Planning Statement: Affordable Housing”, both require requirement that all sites over 15 units have a minimum element of 30% of the units to be affordable housing, unless economics of provision arguments indicate otherwise. This is in line with PPS3.

The requirement on this site would be for 9 x 1 bed units and 4 x 2 bed units, the mix should be 65% social rent and 35% intermediate tenure which is the preferred tenure identified in the SHMA.

According to the Council’s “Interim Planning Statement: Affordable Housing”, there may be physical or other circumstances where an on-site provision would not be practical or desirable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

In this case, there would be a likely practical difficulty in the management of a small number of flats ‘pepper-potted’ in isolation within this block for a remotely operating Registered Social Landlord and the likely problems of dispute resolution within the block between the management company and the Registered Social Landlord. The service charge would also represent an additional on-going cost payable by the Housing Trust and this is likely to have an adverse impact upon the purchase prices to be paid by the any local Registered Social Landlord for the flats.

Furthermore, the site is located within the Congleton Town Centre area, where there is a greater than average percentage of affordable and low cost housing. Consequently it is difficult to argue that on-site provision of affordable housing is necessary in order to create a mixed and balanced community. Therefore, it is considered that in these particular circumstances it would be more appropriate to seek a commuted sum in lieu of on site affordable provision in this case.

The Interim Statement goes on to say that in such exceptional cases and entirely at the Council’s discretion, developers may, in lieu of such provision, provide off-site affordable housing, or offer financial or other contributions towards the provision of affordable housing on an alternative site.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as



would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

The Applicant has submitted a HCA Toolkit Viability Appraisal and Affordable Housing statement as part of this application. The HCA Toolkit Viability Appraisal is the same model which has been used on similar schemes elsewhere in the Borough, where the Council has appointed a local firm of Independent Chartered Surveyors to undertake their own appraisal of the site and the development costs/residual values. The results of the Council's own independent appraisal have previously generally concurred with the Applicants Viability Appraisal, and therefore there is no reason on this occasion to doubt its contents.

These Viability Appraisal concludes that having regard to, inter alia, development economics, market conditions, the need for financing and the specialised nature of this kind of build project, which requires the whole building to be completed (and financed) before any revenue can be achieved that a total of £153,091 can be provided for all Section 106 contributions. This will not achieve the 30% requirement of the Councils affordable housing policy.

However, the viability of individual schemes is a material consideration in deciding planning applications, and as stated above, both the interim statement and local plan policy allow economics of provision arguments to be advanced. Since 2008 there has been significant downturn in the housing market and particularly on brownfield sites where costs of redevelopment are proportionally higher than greenfield sites. Developers have sought and continue to seek to negotiate a lower provision of affordable housing on the basis that the Council's normal requirements would render redevelopment unviable.

In addition, this stance has been upheld by Inspectors on a number of occasions at Appeal, who have determined that the regenerative benefits of bringing brownfield sites back into beneficial use, and the contribution to housing land supply, outweigh the need to provide the full policy requirement in respect of affordable housing.

It is also necessary to consider the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) which states that *"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."* It goes on to say that *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable*

*communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*

- *ensure that they do not impose unnecessary burdens on development”*

It will help to generate jobs and economic benefits. Furthermore, the proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. However, if the development becomes unviable, due to the need to provide affordable housing the developer will not take it forward and these economic benefits will not be realised.

The Ministerial Statement carries a presumption in favour of development, except where this would compromise the key sustainable development principles set out in national planning policy. This proposal will bring a Brownfield site in a town centre location back into beneficial use and is therefore undoubtedly a sustainable form of development. It should therefore be looked upon favourably and failure to do so, as a result of insisting on the full policy provision of affordable housing, in the light of a robust viability appraisal could be construed as placing unnecessary burdens on development.

The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment. It is therefore considered that these issues are important material considerations which add to the material planning benefits of the proposal.

In summary, therefore, given the particular circumstances of this case at this time it is considered that seeking a commuted sum in lieu of affordable housing provision is acceptable and complies with the planning policy framework and all material considerations which require the Local Planning Authority to consider viability as part of the consideration of the application.

### **Open Space Provision**

Policy GR22 states that it is a requirement for residential development to provide adequate Public Open Space on site. In appropriate cases, the Borough Council may accept a commuted payment to provide or improve facilities in the locality in lieu of on-site provision. No on-site provision is proposed. However, the applicant has provided a Statement on Amenity Space Provision in respect of McCarthy and Stone Sheltered Housing Development. This provides evidence to show that the future elderly resident’s needs in terms of recreation space are limited and mainly involve the provision of sitting out areas and attractive outlooks. There is little, if any demand placed up on off-site recreation / public open space facilities. The Statement also includes a number of Appeal Decisions where Inspectors have supported this view.

Furthermore, as stated above, the viability appraisal indicates that there is a sum of only £153,091 available for all Section 106 contributions and therefore, if funds were diverted towards off site open space provision, there would be less money available for affordable housing. Given the information submitted by the applicant contained within the “Statement on Amenity Space Provision in respect of McCarthy and Stone Sheltered Housing

Developments” which indicates the limited demand for open space created by residents of such development and the evidence of demand for affordable housing outlined above, it is considered to be appropriate to direct all of the £153,091 towards affordable housing provision.

## **Ecology**

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- and provided that there is
- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

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

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

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

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

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

In this case, the Council's Ecologist has examined the application and is satisfied that there should be no adverse impact on designated wildlife sites and that the risk to legally protected and biodiversity target species is low, provided the recommendation of the supporting bat and water vole/otter survey reports are implemented in full.

## **9. CONCLUSION**

In summary, the principle of residential development on the site is considered to be acceptable, and will assist in meeting the Council's housing land supply requirements. Previous concerns in respect of amenity and design have been adequately addressed and the scheme is acceptable in terms of its impact on protected trees, ecology, highway safety and contaminated land.

Whilst the Council's preference is for the on-site provision of affordable housing, the Council's Interim Planning Statement makes provision for off-site contributions towards affordable housing. A viability appraisal, carried out using a toolkit and methodology which the Council has accepted on other similar sites elsewhere in the Borough has been submitted which demonstrates that the development can yield a contribution of £153,091 for all planning obligations. It is acknowledged that the amount being offered is below the necessary requirement, planning policy makes provision for such viability arguments to be advanced, and they have received the support of previous Inspectors at Appeal.

The proposal generates a policy requirement for the provision of on-site public open space or a contribution in lieu of such provision. However information submitted by the applicant contained within the "Statement on Amenity Space Provision in respect of McCarthy and Stone Sheltered Housing Developments" indicates that there is a limited demand for open space created by residents of such developments and the evidence of demand for affordable housing outlined above, it is considered to be appropriate to direct all of the £153,091, which is available for Section 106 contributions towards affordable housing provision

## **10. RECOMMENDATIONS**

**APPROVE subject to a Section 106 agreement to secure**

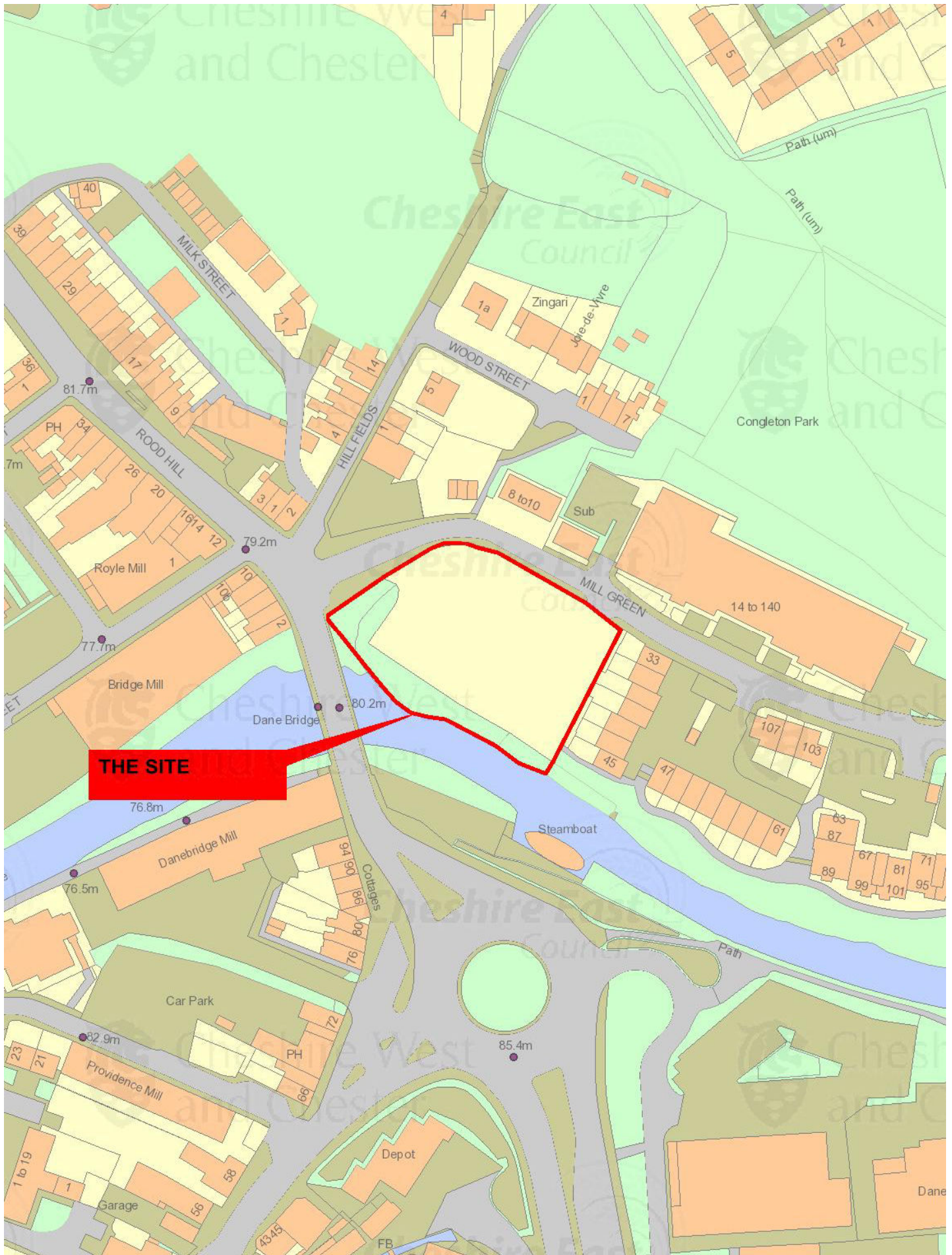
- **Provision of a commuted sum in lieu of affordable housing provision on site (£153,091)**

**And the following conditions:**

- 1. Standard**
- 2. Amended plans**
- 3. Age restriction – over 55 years only**
- 4. Submission of Materials**
- 5. Submission of Landscaping**
- 6. Implementation of Landscaping**

- 7. Submission of Tree Protection**
- 8. Implementation of Tree Protection**
- 9. Submission of Arboricultural Method Statement**
- 10. Provision of parking prior to occupation**
- 11. Scheme of Drainage to be submitted and approved**
- 12. No building over sewer**
- 13. Submission of air quality impact assessment**
- 14. Submission of air assessment of traffic noise and vibration**
- 15. The hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 16. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved to be approved**
- 17. Development to proceed in accordance with the recommendations made in the submitted bats and water vole/otter reports to protect valued wildlife and the River Dane corridor.**
- 18. A detailed method statement covering the implementation of said recommendations to be submitted to the Council for approval prior to commencement of works.**





Application No: 11/1498C

Location: Ivanhoe, Holmes Chapel Road, Brereton, Congleton, CW12 4SP

Proposal: Demolition of Existing Buildings and Redevelopment of the Site for 11 Dwellings (Including 3 Affordable Units) with Associated Landscaping and Access Improvements

Applicant: Cranford Estates Ltd

Expiry Date: 23-Aug-2011

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

#### **MAIN ISSUES**

**Principle of Development  
Housing Land Supply  
Jodrell Bank  
Residential Amenity  
Ecology  
Contaminated Land  
Trees and Landscape.  
Access and Highway Safety.  
Affordable Housing  
Design and Layout  
Open Space**

#### **REFERRAL**

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

#### **1. SITE DESCRIPTION**

The broadly rectangular site has an area of 0.465 ha and lies on the south western side of the main A54 Holmes Chapel Road. The site is abutted to the north and south by the modern residential developments of Broomfields and Holly Croft respectively. The site has a wide road frontage of 66 metres which then tapers back to 45 metres along the rear (west) boundary. The site has a depth of 105 metres long the southern boundary adjacent to Hollycroft and a depth of 75 metres along the northern boundary abutting Broomfields.

The current use of the subject site is as an agricultural holding along with the existing dwelling of Ivanhoe positioned in the south eastern corner of the site. The site currently contains a variety of outbuildings and workshops in different states of repair along with a collection of machinery and equipment as is commonly found on such land uses but due to its main road frontage serves to detract from the overall character of the area.

## **2. DETAILS OF PROPOSAL**

The proposal involves the demolition of all the existing buildings on the site and the erection of 11 dwellings, including 3 affordable units. The proposed dwellings would be a mixture of two-storey detached and terraced properties. Four of the proposed dwellings, comprising a terrace of three units, and a single detached property, would front on to Holmes Chapel Road. Whilst the remainder, which are all detached houses, would be arranged around a courtyard / cul-de-sac to the rear.

## **3. RELEVANT PLANNING HISTORY**

36724/1	2004	Residential development – Refused
35428/1	2003	Residential development – Refused
23005/1	1991	One Bungalow Dwelling – Refused
13721/1	1981	One Dwelling – Refused

## **4. PLANNING POLICIES**

### **National Policy**

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

### **Regional Spatial Strategy**

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

### **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development



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

### **Other Material Considerations**

Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

- No objection to the proposal provided that in accordance with PPS25 surface water is not allowed to discharge to foul/combined sewer.

### **Environment Agency**

- No comments to make on this application.

### **Highways**

- No comments received at the time of report preparation.

### **Jodrell Bank**

- The University of Manchester makes no comment on the above application.

### **Environmental Health**

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

- No objection provided highways check the junction for emergency vehicle access and any section 106 monies are allocated to the town for public realm.

## **6. OTHER REPRESENTATIONS**

Representations have been received from West Lodge making the following points supporting the application:

- The present site is an eye sore and totally out of keeping with the residential development on either site.
- The proposed scheme will remove a nuisance and complete the residential frontage between the existing housing developments.
- The layout and house types are appropriate and will give the choice of smaller and less expensive units
- There is proven demand for affordable housing in the area, and the units included in the development will help to reduce that shortfall
- This type of Brownfield site should be utilised in rural areas to ensure that bona -fide Greenfield locations are protected.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

### **Planning Statement**

- This statement has extensively described the proposed development and analysed it against the relevant national and local planning policies and guidance along with providing additional background details relating to the scheme such as the public consultations undertaken. It is concluded that the scheme is entirely acceptable in respect of all aspects including principle, density, privacy, amenity, design, layout, access, landscaping and affordable housing and as such planning permission for the development can be granted accordingly.

### **Transport Statement**

- The site is accessible by sustainable modes of travel with a bus service running directly past the site;
- There is an established network of footways located within the vicinity of the site providing links to the surrounding residential areas;

- Appropriate servicing facilities and car parking can be catered for within the development site.
- Traffic generated by the proposed development will have a negligible impact on Holmes Chapel Road and the surrounding highway network.
- In conclusion, there are no highway or transportation reasons why the proposals should not receive planning consent.

### **Tree Survey**

- The site has one residential building and includes several storage facilities for farm animals, equipment and vehicles. The majority of trees and vegetation surveyed are classified as grade C with the expectations G14, G15 and T17 which are classified as grade B and are located offsite. The trees to the front of the site have been managed to prevent canopy growth into the overhead cables. The hedge along the Southern boundary provides a substantial screen to the boundary.
- All the trees on site are of an average quality and no tree preservation orders are registered against this site.

### **Ecological Survey**

- Access for bats and roost potential was found to be low.
- No evidence of loft or crevice dwelling bat use.
- Demolition of the property will not result in the loss of high value bat roost potential
- The buildings are absent of typical nest places for barn owls and no evidence of the species was ground
- It is possible that other more common bird species may use the buildings at some stage
- There are no badger setts within the development area
- The potential of the pond for Great Crested Newts could not be assessed
- If it is suitable a full survey will be required.

## **8. OFFICER APPRAISAL**

### **Principle of Development**

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

### **Housing Land Supply**

A previous planning application (36724/1 refers) was refused in 2004 on this site due to an oversupply of housing within Congleton Borough at that time. However, there have been a number of policy changes in respect of housing supply since that time. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it

should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

### **Jodrell Bank**

Previous applications (36724/1 and 35428/1) on this site have also been refused due to impact on the efficient working of the radio telescope at Jodrell Bank. However, the University of Manchester has examined the current proposals and raised no objection. Therefore it is not considered that a refusal on the grounds of impact on Jodrell Bank could now be sustained.

### **Residential Amenity**

The surrounding development comprises modern residential cul-de-sac development to the north and south sides, and open countryside to the rear. On the opposite side of the road lie open fields, that are currently utilised for equestrian purposes. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

Distances in excess of those recommended in the SPG will be achieved between plots 4 – 9 and the adjoining dwellings in Hollycroft to the South. The proposed dwellings are also located immediate to the north of the houses at Hollycroft, which will further reduce the potential for any impact on amenity resulting from loss of sunlight. The flank elevation to Plot 5 includes a first floor en-suite bathroom window and two ground floor windows serving a kitchen and dining area. Appropriate boundary treatment, which can be secured by condition, will ensure that there is no overlooking of neighbouring dwellings from the proposed ground floor windows, whilst an obscured glazing condition will be sufficient to avoid any loss of privacy from the first floor window.

To turn to the relationship with the properties at Broomfield, distances in excess of 21.3m will be achieved between the principal windows of Plot 11 and the existing houses at no.1 and no.5 Broomfield. Furthermore, the principal elevations of the existing and proposed dwellings will be at an oblique angle from each other. Similarly, the principal elevations of Plot 10 and no. 7 Broomfield are also not directly facing each other. A distance of over 30m will be maintained between the principal elevations of Plot 10 and no.9 Broomfield and a distance of over 13.7m will be achieved between the flank elevations of plot 10 and no.7 Broomfield.

Plot 10 is similar in design, to Plot 5 and incorporates a kitchen and dining room window to the ground floor of the flank elevation, and similarly, an appropriate boundary treatment, will prevent any overlooking of the adjoining dwelling at no.5 Hollycroft. However it, unlike Plot 5, Plot 10 does not contain any first floor windows in the flank elevation.

The separation distance between these 2 houses, stands at 10m, at the closet point, which is measured between the Flank elevation of Plot 10 and the rear elevation of the two storey outrigger at the rear of no.5 Broomfield, which contains principal windows. Whilst this is below the recommended minimum distance, in this case, this reduction is considered to be acceptable as the two elevations are not directly opposing. The rear elevation of no.5

Broomfield faces south east, whilst the flank elevation of Plot 10 will face due north. Consequently, the windows in the rear elevation of the 2 storey outrigger referred to above will overlook the single storey garage element of plot 10. The Council's SPG states that in the case of single storey development the separation distance between a principal elevation and a flank gable can be reduced to 10m. It is therefore considered that this relationship will not result in any reduction in the level of residential amenity afforded to no.5 Broomfield.

To turn to the levels of residential amenity to be provided within the development, distances of 21.3m would be achieved between all the principal elevations, in the cases of Plots 9 and 10, and 7 and 11, the separation distance between flank and principal elevations will be reduced to approximately 10m. Whilst this is below the recommended standard, this will enable a more enclosed courtyard effect to be created, and will help to achieve a design which is more in keeping with manual for streets philosophy, which advocates tightly defined streets and spaces with pinch points opening out into larger courtyards or squares.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 3 terraced houses on the frontage, which will each benefit from a rear garden area of between 36 and 45sqm. They will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

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

## **Ecology**

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

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

and provided that there is

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

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

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

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

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

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

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

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

In this case, the Council's Ecologist has examined the application and is satisfied that there is no evidence of Bats and Barn Owls at the site and therefore no further action is required in respect of these two species.

There is no evidence of a badger sett being present on site. Based on the current status of badgers on site he is satisfied that the proposed development is unlikely to have an adverse impact upon them. However, if planning consent is granted he recommends that a condition is attached requiring a further badger survey to be undertaken prior to the commencement of development as a precautionary measure. Similarly, if planning consent is granted standard conditions will be required to safeguard breeding birds.

Great Crested Newts are known to breed at a pond within 250m of the proposed development. No specific great crested survey has been undertaken in respect of this application, however the submitted ecological survey has identified that the site supports habitats that could potentially be utilised by this species. As no assessment of the likely impacts of the proposed development on great crested newts has been undertaken and no mitigation/compensation proposals have been provided it is currently not possible for the Council to assess the likely impacts of the proposed development upon this European protected species or to determine this application in accordance with its policy and statutory obligations.

However, the outstanding survey has been requested from the applicant and an update will be provided for Members either prior to, or at their meeting.

### **Contaminated Land**

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

### **Trees and Landscape.**

The Senior Landscape Officer has examined the proposals and commented that there is existing vegetation on this site although nothing of significant public amenity value. In general, the proposed site layout appears to be reasonable and as proposed would only involve the removal of some poor specimens. Nonetheless, proposed plot 5 is very close to an early mature Sycamore tree and a privet hedge on the southern boundary. It would be impractical to retain these features with the dwelling in the position indicated. Whilst the sycamore, could be replaced as part of a landscaping scheme, the hedge provides valuable screening between the existing properties and the new development. Therefore, there needs to be greater separation between plot 5 and the hedge. The applicant is committed to retaining the hedge and has been made aware of this issue. They are currently revising their landscape proposals in the light of this issue and further update will be provided in due course.

Plot 11 will need special construction techniques for the driveway to protect a retained tree to the north. This could be covered by condition. Protection measures would be required for retained trees and hedges and proposals are provided on TEP plan 03 B. Subject to the imposition of these conditions the proposal is considered to be acceptable in tree and landscape terms.

### **Access and Highway Safety.**

The proposal accesses directly on to the main A54 Congleton to Holmes Chapel Road. It is not considered therefore that the traffic generated by the 11 additional dwellings is likely to prove problematic in terms of congestion on local roads. The access will be constructed to current highway authority specification and benefits from good visibility in both directions, as the road is relatively straight at this point. The proposal embraces manual for streets principles and includes features such as shared surfaces and pinch points to slow vehicle speeds, without the need for heavily engineered traffic calming. A minimum of 2 off road parking spaces are provided for each dwelling and additional space is available for visitors, it is not considered therefore that there is any risk of parking over spilling on to the main A54.

The applicants transport statement has pointed out that the site is accessible by sustainable modes of travel with a bus service running directly past the site, giving access to both Congleton and Holmes Chapel. There is an established network of footways located within the vicinity of the site providing links to the surrounding residential areas.

Whilst comments were awaited from the Council's Highway Engineer at the time of report preparation, in the light of the above it is considered to be unlikely that any concerns will be raised on highway safety grounds, although a further update will be provided for Members on this issue.

### **Affordable Housing**

As the application for this site is for 11 units there would not normally be any affordable housing requirement on it, however as it is a rural windfall site in Brereton, where there is a population of less than 3,000 there is an affordable requirement on the site. The Interim Planning Statement for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The site is located in Brereton which is in the Sandbach Rural sub-area. However it also borders Somerford which is in the Congleton Rural sub-area so the affordable housing would serve the affordable housing need for both areas. The Strategic Housing Market Assessment (SHMA) 2010 identifies that the combined annual affordable housing need for the Sandbach Rural and Congleton Rural sub-areas is 11 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units

The SHMA carried out in 2010 also stated that targets need to support a better mix of housing types in all locations and that in Cheshire East the largest proportion of additional affordable units are needed as social rent. As initially submitted the planning application indicated that 3 affordable units are proposed as 1 social rented unit and 2 intermediate tenure units. This is not in line with the Affordable Housing Interim Planning Statement, and in accordance with the current policy the units should be provided as a mix of 2 social rented units and 1 shared ownership units. The developer has been made aware of this issue and has agreed to this modification to the tenure split. It is therefore considered that the proposal meets the requirements of both PPS3 and the Interim Planning Statement in respect of affordable housing.

### **Design and Layout**

The dwellings on plots 1 to 4 provide an active frontage to Holmes Chapel Road, with pedestrian access out on the pavement. However, car parking will be to the rear of these



properties which will avoid creating a car dominant frontage. The corner property on plot 4 also includes a bay window and a large hall / landing window, to create a dual aspect to break up the mass of the gable and “turn the corner” into the proposed development.

The dwellings to the rear are laid out in two rows, facing each other across a central, parking and turning area. The courtyard layout of this part of the development is also reminiscent of the many converted farmsteads in the locality. This layout helps to create a sense of enclosure and community as well as natural surveillance of the parking and turning areas. This sense of enclosure is enhanced by the fact that the dwellings on plots 7 and 11 are stepped forward slightly to create a “gateway” and sense of transition between the frontage development and the courtyard to the rear, which make up the two parts of the site and have differing and distinct characters.

The proposed dwellings are 2 stories in height which reflects the surrounding developments to either side. It is therefore considered to be acceptable in street scene terms. Furthermore, it will help to knit together the two recent developments at Broomfield and Hollycroft, to create a continuous frontage to Holmes Chapel road and to help to consolidate the nucleus of the settlement which has developed over recent years around the junction of Brereton Heath Lane and Holmes Chapel Road.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Hollycroft and Broomfield and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

## **Open Space**

The proposal does not provide any on-site public open space and no contribution in respect of off-site provision has been offered. Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

## **9. CONCLUSION**

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Jodrell Bank and Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE subject to**

- Receipt of additional information in respect of Great Crested Newts and confirmation from the Council's ecologist that the information submitted is satisfactory
- No objection from the Highways Engineer
- No objection from the Greenscape Officer
- Receipt of amended drawings to provide for the retention of the hedge to the southern boundary.

**Signing of a Section 106 agreement making provision for Affordable Housing comprising 2 social rented units and 1 shared ownership unit.**

**And the following conditions:**

- 1. Standard**
  - 2. Plans**
  - 3. Materials to be submitted and approved**
  - 4. Obscured glazing to first floor window in south elevation of plot 5**
  - 5. Submission of contaminated land investigation**
  - 6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
  - 7. Details of the method, timing and duration of any pile driving operations to be submitted and approved**
  - 8. Landscaping to be submitted and approved**
  - 9. Implementation of landscaping**
  - 10. Implementation of boundary treatment**
  - 11. Provision of carparking**
  - 12. Construction of access**
  - 13. Details of special constriction techniques for driveway to Plot 11**
  - 14. Scheme of tree protection to be in accordance with TEP plan 03B**
  - 15. No works within protected area**
  - 16. Updated badger survey to be undertaken prior to the commencement of development**
  - 17. Protection of breeding birds.**
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Application No: 11/0627C

Location: Smallwood Storage Ltd, Moss End Farm, Moss End Lane, Smallwood, Sandbach, CW11 2XQ

Proposal: Demolition of Existing Buildings and Erection of 15 Dwellings and Associated Infrastructure Works

Applicant: Smallwood Storage Ltd

Expiry Date: 17-May-2011

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and the prior signing of a S106 Agreement**

### **MAIN ISSUES**

- **Principle of Development**
- **Highway Safety.**
- **Ecology**
- **Trees and Landscape.**
- **Affordable Housing**
- **Contaminated Land**
- **Open Space**
- **Design and Layout**
- **Residential Amenity**
- **Flooding**

### **REFERRAL**

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

## **1. SITE DESCRIPTION**

The site measures approximately 1.79ha and is located off Moss End Lane, which is a narrow single track road, running between the A50 and A534 in Smallwood near Arclid. The site is currently used as a haulage yard with 40,000 sq.ft of modern warehousing for palletized goods and raw materials and a further 50,000sq. ft of external storage. It also includes a 50 tonne weighbridge. The business runs a fleet of HGV's transporting plastics, food products, timber and steel etc.

## **2. DETAILS OF PROPOSAL**

The application is submitted in outline with all matters reserved except for means of access and layout, and proposes the demolition of the exiting warehouse and erection of a residential development of 15 dwellings utilising the existing access. The houses

would be a mix of 4 and 5 bedroomed properties. The proposed dwellings will all be two and two and a half storeys in height. It is intended to utilise the existing vehicular access to the site from Moss End Lane which will be upgraded to adoptable standard, including pedestrian footway.

### **3. RELEVANT PLANNING HISTORY**

The planning history for the site includes a number of applications relating to the existing use as a haulage and storage business. There are no previous applications for residential redevelopment of the nature currently proposed.

### **4. PLANNING POLICIES**

#### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation'  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPS25 Development and Flood Risk

#### **Regional Spatial Strategy**

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

#### **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 habitats  
NR5 Habitats  
H2 Provision of New Housing Development

H6 Residential Development in the Open countryside  
H13 affordable Housing and low cost housing  
E10 Re-use and redevelopment of existing employment sites

### **Other Material Considerations**

Strategic Housing Market Assessment 2010  
Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy  
DCLG 'Planning for Growth'

## **4. OBSERVATIONS OF CONSULTTEES**

### **United Utilities**

- No objection to the proposal

### **Public Rights of Way Unit**

- it appears unlikely that the proposal would affect the public right of way

### **Environmental Health**

- This site has a history of industrial and farm use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, this section recommends that the contaminated land conditions, reasons and notes be attached should planning permission be granted:
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

### **Highways**

- No objection

### **Environment Agency**

The proposed development will only be acceptable if the following planning conditions are imposed:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed

development, has been submitted to and approved in writing by the Local Planning Authority.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
- The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

- Smallwood Parish Council wish to advise that they strongly object to this application on the basis of GR1, GR2 and GR5 and also include Smallwood Village design policies L1 and L4 which are landscape guideline policies and SL which is settlement guideline policy also B1 and B2 which are building guideline policies. Please see following to recap.
  - Size and scale of development in open countryside
  - Loss of employment land in rural area
  - Highways - excessive increase in traffic on rural lanes
  - No provision for affordable housing - contrary to policy
  - Intrusion into open countryside where development not normally permitted

## **6. OTHER REPRESENTATIONS**

Representations have been received from Dean House, Moss End Cottage, Day House Green Farm, 3 Moss End Farm Barns and Little Moss End making the following points supporting the application:



- The development is totally out of keeping in a rural area, with three sides of the site abutting agricultural land. It would not benefit the area. Smallwood already has a large proportion of expensive houses.
- The loss of employment from the site in the current economic climate is very worrying. The site must still be economically viable for business use and the outside space is providing valuable storage space for caravans motor homes etc.
- As the site is closed evenings and weekends its current business use is not a problem because prior to being warehousing it was a working farm. The sheds are very similar to modern farm buildings and the traffic to and from the site is probably less due to the restricted working hours.
- The majority of traffic on Moss End Lane is not going to Smallwood Storage, and the vans and trucks that do all travel very slowly because of the single track road and can be seen over the hedges as they approach the blind bends. Cars travel much faster and can't be seen on the bends. The lane is a favourite with walkers, cyclists and most of all horse riders who, I think, will all agree that cars are a bigger problem than warehouse traffic. An estimate of between 200 to 250 vehicle journeys a day, over 7 days a week, will massively increase the vehicles on a lane that has no footpaths, blind bends and in places no verges.
- We feel the quoted price per square foot for the house is very much an under estimation because of the sites location.
- The planning application states that the site cannot be seen from public roads or public footpaths when in fact the site is in an elevated position and the existing warehouses can be seen from at least 5 roads and has a public footpath on its north and west perimeter.
- The proposed development does not stay within the existing footprint of the warehouses so presumably will be more visible.
- It is planned to site the three stage bio disc outside the site on agricultural land.
- Over the last 20 years the number of dwellings with access onto the Moss End Lane within 150 meters has increased from four to fourteen (all created from redundant farm buildings therefore not increasing building footprint) that is 350%. With the new development it would increase to 32 (the coach houses can only be described as separate dwellings) that would be 800%. As the proposed entrance is already shared with 4 houses it is unacceptable to increase this to 22 properties. If the development went ahead it would mean that Moss End, a sub-district of Smallwood, would have more dwellings than the village centre where the local amenities such as primary school, village hall and church are situated.
- Other brown field sites, including two at Arclid, are far more suitable for this size of development particularly with regard to access roads.
- This is not a derelict site and there will be a considerable number of job losses in the present business
- The buildings appear to be fully utilized
- The proposed site is in the centre of agricultural land
- During sowing and harvesting time farmers need to work late into the evening and event through the night to make the best use of weather conditions.

- They also need to spread manure and slurry on the land
- All of the above operations are not always acceptable to people who have not lived in the countryside before and consequently will cause considerable difficulties for the farmers
- There will be extensive noise and dirt pollution whilst the site is developed and also from the demolition of the current buildings and the removal of the concrete yard. The latter will be particularly noisy and dirty and is so thick that it can only be removed with the use of large mechanical pile drivers
- The amount of traffic will be increased considerably during demolition and construction.
- The average number of cars per household has been estimated at 2. In the grounds of four of the houses there is another 2 bedroom property. This could account for another 8 cars. These very large houses will all have more than 2 occupants. Children will need their own transport when they are old enough to drive, nannies, cleaners and gardeners will be employed and all will need to drive to the site.
- The surrounding lanes are all single track and many have unauthorised lay-bys which have to be used even for two cars to pass, there are many dangerous blind bends and no pavements.
- The access to Little Moss End Farm is particularly dangerous as it is one blind bend. This is a country area and the lanes are used for recreation by dog walkers, horse riders and cyclists and not least by children walking to school. Traffic is likely to increase by 300- 400%. Accidents will happen.
- Section 25 states that there will be no building on Greenfield sites. The plans show all the septic tanks on, what is now, an agricultural field. As the houses are on one side of the public footpath and the tanks are on the opposite side, what will happen to the path? It will certainly have to be destroyed while all the services are put in place for the septic tanks
- Section 30 states that the site cannot be seen. This is untrue; it is hugely visible from all the surrounding areas including A 534, Brookhouse Lane, Moss End Lane, New road and the Public footpath.
- The current business does not operate at weekends so traffic and noise is then reduced. However, traffic from the proposed houses will probably be at its height then.
- Residents choose to live in the countryside hoping for peace and quiet. This development will permanently destroy this for all the residents.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Planning Statement
- Transport Statement
- Contaminated Land Survey
- Habitat Survey
- Flood Risk Assessment

- Climate Change Statement
- Design and Access Statement
- Tree Survey

## 8. OFFICER APPRAISAL

### Principle of Development

The site lies within the Open Countryside as defined in the Congleton Borough Local Plan First Review, where, according to Policy PS8 and H6 new residential development will not be permitted, unless it is for one of a number of purposes including, inter alia, the re-use or redevelopment of existing employment sites in accordance with policy E10.

This states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Given that the site remains in active employment use, it is not considered that it is no longer suitable for employment use. However, it is considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the existing haulage and storage use. The major benefit of the proposed development of the site to the local area is the removal of a significant number of HGV movements, which can occur 24 hours a day, over seven days a week, on a narrow, single track lane. This will provide an improvement for the growing residential population in the area with a reduction in noise, vibration and conflict with other road users. It should also be noted that the business is currently operating below the level of intensity which its Goods Vehicle Operator License permits, and that a number of complaints and objections were made by local residents when this license was last renewed.

Thirdly the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms*

*of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- ensure that they do not impose unnecessary burdens on development”*

The proposal at the Smallwood Storage site will enable an existing local business to relocate to new premises and to expand, generating jobs and economic benefits. However, it is necessary to achieve residential land values from the site to enable this to happen. Furthermore, the proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment. It is therefore considered that these issues are important material considerations which add to the material planning benefits of the proposal.

Consequently, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and economic growth and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

### **Highway Safety.**

The applicant has submitted a detailed transport assessment with the application which concludes that the replacement of the B8 storage and distribution use without houses would generate broadly similar overall traffic flows when compared to the current site operations, although it should be noted that the main business on the site is currently operating at a significantly lower rate than the operators license allows. If the existing business was operating at full capacity there could be three times as vehicle movements from the site including HGV traffic.

Ample on-site parking would be provided for in excess of 2 vehicles per household plus visitor parking space, and the existing access would be utilised. This is located on the outside of a sharp bend and therefore benefits from good visibility in both directions. The roads within the site would be brought up to adoptable standard.

With regard to sustainable transport issues, although the site has a relatively low accessibility by other modes of transport to the car, the proposals represent a more desirable use of a Brownfield site and the level of accessibility remains largely the same whether the site is used for commercial or residential purposes. The removal of HGV's from the networks may even encourage other residents to cycle the short

distance to Sandbach or Congleton both approximately 5km from the site. There is regular bus service available from the A534 Spark Lane to Crewe, Macclesfield Sandbach and Congleton.

The Highways Engineer has examined the report and concurs with its conclusions. Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Highways Engineer, and in view of the existing use of the site it is not considered that a refusal on highway safety grounds could be sustained.

### Ecology

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

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

and provided that there is

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

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

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

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

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

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

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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

In this case, the Council's Ecologist has examined the application and is satisfied that the proposal will not adversely impact on designated wildlife sites.

Without appropriate mitigation the development could adversely impact on legally protected species, namely bats and great crested newt. Satisfactory outline mitigation proposals have been submitted in support of the application to protect and enhance protected species. Conditions are required to cover implementation of detailed mitigation proposals.

These should require the submission of detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and a detailed method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report. A condition is also required to prevent any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August unless a detailed survey is required to check for nesting birds.

### **Trees and Landscape.**

Most of the site area is covered by existing buildings and hard standing. There is a line of well established trees running along the north and part of the western boundary. There are also some younger trees planted on the bund which extends along the north western boundary. The submission includes a tree survey and a plan indicating recommended tree root protection areas.

The existing large storage buildings, caravans and vehicles are all visible from viewpoints on the local road network and from the public footpath but existing vegetation provides a degree of screening from roadside views.

The Senior Landscape Officer has examined the proposals and commented that with a sensitive layout, together with a comprehensive package of tree protection measures and landscape proposals, it should be possible to accommodate the development proposed without significant visual impact in the wider landscape. Careful consideration would also need to be given to accommodation of the public footpath in any future detailed layout design.

Therefore, in the event of approval conditions are recommended to cover, submission and approval of an Arboricultural Method Statement, a scheme of tree protection measures, a landscape scheme, boundary treatment details and accommodation of the public footpath.

### **Affordable Housing**

There is a need for affordable housing in the Smallwood Parish. The site lies in the area known as Congleton Rural for the purposes of the Cheshire East Council Strategic Housing Market Assessment 2010 (SHMA). The results of the SHMA

show that the Congleton Rural area has an annual shortfall of 10 new affordable homes per year between 2009/10 and 2013/14. The existing social rented stock in the area is owned by Plus Dane and consists of 14 houses in Smallwood parish and a small number of units in neighbouring parishes. There is a very low turnover of these units.

According to the Council's "Interim Planning Statement: Affordable Housing", there may be physical or other circumstances where an on-site provision would not be practical or desirable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

In this case, the Applicant has submitted a Viability Appraisal and Affordable Housing statement as part of this application. The Viability Appraisal explains that the existing use value of the subject site is in the region of £1.3m but with general professional, relocation, disturbance costs etc. a minimum land value in the region of £1.5m would be required for the residential redevelopment of the site to be considered viable.

It was initially proposed to redevelop the site for a 30 unit scheme comprising a mix of house types, typical of many suburban housing estates in a cul-de-sac layout. The proposal would have included, inter alia, 3 storey townhouses and Mews properties. This would have included the full 30% of affordable housing as on-site provision. At the pre-application stage officers expressed the opinion that this would be inappropriate as it would represent an excessive bulk of built development in the open countryside both in terms of height and massing, and would be out of keeping with the low density character of surrounding development.

The scheme has therefore been redesigned to include a smaller number of much more exclusive large detached houses. However, as a result of this change it is no longer possible or viable to provide on-site affordable housing this is for a number of reasons. Firstly, the need to minimise the bulk of development on the site, has considerably reduced the profitability of the development, and if 30% (5 units) were given over to affordable housing it would become unviable. Secondly, the houses as now proposed, are much larger than would normally be considered by a housing association for affordable housing. Whilst it is acknowledged the some of the large units could be split to provide smaller, affordable units, this would be problematic, because the overall number of units on the site would increase and therefore a greater number of affordable units would then be required to achieve the 30% policy requirement and the problem would be replicated. Thirdly, the presence of on-site affordable housing would reduce the exclusivity of the development, and with it the potential property values and accordingly, the already marginal viability would be adversely affected.

For these reasons it is considered that the constraints of the site prevent the provision of the size and type of affordable housing required in the area. The Interim Statement goes on to say that in such exceptional cases and entirely at the Council's discretion, developers may, in lieu of such provision, provide off-site affordable housing, or offer financial or other contributions towards the provision of affordable housing on an alternative site.

The viability of individual schemes is a material consideration in deciding planning applications, and as stated above, both the interim statement and local plan policy allow economics of provision arguments to be advanced. Since 2008 there has been significant downturn in the housing market and particularly on brownfield sites where costs of redevelopment are proportionally higher than greenfield sites. Developers have sought and continue to seek to negotiate a lower provision of affordable housing on the basis that the Council's normal requirements would render redevelopment unviable.

Furthermore, this stance has been upheld by Inspectors on a number of occasions at Appeal, who have determined that the regenerative benefits of bringing brownfield sites back into beneficial use, and the contribution to housing land supply, outweigh the need to provide the full policy requirement in respect of affordable housing.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

The viability appraisal indicates that a financial contribution of £239,400 towards affordable housing provision elsewhere in the area can be achieved from the development. At the time of report preparation, Housing officers were examining whether the level of commuted sum offered, fulfil this requirement and a further update on this matter will be provided to Members prior to committee. The developer has suggested that the money should be spent in the first instance in Smallwood, but in the event that this is not possible, a cascade mechanism should be applied which would allow it to be spent firstly in adjoining Parishes followed by the Borough as a whole. This is considered to be an acceptable solution.

Given the particular circumstances of this case at this time it is considered that seeking a commuted sum in lieu of affordable housing provision is acceptable and complies with the planning policy framework and all material considerations which require the Local Planning Authority to consider viability as part of the consideration of the application.

### **Contaminated Land**

The supporting documentation submitted with the application suggests that there is not a significant risk of ground contamination on the site. However, it is recommended that prior to redevelopment of the site the developer undertakes an intrusive investigation to target the risks to the proposed development as identified in



the conceptual site model. The Council's Contaminated Land Officer has examined the contents of the report and the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

## **Open Space**

The Planning Statement prepared by the applicant states that *'Policy GR22 deals with the provision of open space. It refers to the Council's Supplementary Planning Guidance. (SPG) In this case the number of dwellings is below the threshold for the provision of public open space in the Supplementary Planning Guidance and there is therefore no requirement for on site provision'*. This is incorrect as the SPG requires Public Open Space for schemes over 7 dwellings. Furthermore it appears that the integral document 'Interim Policy Note For POS: Provision Of POS For New Residential Developments' adopted Sept'08, which may require equipped play facilities, has not been considered. Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

## **Design and Layout**

As stated above, considerable pre-application discussions have taken place between officers and the developer in order to secure a layout which is in keeping with the character of the surrounding development. The layout, for which approval is sought at this stage, comprises 3 very large detached dwellings, each with a detached annex building, which will create the appearance of a series of large farmhouses, with associated stables / outbuildings. To the rear of each of the large properties is a series of other smaller detached and linked-detached properties arranged around communal courtyards, which will create the appearance of ranges of traditional agricultural buildings or barns that would have been associated with the large farmhouses. This is reminiscent of the traditional farmsteads within the area, such as the one that stands on the opposite side of Moss End Lane close to the site access. The layout is therefore considered to be appropriate in design terms and in keeping with the character and appearance of the open countryside.

To turn to the elevational detail of the scheme, whilst the design of the individual properties, is reserved for subsequent approval, indicative street scene elevations have been submitted, which show how the proposed dwellings may appear. The "farmhouses" are large double fronted properties incorporating features such as half timber detailing to the gables, arched window heads and small pitched roofed dormer windows which are typical of some of the grander farmhouses to be found in this part of Cheshire. The "barn style" dwellings incorporate features much as "pitching eyes", large "cart entrances" and "threshing barn door" features as well as brick vent details typical of traditional Cheshire brick barns. Many of these features can be found on the farmhouse and converted barns opposite the site entrance.

It is therefore, considered on the basis of the information that has been submitted that a design for the proposed dwellings could be achieved which would be appropriate for the site and in keeping with the character of the surroundings.

## **Residential Amenity**

The surrounding development comprises Moss End House, a bungalow located to the east of the site, Little Moss End house, a substantial detached property located to the south of the site and an outbuilding within the grounds of Little Moss End House which has been converted to a separate dwelling.

The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

A distance in excess of 25m will be maintained between the flank elevation of the dwelling on plot 5 and the principal elevation of the bungalow. A very limited separation of 3m will exist between the flank elevation of the bungalow and the dwelling on plot 1. However, the SPG does not make any provision for minimum separation distances between 2 flank elevations. A distance of approximately 21m will be achieved between Little Moss End House and the nearest proposed dwelling, which will be plot 1. The existing dwelling contained within the converted outbuilding will be located immediately on the boundary with Plot 1. However, given that the 2 properties are orientated at 90 degrees to each other it is not considered that any loss of privacy between habitable rooms would occur. Any overlooking that would occur is considered to be no greater than that which could be expected in many comparable suburban situations.

Excluding the properties referred to above, the nearest neighbouring dwellings are the farmhouse and barn conversions on the opposite side of Little Moss End Lane to the south east. These are located over 150m from the site and therefore do not raise any concerns in terms of residential amenity.

To turn to amenity standards within the site, the proposed layout provides for the minimum separation distances set out the Councils SPG and each dwelling would benefit from a minimum of 65sq.m. of private amenity space which also accords with the provisions of the Councils guidance.

On this basis it is considered that in amenity terms the proposal complies with Policies GR1, GR2 and GR6 of the local plan and the advice contained within the adopted SPG.

## **Flooding**

The developer has submitted a Flood Risk Assessment with the application which concludes that the site is in flood zone 1 above the river Croco risk levels. Surface water will drain to the pond in the northern field which is in the ownership of Smallwood Storage, foul sewage will be treated in a stage 3 sewage treatment plant followed by tertiary polishing treatment in a wetland to provide an acceptable effluent water quality. United Utilities and the Environment Agency have examined the application and raised no objection subject to the imposition of suitable conditions. It is therefore considered that a refusal on flooding grounds could not be sustained.

## **9. CONCLUSION**

In summary, the proposal is considered to be acceptable in principle, as involves the redevelopment of an existing employment site in the open countryside and the applicant has demonstrated that there would be substantial planning benefits in permitting an alternative use.

In this case, for viability reasons, and given the constraints of the site it is considered to be appropriate to accept a commuted sum in lieu of on-site provision of affordable housing. Therefore, subject to the Housing Officer confirming that the level of contribution is acceptable, it is considered that the proposal complies with the requirements of both PPS3 and the Councils interim policy in respect of affordable housing.

The proposal is considered to be acceptable in terms of highway safety, ecology, trees and landscape, contaminated land, design and layout, and residential amenity. Consequently, it complies with the relevant local plan policies and accordingly subject to confirmation that the Greenspaces Officer and the Environment Agency have no objection, it is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE subject to**

- **No objection being raised by the Housing Officer to the level of the proposed Section 106 contribution.**
- **No objection from the Greenspaces Officer**

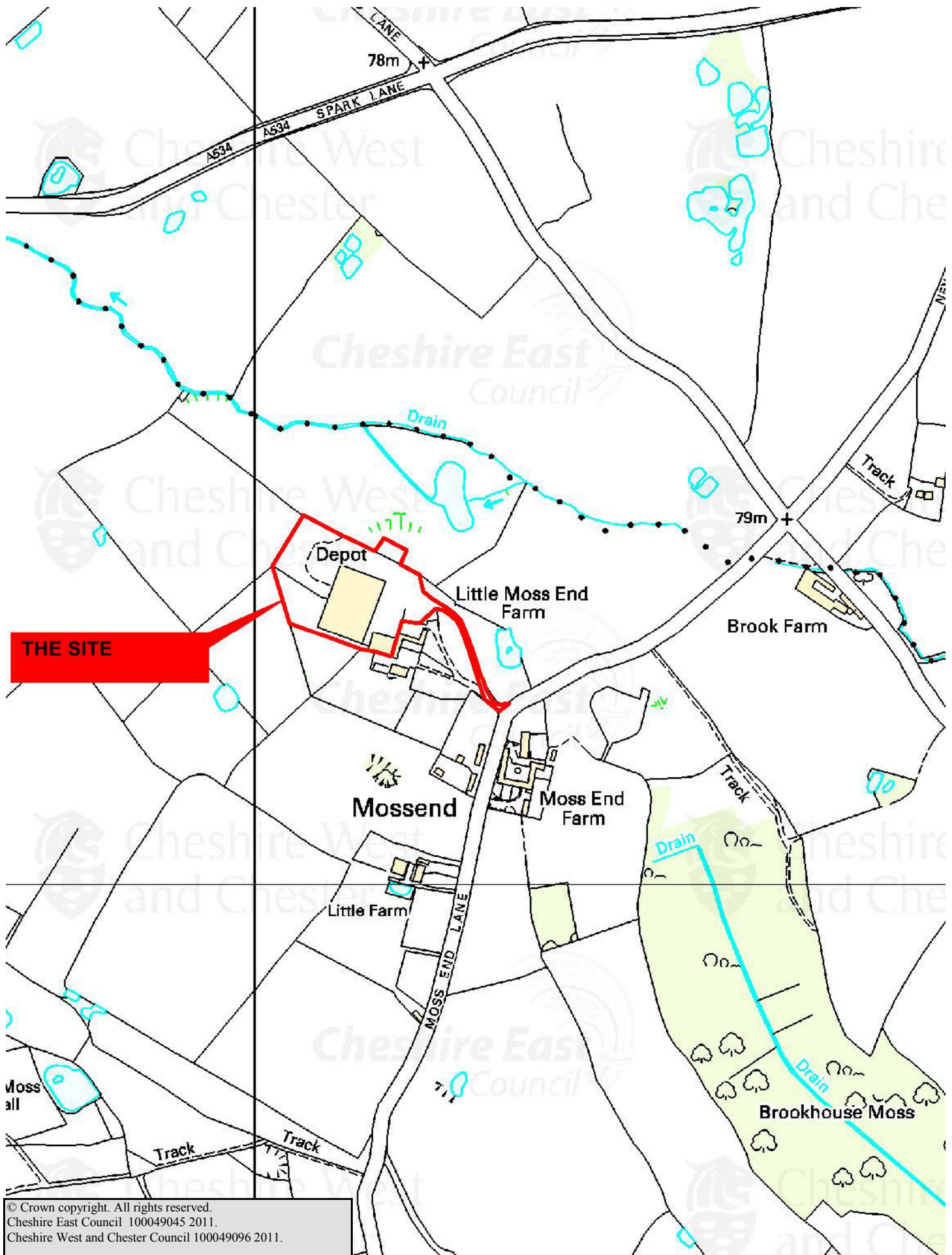
**The prior signing of a Section 106 Agreement to secure:**

- **£239,400 towards affordable housing provision elsewhere in the area**

**And subject to the following conditions:**

- 1. Standard time limit**
- 2. Reserved Matters time limit**
- 3. Reserved Matters (scale, appearance, landscaping)**
- 4. Plans (& Scale Parameters)**
- 5. Materials**
- 6. Landscaping**
- 7. Implementation of Landscaping**
- 8. Boundary Treatment**
- 9. Tree Protection Measures & Arboricultural Method Statement.**
- 10. Implementation of Tree Protection**
- 11. Removal of Permitted Development Rights**
- 12. Contaminated Land Condition**
- 13. Construction of Access.**
- 14. Provision of parking**

15. Development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. Details of piling to be submitted
16. Timing of works to avoid bird nesting season
17. Provision of bat roost
18. method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report
19. Accommodation of the public footpath.
20. Submission of scheme to limit the surface water run-off generated by the proposed development,
21. The discharge of surface water from the proposed development to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
22. Provision of SUDS
23. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
24. site layout is to be designed to contain any such flooding within the site,
25. Submission of a scheme to treat and remove suspended solids from surface water run-off during construction works
26. Submission of a scheme to dispose of foul drainage



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Application No: 11/1051N

Location: LAND AT, MIDDLEWICH ROAD, NANTWICH

Proposal: Provision of Greenway from Crewe to Nantwich, Sections from Wistaston Green Road to A51/Nantwich Bypass including a 3m wide Surfaced Path together with associated Engineering and Landscaping Works

Applicant: Cheshire East Council

Expiry Date: 05-Jul-2011

**SUMMARY RECOMMENDATION****Approve with conditions****MAIN ISSUES**

- Principle of Development
- Impact on the Character and Appearance of the Open Countryside
- Impact on Landscape Features – Trees/Hedgerows
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Impact on Protected Species

**1. REASON FOR REFERRAL**

This application has been deferred from the Southern Planning Committee of 22<sup>nd</sup> June 2011 in order for Members to carry out a site inspection. The application is to be determined by Southern Planning Committee as the development is a small scale major application, due to site area being over 1ha, and where the applicant is Cheshire East Council.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is located entirely within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The route of the proposed greenway would begin at the roundabout by Alvaston Business Park, cutting through the existing hedgerow into an agricultural field. The link will then follow the field boundary which adjoins Middlewich Road, the land descend steeply towards Cheney Brook and then rises again on the northern side. The application route continues to follow the line of Middlewich Road before taking a 90 degree turn to the west to Colleys Bridge and then follows an existing agricultural track, which is in part bound by hedgerows and trees to peach Lane (Alvaston Farm). The route of the application site also includes the made service road to the front of Alvaston Hall Hotel. To the north of Alvaston Hall the route follows a green lane between two field boundaries and then continues to follow the line

of a field hedgerow within an agricultural field before taking a 90degree turn to the east joining with Middlewich Road opposite the Rising Sun Public House.

### **3. DETAILS OF PROPOSAL**

The application proposes the construction of a 3m wide cycleway and footway as part of the national Connect 2 project which attempts to encourage people to take everyday journeys by foot or bike. It is proposed within the application forms that the laid route would be constructed from compact bituminous surfacing. The scheme also includes the construction of a bridge over Cheney Brook and the creation of a Pegasus crossing over Middlewich Road.

### **4. RELEVANT HISTORY**

No relevant Planning History relating to the site however a series of applications at Alvaston Hall.

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

#### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.1 (Hazardous Installations)  
TRAN.5 (Provision for Cyclists)  
RT.9 (Footpaths and Bridleways)

Cheshire East Local Transport Plan (2011 – 2015)  
Cheshire East Right of Way Improvement Plan (2011 – 2026)

#### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPG13: Transport  
PPG17: Planning for Open Space, Sport and Recreation

### **6. CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** – No highways objections

**National Cyclists Organisation** – Support the application



**Sustrans** – Fully support as application will provide a route for pedestrians/cyclists and in this case horse riders away from the busy, narrow Middlewich Road.

**Sport England** – Sport England's planning policy objective 16 supports measures to protect, enhance and develop the network and other permissive routes that provide opportunities to access the countryside by foot, bicycle and horse. Therefore, do not raise an objection.

**Countryside Access Development Officer** - Policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026 seek to improve walking and cycling facilities for travel and leisure purposes. The proposed development will support these policies.

## 7. VIEWS OF THE TOWN/PARISH COUNCIL

**Nantwich Town Council** - Wish to draw attention to a possible conflict between users of the Greenway and vehicles servicing Alvaston Hall Hotel and agricultural traffic from the tenant of the trustees. Measures should be tabled to minimise possible hazards arising from such conflict.

**Wistaston Parish Council** - The junction of Middlewich Road with Wistaston Green Road is becoming more dangerous, due to increased use by motorists avoiding the newly installed chicanes around Queens Park Drive, Crewe. A Pegasus crossing installed near this junction with no advanced warning signs to drivers approaching from both directions is unacceptable and will have a contrary effect on road safety.

## 8. OTHER REPRESENTATIONS

Comments made by Beam Heath Estate stating that the service road for Alvaston Hall is constantly used for deliveries, hotel staff, refuse collections and agricultural traffic. Concerned, as land owners, about the safety of pedestrians and cyclists.

Objections raised from Peach Cottage (x2 and photographs of HGV), Nettle Cottage and The Paddocks, Colleys Lane, the salient points being:

- Safety for pedestrians, cyclists and horse riders – conflict with HGV's servicing Alvaston Hall Hotel and turkey farm
- Would lose all privacy
- Nuisance from motorcyclists
- Anti-social behaviour as will be a hang around site
- Security of property will be affected
- Route would be better following line of Middlewich Road
- Impact on farming system

## 9. APPLICANT'S SUPPORTING INFORMATION

**Ecological Assessment** (*prepared by TEP dated March 2011*)

- Consideration given to habitats, Great Crested Newt, Water Vole, Otter, Bats, Badgers, Birds and Himalayan Balsam
- Grassland habitat have limited species diversity and of little ecological value

- No records of Great Crested Newts within 500m of cycle route, no likely impact on GCN population or habitat
- No implications with respect to water vole or otter
- Not likely to impact bats – no removal of vegetation
- No evidence of badger
- Suggested condition for the removal of vegetation during breeding bird season
- Himalayan Balsam identified on site – this is a non native species which reduces the biodiversity value of the watercourse. Needs controlling however any localised control would have little impact on the overall spread

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application proposes the third stage of the Sustrans Connect 2 project and will provide a link from the north of Nantwich to the western side of Crewe. The application site is located entirely within the Open Countryside where Policy NE.2 states that only development which is appropriate to the rural area will be considered to be acceptable. Policy RT.9 relating to Footpaths and Bridleways states that proposals which improve the footpath network will be permitted. National Planning Guidance contained within PPG13 states that greater priority should be given to walking whilst, with regard to cycling, Local Planning Authorities should promote national and local networks.

The Cheshire East Local Transport Plan and the Cheshire East Right of Way Improvement Plan 2011-2026 seeks to improve green infrastructure in accordance with Policy H.3 which requires the enhancement of public rights of way/green infrastructure and endeavour to create new links. One of the key initiatives of the PROWIP is for the sustainable access to green spaces, and support initiatives to connect up the highway footway and public rights of way networks for greater pedestrian movement, and with regard to cycling, seek to provide appropriate highways improvements (e.g. on-road cycle lanes or wide nearside lanes) and off-road routes to make commuter cycling a safe and quick alternative to car use.

It is considered therefore that there is significant Policy support, at both national and local level, for the proposed footway/Cycleway in principle. However, consideration needs to be given to the impact that the proposed greenway would have on the character and appearance of the open countryside, specific landscape features, protected species, the amenity of nearby properties/uses, and highway safety.

### **Impact on the Character and Appearance of the Open Countryside**

The application site is located within the Open Countryside and large sections of the route cross agricultural fields, as such the proposed development needs to be sensitively integrated into the rural setting. At two points, to the south and north of Alvaston Hall, the greenway follows the line of two lightly used green lanes which add value to the landscape character of the area. Whilst part of the route will follow the existing service roads at Alvaston Hall. The scheme proposes a 3m wide track which would be treated in bituminous bound surfacing. In isolation a bituminous track is likely to cause detrimental harm to the character and appearance of the open countryside and would appear as an alien and incongruous feature on the landscape and the greenlanes. It is therefore considered that this would be an insensitive and inappropriate form of development in this open

countryside setting. There would be little or no change in character along the existing service roads at Alvaston Hall. There are however significant planning benefits for the proposed scheme through providing green infrastructure and enhancing access to sustainable modes of transport. Furthermore, whether the landscape concerns can be overcome by appropriate conditions should be explored.

The application submission states that additional stock proof fencing, hedgerows and trees will be planted. Additional landscaping is welcomed and would help to integrate the development into the landscape and soften its impact. However a regimented scheme of landscaping could appear equally out of place on this landscape. Therefore a condition requiring a landscaping scheme to be submitted is suggested to ensure that any landscaping is appropriate to the rural setting.

A gravel or stone chipping surfacing could be more appropriate to the rural setting within the agricultural fields and be more appropriate along the “green lanes”. It is acknowledged that a bituminous surfacing material may be more appropriate for ease of maintenance however this should not be at the expense of the character and appearance of the open countryside. Whilst the detail of the surfacing material as detailed in the application form is in the main considered to potentially be unacceptable it is considered that, rather than to refuse the application, a condition could be attached to any permission to require alternative surfacing materials to be explored and such details to be submitted and approved.

### **Impact on Landscape Features**

The proposed development is likely to require the removal of some small sections of hedgerow and/or trees to accommodate the 3m width of the greenway, particularly where the greenway would begin and end cutting through hedgerows. No details have been submitted to demonstrate how much is likely to be removed, however at the time of writing this report the applicant a survey was being prepared. The extent of the removal of trees is likely to be minimal and would not significantly alter the wider landscape value of the area. Furthermore, and as detailed in the previous section, additional landscaping will be secured by condition which would help to blend the proposals into the rural environment. There are no protected trees along the route of the greenway.

### **Impact on the Amenity of adjacent properties**

The proposed cycle way and footpath would, at points, be within close proximity to residential properties. Walking, cycling and horse riding are leisure activities which do not generate a high level of noise or disturbance. Whilst the proposed route would pass the front of some properties these buildings, at their nearest point, would be 16m from the greenway between which are the parking/turning areas and points of access for these dwellings which are the more public areas of dwellings. It is therefore considered that there would not be a significant impact on any property near to the application site which would be detrimentally impacted through loss of privacy.

### **Impact on Highway Safety**

Concern has been raised with regard to the potential conflict between users of the greenway and vehicles, particularly HGV's, which service Alvaston Hall Hotel and agricultural operations. The greenway at this point will follow the existing made service track which serves dwellings, the hall and golf course, and agricultural units. The proposals have been assessed by the

Strategic Highways Manager who has raised no objection to the proposals. Notwithstanding this, it is considered that a condition be attached to any permission for details to be submitted of safety measures/signage which could be incorporated along the route at this stretch to improve awareness/safety.

The link will connect with Phase 2 of the route to the north of Nantwich, the route crosses the A500 and the site access to Alvaston Business Park, it is unclear what measures would be installed to ensure safe pedestrian/cycle movement however this is outside of the application site. The end of the route is opposite the Rising Sun PH on Middlewich Road and it is proposed to construct a Pegasus crossing over this road. This crossing would be signalled and allows the crossing of un-mounted horses along with pedestrians and cyclists. This is works that is within the adopted highway and can be carried out under Highways agreements.

At the point where the cycle route cuts through the hedgerow at Middlewich Road the route runs adjacent to Middlewich Road. The distance between the edge of the highway and the hedgerow is narrow at this point. Further details of how this area will be treated have been requested as there will be a requirement for the removal of some vegetation to accommodate a 3m wide greenway. There is no concern from the Strategic Highways Manager with regard to any of these works.

### **Impact on Protected Species**

A protected species survey has been submitted to support the application. A desk top survey has been carried out to determine the likely impact of the proposed development a protected species. The survey identifies that there would be no adverse impact on such species, but has suggested a series of Reasonable Avoidance Measures and conditions. The Councils ecology consultation has confirmed that there would be no adverse impact on protected species or their habitat and has raised no objection to the proposal. This is subject to a condition being attached to any permission for further survey work to be carried out if works are to commence during the bird breeding season (1<sup>st</sup> March and 31<sup>st</sup> August). A condition is therefore recommended to that end.

### **Other Matters**

A hazardous Installation consultation zone runs along Middlewich Road and part of the adjoining field. The application site is partially within this consultation zone. However the development type is of a nature and low sensitivity which does not require consultation with the Health and Safety Executive. Therefore there are no implications on the hazardous implication or public safety risk to the users of the proposed development.

## **11. CONCLUSIONS**

The proposed development would provide an important stretch of infrastructure which would encourage the use of sustainable modes of travel. Whilst some harm may be caused to the character and appearance of the open countryside it is considered that benefits, along with appropriate conditions relating to landscaping and surfacing materials would overcome the harm caused. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety protected species or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation), NE.9 (Protected Species), BE.1 (Amenity),

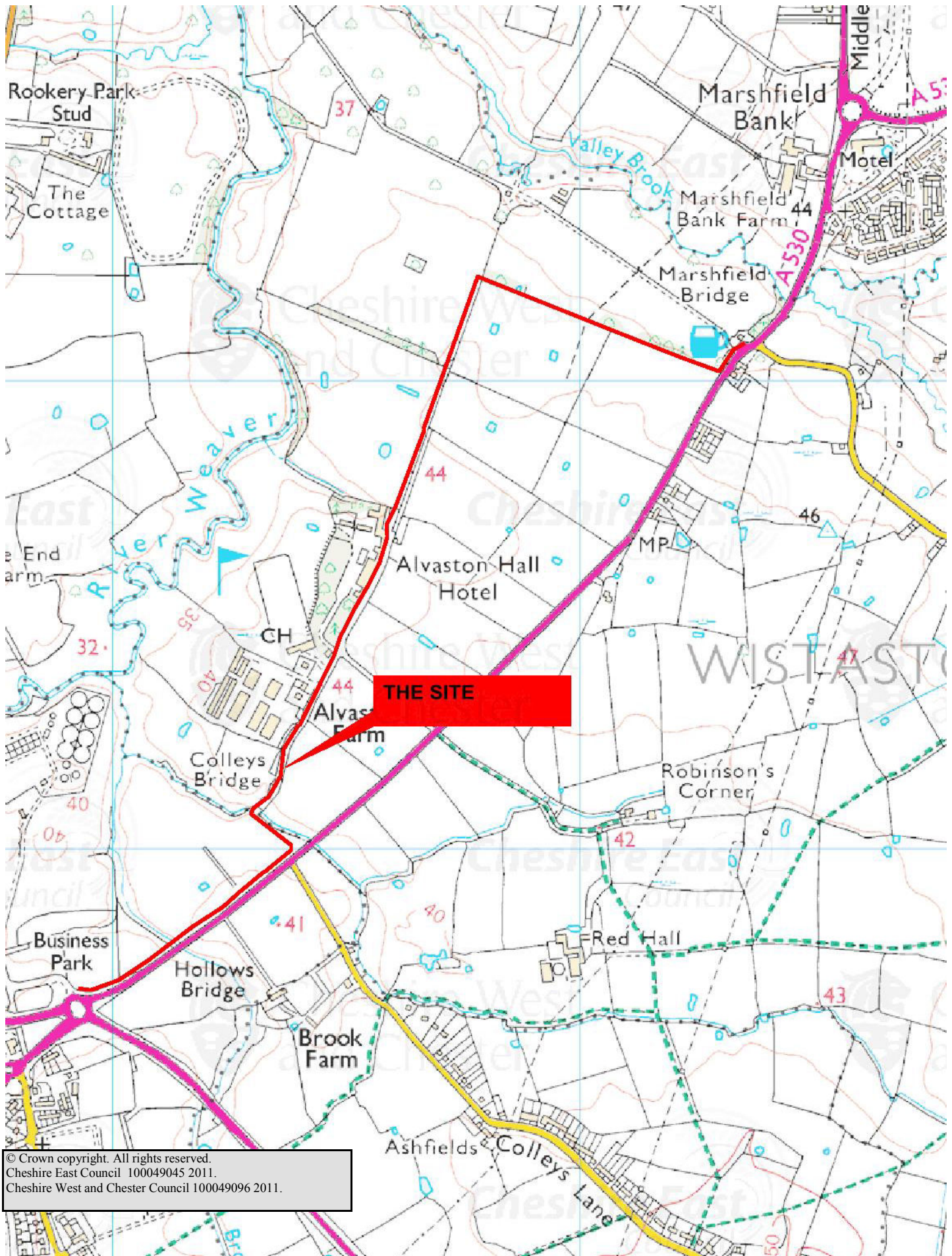
BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.21 (Hazardous Installations), TRAN.5 (Provision for Cyclists) and RT.9 (Footpaths and Bridleways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Commencement of Development**
- 2) Plans**
- 3) Details of surfacing materials to be submitted and approved**
- 4) Scheme of Landscaping to be submitted and approved – including fencing**
- 5) Scheme of Landscaping to be implemented**
- 6) Details of highway safety measures/signage to be submitted and approved**
- 7) Survey to be submitted and approved if works carried out between 1<sup>st</sup> March and 31<sup>st</sup> August**





Application No: 10/4373C

Location: Top Yard, Station Road, Sandbach.

Proposal: Construction of Eight, Light Industrial, Commerical and Retail Units

Applicant: Mr R Bettley

Expiry Date: 09-May-2011

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

- Principle of Development;
- Current Use of the Site;
- Design;
- Amenity;
- Drainage;
- Boundary Treatment and Landscaping;
- Highways; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the buildings exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the western side of Station Road, within the Sandbach settlement boundary. Until recently the site was used as a haulage depot and is now vacant apart from a number of disused portacabins. The site is flanked on three sides by other industrial premises, whilst on the remaining side is Station Road and beyond that is a fairly modern housing estate.

**DETAILS OF PROPOSAL**

This is a full application for the construction of 2 industrial buildings, which will be sub divided into 8 separate units and a new access at Station Road, Sandbach. Each building will measure approximately 14.5m wide by 59m deep and 7m high and will be constructed out of facing brickwork and profiled steel cladding. In addition there will be a new access road bisecting the units.

## **RELEVANT HISTORY**

17227/1 – Formation of Commercial Vehicle Hardstanding with Office, Repair Bay and Storage Units – Approved – 3<sup>rd</sup> December 1985  
20804/3 – Office Accommodation – Approved – 29<sup>th</sup> March 1989  
24062/3 – Motor Auction Sale Room – Refused – 3<sup>rd</sup> March 1992  
27883/3 – Proposed Industrial Units Replacing Portable Building for the Purpose of Office and Workshop – Approved – 20<sup>th</sup> February 1996  
18115/3 – Change of Use to Transport Depot with Incidental Vehicle Sales, Erection of Temporary and Permanent Buildings, Offices and Access – Approved – 21<sup>st</sup> October 1996  
06/0432/FUL – Change of Use of Land for the Siting of Existing Static Caravan to be used as a Food Bar – Approved - 4<sup>th</sup> July 2006  
08/1251 – Change of Use to Run a Private Hire Business with 5 Vehicles – Approved - 3<sup>rd</sup> October 2008

## **POLICIES**

### **National Policy**

Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 4 (Planning for Sustainable Economic Growth)  
Planning Policy Guidance 13 (Transport)

### **Local Policy**

PS4 (Towns)  
E3 (Employment Development in Towns)  
GR1 (General Criteria for Development)  
GR2 (Design)  
GR9 (Accessibility, Servicing and Parking Provision)  
GR6 (Amenity and Health)

## **CONSIDERATIONS (External to Planning)**

**Environmental Health:** No objections subject to conditions relating to hours of operation, noise assessment, hours of construction and details of any pile driving.

**Highways:** No objections subject to a condition relating to the access and an informative

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No objections

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the occupiers of 12, 14 and 16 Angelina Close. The salient points raised in the objection letters are:



- The area is now semi domestic with houses only a roads width from the site. It is most important that noise by both access and egress from the site is kept at a minimum at all times and that there is no activity, either access or egress or on site activity outside of the proposed 'opening times'. I would request that the Saturday opening time is changed to close at 1pm. As a resident there is nothing worse than the occasional sunny weekend being spoiled by industrial or commercial noise;
- The Design and Access Statement states that the site 'lies in the heart of an existing industrial site'. I contend that the site is bordered on one side by residential units so this is an incorrect evaluation which will be misleading in the assessment of this planning request;
- Also within the same statement there is no proposal of height restriction on access. I propose that there should be restriction to remove the possibility of use by significantly sized commercial vehicles;
- I note that the title of the application includes retail units, whereas within the application form section 18 it states that 'shops' are not applicable. Please clarify this. I am strongly opposed to the provision of retail units which represent a significant change of use to this site;
- I strongly object to the positioning of bin stores on the side of the land that borders the road. These will be clearly visible from the residential properties with the possibility of foul odours drifting into the residential gardens;
- Adjacent to my house is a block of four apartment flats, as they are occupied by tenants I doubt that they will take the trouble to consider this proposal, however the upper floor apartments will have this site as their view out of their lounge window so I am sure they would share these concerns;
- I am also most concerned that considerable work has already commenced this week, involving high level cranes and units being lifted into place. Why is this? Work has commenced before the deadline date of noon on the 18th March and before any planning permission has been granted;
- The proposed units are too far forward and will have a detrimental impact on the streetscene;
- The proposed entrance is directly opposite and we are concerned with the amount of traffic being generated and use of the units.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

**Transport Statement** (produced by LANDFORM Highway Planning Consultants dated 14<sup>th</sup> April 2011)

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is an existing employment site within the Sandbach Settlement Boundary; the site is not allocated for any purpose in the Local Plan. However, Policy E3 allows for the redevelopment of sites for employment purposes providing they meet a number of criteria including that it is appropriate to the local character in terms of its use, intensity, scale and appearance and complies with all other relevant local plan policies including GR1.

According to Planning Policy Statement 4 – Planning for Sustainable Economic Development. Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that ‘economic development’ includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance in the ‘Plan for Growth’ document states that there should be a presumption in favour of sustainable development and LPA’s should take a positive approach to development.

### **Current Use of the Site**

The site has a long and varied planning history and the most recent use was as a truck haulage yard. At the time of the site visit the application site was vacant and comprised an open yard with a number of portacabins, which were in a fairly poor state of repair.

### **Design**

PPS1 (Delivering Sustainable Development) outlines in Paragraph 34 that design must be appropriate in its context and should improve the character and quality of an area, and that if a development fails to achieve this, it should not be accepted. Guidance advocated in PPS 4 reflects policy in PPS 1, and states that local planning authorities should seek to ensure that economic development, regardless of location, is of high quality and inclusive design which improves the character and quality of an area and the way it functions. It goes on to state that ‘design of new commercial development addresses the challenges posed by climate change’. Policy GR2 (Design) is fairly flexible on what constitutes acceptable design. However, it vehemently states that proposals should not adversely affect the streetscene, and where possible, should enhance the environment.

The design, scale and layout of the buildings are typical of modern industrial units with shallow pitched roofs. The proposed development will comprise of two large units, each measuring approximately 14.5m wide by 59m deep and 7m high. The total floorspace of the proposed units will amount to 1711msq (approx). According to submitted plans each building will be subdivided up into 4 separate units. It is considered due to the size of the units will serve to naturally restrict their occupation to small scale uses. The proposed buildings are located perpendicular to Station Road and a new access will be formed. The proposed layout is based upon a simple road system which bi-sects the industrial units and terminates in an area of car parking. The proposed buildings will both front onto the new access road. Internally the units will be identical and each unit will comprise of a canteen and a male and female toilet.

According to the submitted plans/forms the external walls facing Station Road and the access area are to comprise of facing brickwork up to 2.4m high with steel profile cladding above. The rear and side elevations will clad to the floor. Located on the front of each unit would be a roller shutter door, personnel door and window. In addition, there will be a personnel door on rear elevations of the units and on the side elevation facing Station Road. The buildings would be set off the boundary by approximately 2.5m tapering down to 1.5m. The buildings would be set well back from the internal access road and would not as a result appear prominent and set back from Station Road by approximately 9.5m. The buildings are uniform and utilitarian in form and are designed for functionality rather than form. The buildings are similar in design and size to other units within the Borough and it is considered that they will not appear as alien or incongruous features within the streetscene and the proposal complies with policy GR2 (Design).

### **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The nearest residential properties are approximately 16 metres to the east on the opposite side of Station Road. However, this side of Station Road (to which the application relates) is predominantly industrial in nature and given that the proposed use is similar to that to the plots to the north, south and west it is not considered that the proposal would have such a detrimental impact upon residential amenity as to warrant the refusal of this application. The objectors are concerned about the hours of operation and the use of the buildings.

The application as originally submitted made reference to the proposed units being utilised for retail purposes. However, after negotiations with the applicants agent revised planning application forms have been submitted omitting this type of development. According to the amended forms the proposed units will only be for a B1 use and will be conditioned accordingly. The letter of representation makes reference to the hours of operation. Following discussions with the Councils Environmental Health Officer a condition restricting hours of operation to 0730 to 1800 Mondays to Fridays, 0900 to 1400 Saturdays and no working on Sundays or Bank Holidays will be attached to protect the residential amenities of the dwellings located opposite the application site. In addition to the above, colleagues in Environmental Health have requested a noise assessment to be condition, which shall include details relating to hours of operation, noise from moving and stationary vehicles, impact noise from slamming of car doors, noise from vehicles moving to and from the site in terms of volume increase and current background noise levels. The proposal is considered to be appropriate and as such the proposal is in accordance with policy GR6 (Amenity and Health).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a

sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

### **Boundary Treatment and Landscaping**

According to the application forms the applicant is proposing on erecting industrial security fencing. However, no details of the proposed fencing have been submitted with the application. Furthermore, according to the submitted plans there is a landscaping strip proposed at the front of site, but no details have been submitted. Therefore, the case officer considers it prudent to attach a condition relating to boundary treatment and landscaping.

### **Highways**

The site fronts directly onto Station Road, which is a 30mph road and is flanked on either side by other industrial units. The application site has been operated for a number of years as a haulage depot and as such generated significant amounts of vehicle movements. According to the applicant the amount of HGV movements were in the region of 50 weekly and 40 car movements a day. According to the submitted Transport Statement the current proposal would remove all HGV movements. The current access arrangements are sub standard and result in poor visibility. The new 6m wide access which is centralised will be sufficient to accommodate all vehicles entering/leaving the site. The visibility splays will be 90m x 2.4m which is accordance with the requirements set out in the Design Manual for Roads and Bridges for a 30mph speed limited road.

The Cheshire East Council parking standard for B1 use is a maximum of 35 spaces per 100m<sup>2</sup> GFA which is (17.52 x 35) 61 spaces. However, the B1 use category covers such varied operations such as offices and technical operations, with significant numbers of staff, through to light industrial uses, where the number of staff is generally lower. It is considered that the site is located in sustainable location and can be reached by a variety of modes of transport. Therefore, it is considered that 47 car parking spaces plus 4 spaces for motor cycles and cycle parking is sufficient to cater for the demand. There is sufficient space within the site for vehicles to enter and leave in a forward gear. Furthermore, colleagues in Highways have been consulted regarding the application and have no objections in principle.

### **Other Matters**

One of the objectors is concerned that a number of bins will be located at the front of the proposed units adjacent to Station Road and the smells emitting from them will have a detrimental impact upon residential amenity and will appear unsightly. In order to help assimilate the proposal into the built environment a condition relating to the screening of the bins will be attached to the Decision Notice. Colleagues in Environmental Health have been consulted regarding the application and have no objections to the proposal subject to a number of conditions.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

To conclude the proposal is compatible with the surrounding development and the design, scale and form of the buildings would sit comfortably with those within the locality. Satisfactory access and parking provision can be provided and the development would not result in an intensification of traffic generated from the site. The proposal is therefore considered to comply with Policies PS4 (Towns), E3 (Employment Development in Towns), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Accessibility, Servicing and Parking Provision) of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within PPS 1: Delivering Sustainable Development, PPS 4: Planning for Sustainable Economic Growth and PPG 13: Transport.

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. No External Storage**
- 6. Landscaping Submitted**
- 7. Landscaping Implemented**
- 8. Drainage**
- 9. External Lighting**
- 10. Hours of Construction**
- 11. Use Class B1 Only**
- 12. Hours of Operation**
- 13. Noise Assessment**
- 14. Pile Driving**
- 15. Bin Storage**
- 16. Boundary Treatment**
- 17. Access**
- 18. Cycle Parking**

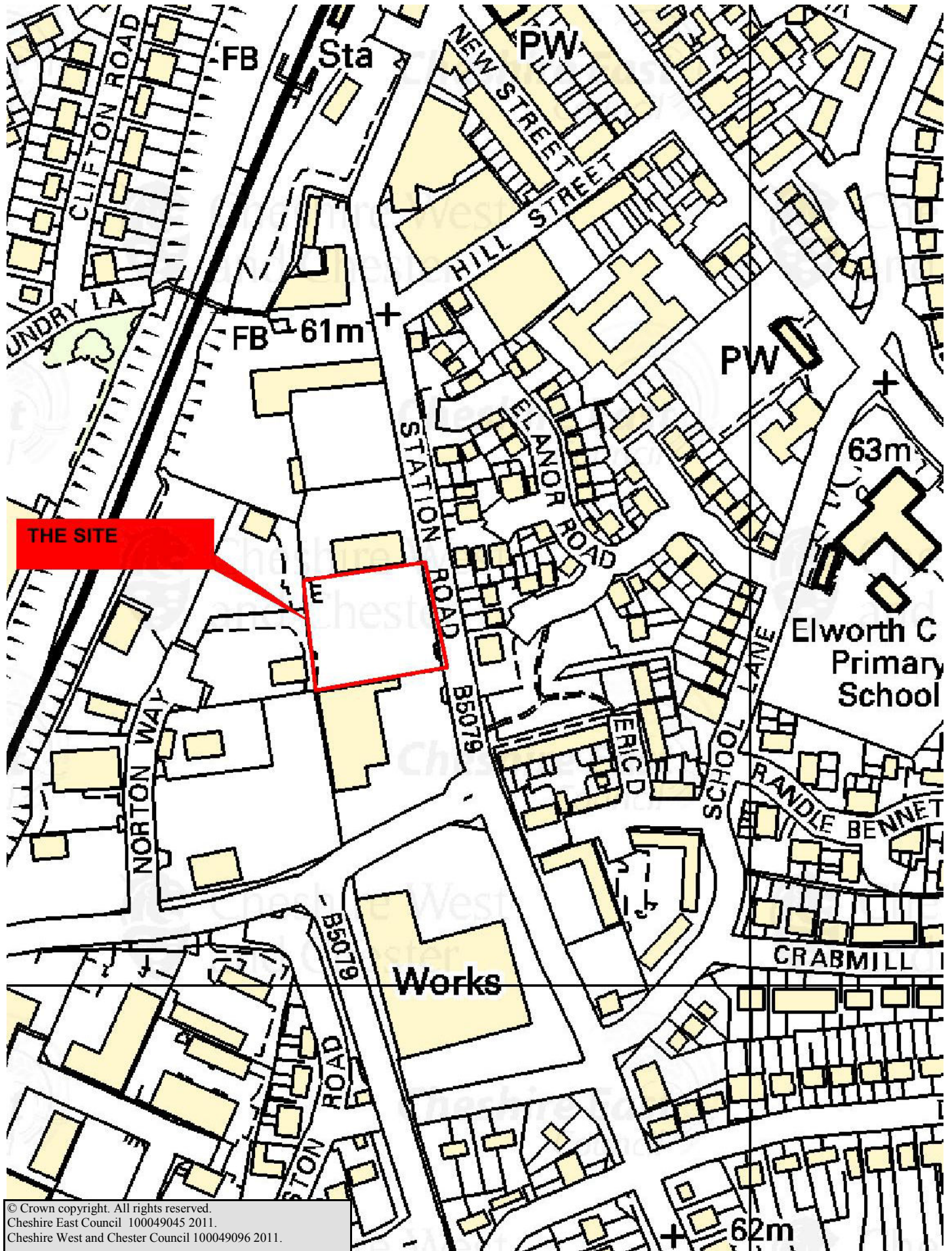
### **Informatives:-**

Prior to first development the developer or their contractor will enter into and sign a Section 184 agreement under the Highways Act 1980 with CEC Highways Authority.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe

development of land affected by contamination rests primarily with the developer.





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Application No: 11/1030N  
Location: 6, Oak Villas, Nantwich Road, Wrenbury, CW5 8EL  
Proposal: Outline Application for New Dwelling  
Applicant: Mr P Probin  
Expiry Date: 12-Jul-2011

**SUMMARY RECOMMENDATION****Approve with Conditions****MAIN ISSUES**

- Principle of Development
- Impact on Streetscene/Open Countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety

**1. REASON FOR REFERRAL**

This application was to be determined under the Councils scheme of delegation. However the application has been called in by Cllr Davies on the grounds that “the proposed dwelling is too big for the plot and over-dominant on adjacent bungalow. Concern over highway safety as no footpath and straight onto a busy road. The existing access already causes problems and the creation of an additional access would cause further problems re congestion”.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site forms garden land to the side of an existing two storey semi-detached property in the settlement boundary for Wrenbury. The application site is between No.6 Oak Villas which is a two storey property and a detached bungalow known as The Nook, the properties on the opposite side of Nantwich Road are also detached bungalows. To the rear is agricultural land. There is a detached timber garage and a fuel store within the application site. Access to the site is from Nantwich Road to the south. The southern boundary is defined by a low hedgerow. There is a large tree towards the rear of the plot, there is also some coniferous vegetation adjacent to the detached garage.

**3. DETAILS OF PROPOSAL**

This is an outline planning application for the construction of a detached dwelling within the garden land of No.6 Oak Villas. All matters have been reserved. However details of the proposed siting, scale and access arrangements have been submitted to support the proposals. The proposed

dwelling on the indicative layout is shown to have a footprint of 70sqm. The property is sited so that it is in line with the adjacent bungalow (The Nook), 12m from the public highway. The dwelling on the indicative layout would be sited 1m from the side boundaries. The Design and Access Statement identifies that the dwelling would replicate the footprint, size, mass, scale and materials of The Nook, but with accommodation within the roof space. It is proposed to widen the existing access to create a drive for each dwelling.

#### **4. RELEVANT HISTORY**

No Planning History

#### **5. POLICIES**

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

##### **Local Plan Policy**

BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
BE.6 Development on Potentially Contaminated Land  
NE.17 Pollution Control  
RES.4 Housing in Villages with Settlement Boundaries

##### **National Policy**

PPS1: Delivering Sustainable Development  
PPS3: Housing

##### **Other Material Considerations**

Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2008)

#### **6. CONSULTATIONS (External to Planning)**

**Environmental Health:** No objection subject to details of external lighting to be submitted, construction hours and details of Contaminated Land remediation to be submitted if any unforeseen contamination is found.

**United Utilities:** No objection, site should be drained on a separate system with on foul drainage connected to foul sewer.

**Strategic Highways Manager:** The applicant will need to provide visibility splays for the new access. The highways authority would prefer a shared access to serve the existing and the proposed with the facilities for two vehicles at each property to enter and exit in a forward gear. Subject to visibility splays being agreed, there are no highways objections.

## 7. VIEWS OF THE PARISH COUNCIL

Objection on grounds of:

- Site is too narrow to accommodate development
- Parking for No.6 would be severely restricted
- New access created close to junction with Nantwich Road and Station Road where there are parked vehicles already. Parking problem is exacerbated during school and nursery opening/closing times
- Access to the bungalows on the opposite side of the road is already compromised and the increase in turning movements would cause further safety problems
- There would be overdomination problems for No. 6 from a 2 storey house and even a bungalow may cause problems for the rear windows of No 6 which has already been extended to the rear.
- The immediate open space behind No. 6 would receive very little light
- The Nook does not sit well in the street scene between the two storey development on either side and the introduction of another bungalow would do little to enhance the street scene

## 8. OTHER REPRESENTATIONS

Three letters of objection received from The Nook, 5 Oak Villas, and Clovelly, the salient points being:

- Too close to boundary fence (1m)
- Existing parking on road, high volume of cars and travelling at speed
- A further access would make highways situation worse
- Overlooking from accommodation in roof space
- Dormer windows to proposed dwelling would spoil appearance of The Nook
- Loss of light
- Loss of privacy
- Cramming development would be detrimental to area
- No visibility
- Reversing onto highway would create dangerous situation
- No footpaths – occupiers would have to walk on busy road
- Minimal amenity space – tree would overshadow amenity space and rear windows
- Tree is an important feature in area
- Capabilities of infrastructure to support another dwelling should be explored

## 9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement submitted, the salient points being:

- Traditional single storey bungalow with accommodation in roof space
- Land forms side garden of No.6
- Size of proposed plot would be comparable to neighbour

- Set back in plot by 12m
- 1m from side boundary
- Frontage would align with The Nook
- There are no windows serving habitable rooms in the side elevation of The Nook and the only windows to No.6 are secondary
- Siting prevents detrimental impact on the amenity of The Nook and maintains integrity of the streetscene.
- Any first floor windows would be constrained to the front and rear elevations
- Entrance can be altered with relative ease
- Widen existing drive and access to create a drive for each dwelling. This would be in keeping with existing arrangements and would be the same width as the driveway openings opposite
- Proposals would essentially mirror the footprint, size, mass, scale and materials of The Nook
- Effect of the development is set into the streetscene and would appear as a small scale development of two dwellings flanked by two storey development on right and left. Would not appear as infill
- Would have a similar ridge height to The Nook and would be significantly lower than No.6
- Local vernacular and character would be maintained
- Mature tree to rear would be retained and would be approximately 7m from its canopy
- Removal of evergreen shrubs would not be detrimental to character of area
- Garden for No.6 will be reduced however 160sqm of garden space would be retained for both dwellings in excess of amount stipulated in SPD

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The proposed development is for the construction of a single dwelling within the Settlement Boundary for Bunbury. Policy RES.4 (Housing in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that within the settlement boundary for Wrenbury development for housing of a scale commensurate with the character of the village will be permitted. It is considered that the development of a single dwelling would be of a scale commensurate with the village and is therefore acceptable in principle. The main issues therefore are whether the proposed development is of an appropriate design (BE.2), would not result in demonstrable harm on the amenities of neighbouring properties (BE.1), and whether the site can be satisfactorily accessed (BE.3).

### **Design and Impact on Character and Appearance of the Streetscene**

The application is in outline with all matters reserved, therefore precise details of the scale of development, its siting and appearance are not for consideration. Notwithstanding this, an indicative layout has been submitted to demonstrate that the proposed development could be accommodated on the site. The application site has a plot width of 9m with the proposed dwelling having a width of 7m. The adjacent property has a plot width of between 11m and 10m with the dwelling width of 7m. The proposed dwelling, as shown on the indicative plan would be of similar dimensions to the adjacent bungalow. The proposed dwelling would be sited 1m to either shared boundary which could represent a cramped form of development. Notwithstanding this, the layout

is indicative and therefore could be subject to change, a development which would be sited slightly further from one or both of these boundaries would sit more comfortably and could be secured at reserved matters stage. This would ensure that there would be appropriate visual separation between dwellings which is required by the SPD for Garden Development.

As previously mentioned the application plot would be 9m in width which would not appear to dissimilar to that of The Nook. The resultant plot size of No.6 Oak Villas would be approximately 6.4m in width, the plot widths of No.1-5 Oak Villas vary between 5.8 and 8.1m in width. The proposed remaining plot for No.6 would therefore respect the context of adjacent properties.

The dwelling would be set back from the roadside boundary by 12m and, although being set back by 7.5m from No.6 Oak Villas, would follow the building line of The Nook and the properties to the east. The siting of the dwelling within the plot is therefore considered to be appropriate in terms of impact on the character and appearance of the streetscene.

It is also indicated that the proposed dwelling would be single storey (with accommodation within the roofspace). The dwelling is sited between a two storey semi detached property and a detached bungalow of modest scale. It is considered that a dwelling of a similar scale to the existing bungalow (The Nook) would not result in a form of development which would be significantly out of character with the area or cause demonstrable harm to the streetscene. The scale of the dwelling could be restricted by condition. A dwelling which was two storey would likely result in harm to the amenities of neighbouring properties.

It is considered therefore that the proposed indicative siting of a bungalow would respect the characteristics of the immediate surroundings whilst avoiding undue harm to the streetscene. .

### **Impact on the Amenity of adjacent properties**

The proposed dwelling would be sited adjacent to The Nook, the indicative layout shows that the proposal would be 2.4m from the flank elevation of this property. With the exception of a side door there are no openings to habitable rooms within the side elevation of this property. The dwelling would project slight to the rear of the rear building line of that property but there would be no breach of any 45 degree standard. As the proposed single storey bungalow would be sited immediately to the side of that property, which has no principal windows in its flank elevation, there would be no significant loss of daylight, loss of privacy or overbearing impact on that dwelling.

The proposed dwelling would be sited 7.5m back from the front building line of No.6 Oak Villas. There is a ground floor lounge window within the rear elevation of the dwelling, however there is a south facing window serving the same room which would receive much more light, there would therefore be no loss of daylight to that room. This rear window would also face over the rear amenity space of No.6 and with appropriate boundary treatment would not result in any significant loss of privacy to the proposed dwelling. Within the single storey outrigger of No.6 is the kitchen. The kitchen has a side facing window which would face towards the proposed boundary between the properties at a distance of 3.4m, there is however a further window within the rear elevation faces over the private amenity space. Given the level of openings in the kitchen, the single storey scale of the proposed development and with appropriate boundary treatment it is considered that there would be no detrimental impact on the amenities of No.6 through loss of daylight or loss of privacy.

The dwelling is shown to be sited 1m from the new boundary between existing and proposed. There are single storey extensions and outbuildings to the rear of No.6 and between these and the proposed dwelling would be part of the private amenity space. The proposed dwelling would be single storey in scale but has the potential to cause an overbearing impact. The majority of the useable private amenity space of No.6 is further to the rear and would not be affected by the proposal. Furthermore, as mentioned previously this application is in outline with all matters reserved and the layout would be subject to change, and to get a less cramped form of development it is considered that the proposed dwelling could be moved slightly from this shared boundary, by an additional 1m to lessen the impact. It is therefore considered that the proposed development would not result in a significantly detrimental impact on the amenity of No.6 through overbearing to justify a refusal.

The resultant private amenity space for both properties would be very similar to those properties surrounding the site and would exceed the minimum threshold of 50sqm identified within the SPD. There is however a mature tree within the rear garden for the proposed dwelling which would overshadow a large area of the private amenity space for the proposed garden. The submitted drawings indicate that the rear of the proposed dwelling would be 6.539m from the spread of the tree which although not desirable would not be sufficient to justify a refusal. There may be future pressure for the removal of the tree on amenity grounds. Whilst the tree is visible from public vantage points immediately to the front of the site it is not a prominent feature from wider view public view points.

With regard to potential overlooking and privacy issues it is considered that this can be designed out at the reserved matters stage with proposal avoiding principal windows to the side of the property, and with any first floor openings facing towards the front or rear.

### **Impact on Highway Safety**

The indicative proposals show that the site will be accessed from Nantwich Road via a shared point of access with No.6 but with two separate driveways. The frontage of the proposed dwelling would be at least 8.5m in width at a depth of 12m. It is considered that there would be sufficient space within the front curtilage of the proposed dwelling for turning, manoeuvring and the parking of at least two off street parking spaces. Therefore it is considered that vehicles could enter and exit the site in a forward gear. Notwithstanding this, consideration needs to be given to the resultant parking arrangements for the existing dwelling No.6 Oak Villas. The Highways Authority have stated that a shared access would be more appropriate. This could be achieved within the available frontage. The Strategic Highways Manager has also requested that details of visibility splays be provided, but raises no objection to the proposed development in principle. This planning application is in outline only with means of access reserved. It is considered from the indicative scheme that a suitable means of access for both dwellings could be secured. Whilst the objections raised from the Parish Council and neighbours relating to on street parking and proximity to junctions are noted, no objection has been raised by the Strategic Highways Manager on these matters.

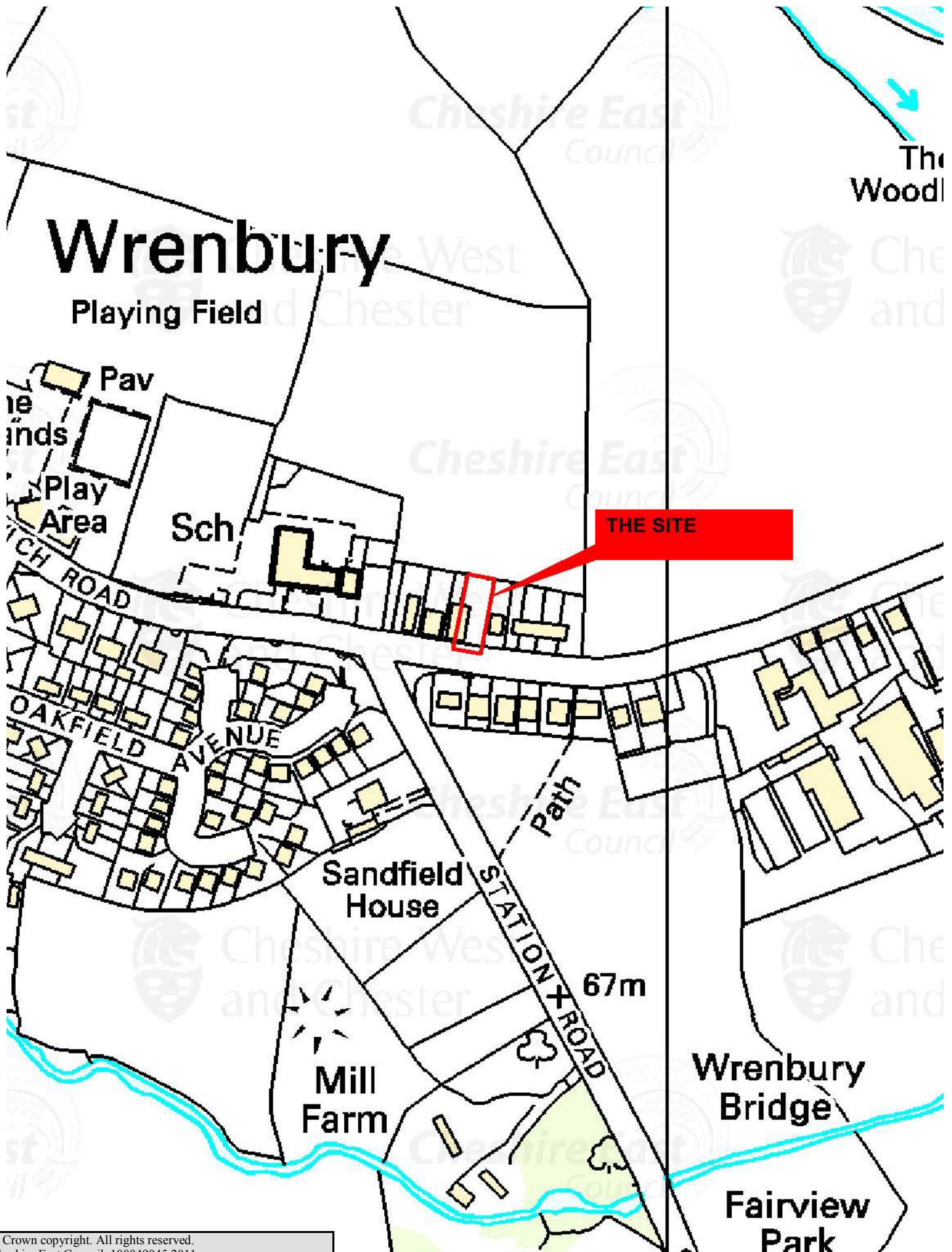
## **11. CONCLUSIONS**

The proposed development is of an acceptable design which would not result in significant harm to the character and appearance of the streetscene. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2208).

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

- 1) Commencement of Development**
- 2) Submission of Reserved Matters**
- 3) Time Limit for Submission of Reserved Matters**
- 4) Materials to be submitted and agreed**
- 5) Surfacing Materials to be submitted and agreed**
- 6) Landscaping scheme to be submitted and agreed**
- 7) Landscape Implementation**
- 8) Drainage Scheme to be submitted**
- 9) Details of Boundary Treatment**
- 10) Reserved Matters Design to show no windows to habitable rooms in side elevations**
- 11) Bin Storage to be provided**
- 12) Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH**
- 13) Removal of all PD**
- 14) Any windows in roof space to be within front or rear elevations**
- 15) Bungalow only**
- 16) Dwelling to be sited no closer than 12m to front boundary**
- 17) Access to be a shared access for No.6 and proposed dwelling**
- 18) Details of access to be submitted**
- 19) Dwelling shall be sited at least 1.5m from boundary with No.6 Oak Villas**





Application No: 11/1359N

Location: 8, Chidlow Close, Hough, CW2 5RE

Proposal: Two Storey Side Extension, Ground Floor Garage and Utility, First Floor Bed with Ensuite and the Existing Garage to be Converted to Playroom/Store and single storey rear extension

Applicant: Mr E Potts

Expiry Date: 02-Jun-2011

### **SUMMARY RECOMMENDATION – Approve with conditions**

#### **MAIN ISSUES**

- Impact on the host dwelling
- Impact on the streetscene
- Amenity impact on neighbouring property
- Impact on highway safety

## **1. REFERRAL**

This application would usually be dealt with under the Council's delegation scheme. However, the application has been called into the Southern Planning Committee by Councillor Janet Clowes for the following reasons,

- 'a) Loss of daylight / natural light to neighbouring property's upstairs window (9, Chidlow Close)*
- b) Overshadowing of neighbouring property (9, Chidlow Close)*
- c) Impact of development on functionality of the 'shared' driveway between this property and its immediate neighbouring property (9, Chidlow Close)*
- d) Over-development of site and of a residential cul-de-sac'*

## **2. DESCRIPTION OF SITE AND CONTEXT**

The proposal site is situated within the settlement boundary for the village of Hough, which is located to the south of Crewe. The existing dwellinghouse is situated on a small modern cul-de-sac, near to the end turning area. The existing house is a semi-detached property with a detached garage within the rear garden which is accessed off a driveway to the side of the dwelling.

### **3. DETAILS OF PROPOSAL**

The proposal is for a two storey side extension, and a single storey rear extension and the incorporation of the existing garage building within the habitable ground floor of the dwelling. The proposed extension will create a new garage/storage area, utility, kitchen, play room and storage area at ground floor level and a master bedroom and ensuite at first floor level.

The amended plans received on the 20<sup>th</sup> June 2011 show the two storey extension having a width of 2.35m, a length of 8m and a maximum ridge height of 7.5m. The proposed single storey rear extension will have a projection of 3.3m off the rear elevation, a width of 6.4m and a maximum height of 3.8m. It is noted that there are some discrepancies within the plans, and these issues will be raised within the relevant sections of the report; however these discrepancies will not have a material impact on the decision made.

The proposal also includes the removal of the existing soft landscaping to the front garden area to be used as hardstanding for car parking.

### **4. RELEVANT HISTORY**

No relevant planning history

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West of England (RSS), and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

#### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
RES.11 (Improvements and Alterations to existing Dwelling)

#### **Other Material Considerations**

PPS1, Delivering Sustainable Development  
Extensions and Householder Development SPD

### **6. CONSIDERATIONS (External to Planning)**

**Highways:** No highways objection

### **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

Planning application 11/1359N has been viewed and discussed in detail by Hough & Chorlton Parish Council.

Local residents also attended the meeting to express opposition and concerns to the proposed plans.

The Parish Council's views are that the proposed building is out of keeping with its surroundings and represents a considerable over development of the site. It is felt that the proposed building work encroaches on, and up to, adjoining properties and would have a negative effect upon them. There are also concerns that the extension would impact on neighbours privacy and reduce the amount of natural light available to them.

It is the Parish Council's view that this planning application needs to be refused on the above grounds.

## **8. OTHER REPRESENTATIONS**

Letters of objection have been received from the occupants of 7, 9 and 16 Chidlow Close, Hough. The main issues raised are;

- Loss of practical parking space to shared access at No.9.
- Loss of light to No.9's living room, landing window, conservatory and bedroom windows.
- Extension will be overdominant and intimidating, and will have an un-neighbourly and overbearing impact,
- Front car parking area if tarmaced will make the Close look like a car park,
- Wheelie bins will be left on the front of due to restricted access to the rear which will look displeasing,
- Lack of drainage due to front garden being removed, and used as a car park,
- Lack of privacy due to overlooking windows,
- Will hide views of the Close from No.9,
- The conservatory window and front window would be facing the new wall only 6ft away not the recommended 13 meters,
- Lack of parking on the Close increased,
- Permission will not be given for footing on adjacent neighbours properties, and are not within the 1m ruling
- The proposed garage is too small to be used as a functional garage,
- The proposed extension will double the size of the property, creating an over dominant dwelling and a terrace effect within the streetscene,
- Would create a double fronted house which is not in-keeping within the adjacent semi's,
- Creating a driveway at No.8 will reduce the amount of on-street parking available within the Close,
- Close proximity of the rear extension will leave a gap too small to practically clean and maintain the side elevation of No.7's conservatory,
- Currently an issue with surface water drainage leading to flooding, and the increase in area caused by the proposed extension will have an increased impact on the risk of flooding,
- Proposal will have a negative impact on the value and saleability of adjacent dwellings.

**9. APPLICANT'S SUPPORTING INFORMATION – None received**

**10. OFFICER APPRAISAL**

**Principal of Development**

The principal of householder development within the settlement boundary is considered to be acceptable provided that it accords with Local Plan policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to existing Dwellings).

**Design**

The proposed two storey extension is to be positioned on the side elevation of the dwelling adjacent to the boundary with No.9 Chidlow Close. The amended plans show the proposed extension having a ridge height which is 0.225m lower than the ridge of the original dwellinghouse. The extension will be sited 0.2m back from the front elevation of the original dwelling, and will extend the full length of the original dwellinghouse. The front elevation of two storey extension will have a bedroom window at first floor level and a garage door at ground floor level with a canopy above which will span across the original front elevation of the dwelling. The proposed two storey element of the extension has been designed in such a way as it will appear as a subordinate extension to the original dwellinghouse, designed inline with the guidance set out in the Councils Extensions and Householder Development Supplementary Planning Document. There is another dwelling further up the Close, No.5A which has also had a two storey side extension approved, however this dwelling is sited up a long driveway and is less visible within the streetscene.

The proposed extension will not more than double the width of the existing dwellinghouse, and whilst there are not any other two storey extensions within the immediate location it is considered that the proposed extension respects the size and character of the original dwellinghouse and the surrounding streetscene.

The proposed rear extension will span almost the whole width of the rear elevation, with the amended plans showing the side elevation adjacent to the adjoining property No.7 Chidlow Close, moved 150mm away from the boundary. This single storey extension will have a lean-to design and will incorporate the existing garage within the extension. The proposed extension is of typical lean-to design, although the incorporation of the existing garage is unusual it is not considered that this is will equate to an overdevelopment of the site, and is unlikely to be visible from the surrounding public vantage points.

Furthermore, whilst the loss of the soft landscaping to the front of the dwelling is regrettable, this could be carried out under permitted development (Part 1 Class F) provided that the hard surfacing is made of porous materials or the run-off water from the hard surface is directed to a permeable or porous material within the curtilage of the dwellinghouse.

Therefore it is considered that the proposed development complies with Policies BE.2 (Design Standards) and RES.11 (Improvements and extensions to existing dwellinghouses), and the guidance set out in the Extensions and Householder Development SPD, and therefore is acceptable in design terms.

## **Amenity**

The proposed two storey extension will be sited on the side elevation of the original dwellinghouse, adjacent to the boundary with No 9 Chidlow Close. The proposed extension is to project 2.35m off the side elevation of the dwelling towards No.9. There is currently a shared driveway between the two properties and No.9 Chidlow Close is set back approximately 4m further back in the plot than the proposal site.

The proposed two storey side extension slightly breaches the 45 degree code from the front elevation of the adjacent property (No.9); however this is a minor breach which would not have a significant impact on the neighbour's amenity. Only the roof area would encroach upon the 45 degree code as set out in the Councils SPD on Extension and Householder development and therefore is considered that this will have a minimal impact on light entering habitable rooms with principal windows. It is considered that, due to the separation distance and the staggered nature of the dwellings the proposed extension would not have an overbearing impact upon the neighbouring property.

The proposed two storey extension is proposed to have a high level ground floor window on the side elevation facing towards the side elevation of No.9. On the side elevation of No.9 there is a landing window which is obscure glazed, this is not a principal window to a habitable room and therefore the distance of 2.5m between this window and the proposed side elevation of the dwelling will be suitable in this position, particularly as they are not within the same build line.

It is therefore considered that the proposed two storey extension to the side of No.8, is of a suitable design and position that although it will have some impact on the adjacent neighbours at No.9 it will not have a detrimentally significant impact that would justify refusing the proposal.

The proposed extension to the rear will project 3.3m off the rear elevation of the existing dwelling and would be set in from the common boundary by 0.15m, and will have a pitched lean-to roof. Whilst the adjoining neighbour's conservatory is likely to lose some light from the side elevation, the nature of conservatory allows for light to be sought from other elevations. Given the rear extension is only single storey it is considered that the proposal will not have a significantly detrimental impact on the adjacent neighbours at No.7.

It is considered that as there is an existing garage at single storey, it unlikely that the rear extension to No.8 will have any increased impact on the amenity of the adjacent neighbours at No.9. It is therefore considered that the proposed development is acceptable and in accordance with the local plan policy BE.1 (Amenity).

## **Highway Safety**

The proposed extension will include the loss of some driveway to accommodate the extension, and the loss of the existing garage. The proposed extension will include an attached garage on the front elevation of the extension; however it is acknowledged that it is unlikely to be suitable to fit a car within it. However as the floorplan shows it to be a garage/store it is likely that this will allow space to store wheelie bins etc, rather than leaving on the front driveway.

The proposal does include the surfacing of the existing landscaped garden to create a parking/driveway area to the front of the dwelling, which will accommodate two car parking spaces. The Highways Authority have raised no objections to the proposed extension and therefore it is considered that the proposed development can safely accommodate parking for the dwellinghouse without having a detrimental impact on highway safety, in accordance with Policy BE.3 (Access and Parking).

### **Other Matters**

Within the objections made by the adjacent neighbours issues have been raised relating to construction methods and the possible need to use the adjacent neighbours land to build on to the boundary. Despite the discrepancies in the proposed plans the amended proposal shows the proposed extension is to be constructed wholly within the boundary of the red edge and the applicant has signed certificate A, stating that all the land which the planning application relates to is on land owned by the applicant. Therefore any further issues of land ownership or the need to construct on adjacent land becomes a civil matter and is not a material consideration on a planning application.

Furthermore, within the objections the impact on the value and saleability of the adjacent dwellings has been raised as an objections, however the value and/or impact on saleability of properties is not a material consideration to be dealt with in the planning application.

Two issues have been raised with relation to surface water drainage, to ensure that the proposed car parking to the front of the site does not increase surface water run off in the area; a condition will be attached to the permission to ensure that the proposed hard surfacing of the front garden is constructed in permeable materials. Furthermore, it is unlikely that the proposed surface water drainage to the rear of the property will be exacerbated to a point that would have a significantly detrimental impact on the neighbours, however the issues of the existing drainage pipes is a civil matter and not a material planning consideration to be dealt with in this applications.

Within the objection, the issue that the adjacent neighbour will not be able to use there drive way functionally has been raised. Due to the staggered nature of the housing development No.9 are able to park a car further down the drive than No8, allowing them to open the car doors onto the 'shared driveway However, if two cars were parked side by side on the driveway in the current situation, a similar issue would occur. Notwithstanding this, the adjacent neighbours could place a fence/wall/hedge between the two properties without planning permission and this would have the same effect blocking their ability to open the car door onto the shared drive. It is therefore considered that the proposed extension may have an impact on the current use of the adjacent neighbour driveway however; this does not mean the proposal should be refused. The proposal would not have a significantly detrimental impact on the neighbour's amenity, and any issues relating to the ownership of the 'shared' drive is a legal matter and not a material planning consideration.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the proposed development is of size and position which is in-keeping with the host dwelling, and the surrounding area. The proposed development will not have a

significantly negative impact on the adjacent neighbours, or highway safety and is therefore considered to be acceptable and in accordance with the relevant policies of the Local Plan.

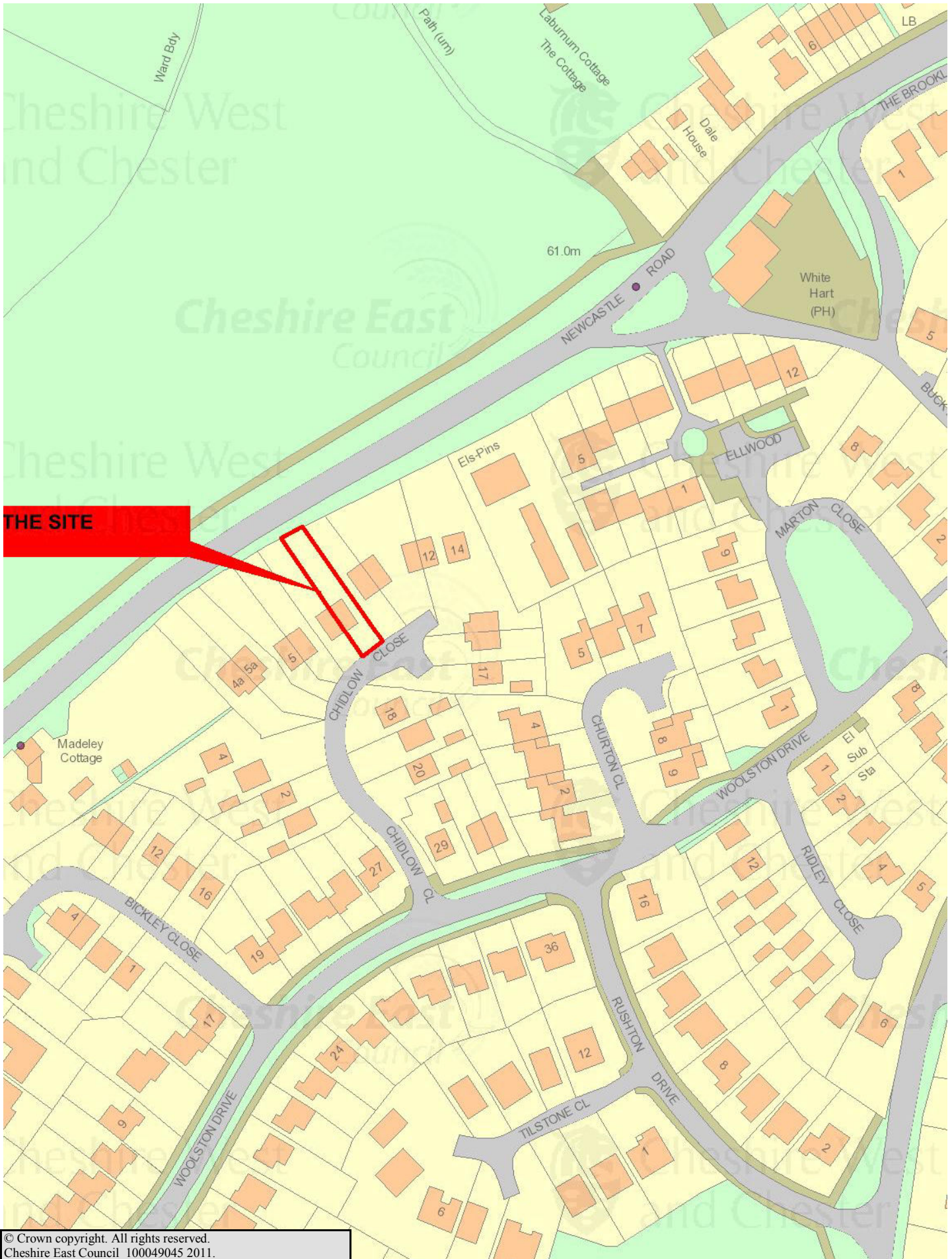
### **Conditions**

- 1. Standard Time**
- 2. Materials to match existing dwelling**
- 3. Side elevation window to be obscure glazed and PD removed for any other windows or doors on side elevation**
- 4. Surfacing materials to front parking area to be constructed in permeable materials**
- 5. Approved plans**

### **Reason for approval**

The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy BE.2 (Design Standards). The proposal therefore complies with Policy BE.1 (Amenity), Policy BE.2 (Design Standards), Policy BE.3 (Access and Parking) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.







Application No: 11/1559N  
Location: 2, Brookview Close, Wistaston, CW2 6WB  
Proposal: Side Two Storey Extension  
Applicant: MR L HEATH  
Expiry Date: 21-Jun-2011

**SUMMARY RECOMMENDATION**

Approve with conditions

**MAIN ISSUES**

- Impact on residential amenity
- Impact on streetscene

**REASON FOR REPORT**

This type of application would normally be dealt with under the Council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr Dorothy Flude for the following reasons;

*"The proposed extension would over dominate the property across the road, 4 Brookview Close, the proposal fails to respect the design and form of the existing houses."*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is situated along the residential cul-de-sac of Brookview Close, Wistaston within the settlement boundary for Crewe.

The principle elevation of the application dwelling faces to the west and overlooks a field, as does the side elevation to the north. The southern side elevation faces the side elevation of the neighbouring 1 Brookview Close. The rear elevation of the application dwelling faces 3 neighbouring dwellings, 3, 4 and 5 Brookview Close.

**DETAILS OF PROPOSAL**

The proposed development is to construct a two storey side extension to the north elevation on the site of the existing conservatory. It will project from the existing side elevation by 3.5 metres, with a width of 5 metres and a roof ridge height of 7.2 metres.

It is proposed that the north elevation will have a set of patio doors to the first floor and a set to the first floor with a Juliet balcony. The front elevation will be blank, while the side elevation (east) will have 2 windows to the first floor.

## **RELEVANT HISTORY**

P03/1182 – Conservatory - approved with conditions 2003  
P98/0450 – Outline for 6 dwellings - approved with conditions 1998

## **POLICIES**

### **Regional Spatial Strategy**

### **Crewe and Nantwich Local Plan Policy**

Crewe Settlement Boundary

BE.1 – Amenity

BE.2 – Design Standards

RES.11 - Improvements and Alterations to Existing Dwellings

### **Other Material Considerations**

Supplementary Planning Document – Extensions and Householder Development

## **CONSULTATIONS (External to Planning)**

None

## **VIEWS OF THE PARISH / TOWN COUNCIL**

None received at time of writing report

## **OTHER REPRESENTATIONS**

1 letter of representation has been received from the occupier of the neighbouring 4 Brookview Close which makes the following points:

- Proposal does not respect the existing dwelling resulting in over domination and overshadowing.
- The proposal is less than 13.5 metres from neighbouring principle windows, is not 'set back' from the gable fronting the cul-de-sac and does not appear sub-ordinate to the original dwelling, as per the Supplementary Planning Document adopted July 2008'.

## **APPLICANT'S SUPPORTING INFORMATION**

None received

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposal is for a 2 storey side extension to a dwelling within the settlement boundary for Crewe which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties. The main points of this application are the effect upon neighbouring dwellings and the streetscene as a whole.

## Design

Guidance concerning proposed side extensions is given within paragraph 3.12 of the SPD which states that:

*“Side extensions should be set back from the front elevation of the existing house in order to appear subordinate and to disguise any variation on size, colour or texture of brickwork...”*

The front elevation (west) of the proposed development is set back from the front elevation, furthermore the roof height of the proposed development is lower than that of the existing. The proposed 2 storey side extension is considered to be subordinate to the existing dwelling and in accordance with the above advice.

It is considered that the proposed development is of a size and scale appropriate to the host dwelling, thus respects the character, pattern and form of the surroundings.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## Amenity

The north and west elevations of the proposal do not face neighbouring dwellings and look out onto areas of open space, therefore will not be an effect upon residential amenity from this perspective.

The east elevation of the proposed development faces the principal windows of the neighbouring 3 and 4 Brookview Close. This east elevation has 2 windows to the proposed first floor, 1 serving a bathroom and 1 serving a robe room. Neither of these windows are considered to be principal windows, furthermore the bathroom window is to be obscure glazed. Therefore paragraph 3.33 of the Supplementary Planning Document applies and states that:

*“A distance of 13.5 metres should be maintained between the flank of a two or three storey extension and a principal window in a neighbouring dwelling. In this context a flank elevation would be one, which does not contain any principal windows...”*

The distance between the flank of the proposed extension and the principal windows of number 4 is 13.5 metres, and between number 3 is a distance of 14.5 metres. Therefore the proposed extension meets requirements within the SPD. It is accepted that the proposed extension will be visible from the principal windows to the front elevation of numbers 3 and 4 Brookview Close. However, given that the required separation distances are met it is considered that the proposed development will not have a detrimental impact upon the amenity of neighbouring dwellings.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **CONCLUSIONS**

The proposed 2 storey side extension is acceptable and appropriate in terms of design and appearance and will not have a detrimental effect upon the streetscene or the host dwelling.

The distance requirements between flank elevations and neighbouring principal windows are met as per guidance given within the SPD. Overall it is considered that the proposed development will not have a significant enough effect upon neighbouring amenity to justify a refusal.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:-

1. Standard time
2. Approved plans
3. Materials to match existing dwelling

## **REASON(S) FOR THE DECISION**

The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy BE.2 (Design Standards). The proposal therefore complies with Policy BE.1 (Amenity), Policy BE.2 (Design Standards), and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, as well as guidance given within the SPD.



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Application No: 11/1584N

Location: OAKHANGER HALL FARM, TAYLORS LANE, OAKHANGER, CW1 5XD

Proposal: EXCAVATION OF A NEW CLAY LINED SLURRY LAGOON

Applicant: D & S C SUTTON

Expiry Date: 09-Aug-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Need for the Proposal;
- Design;
- Amenity;
- Ecology;
- Public Rights of Way; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

Oakhanger Farm is a working dairy farm and is set back from the main road by a distance in excess of 200m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a grey slate roof, which is located to the north of a farm complex which contains a number of traditionally constructed barns. The farm also has a number of more modern utilitarian buildings which are located around the periphery of the application site, which comprise of milking parlour, slurry lagoon, livestock buildings and silage clamp. The application site is located on the edge of the farm complex in a corner of the field, which is enclosed on two sides by mature native hedgerows. There are a few residential properties located at sporadic points along this stretch of Taylors Lane. The application site is located wholly within the open countryside.

**DETAILS OF PROPOSAL**

This is a full application for the construction of an agricultural slurry lagoon at Oakhanger Hall Farm, Taylors Lane, Oakhanger. The proposed lagoon will measure approximately 37m long by 37m wide and is 2.5m deep. The proposed lagoon would be sited in a corner of a field and enclosed on two sides by mature native hedgerows.

## **RELEVANT HISTORY**

7/18818 – Silage Clamp Slurry Compound and Cubicle Building Extension – Approved – 9<sup>th</sup> September 1990

P04/0022 – Stock Building – Approved – 30<sup>th</sup> March 2004

P08/0129 – Demolition of Timber Framed Barn and Construction of Steel Milking Parlour Building – Approved – 30<sup>th</sup> April 2008

10/1338N – Demolition of Timber Framed Stock Building and Erection of a Steel Portal Framed Building – Approved – 22<sup>nd</sup> June 2010

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

### **Local Policy**

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

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

RT.9 Footpaths and Bridleways

## **CONSIDERATIONS (External to Planning)**

**Public Rights of Way (PROW):** No comments at the time of writing this report

**Ecologist:** I do not anticipate there being any significant ecological issues associated with the proposed development

**Environmental Health:** No objections subject to conditions relating to hours of construction and only slurry generated on the farm to be stored in the lagoon.



## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **No objections in principle subject to the following comments:**

- The new lagoon is stated to require externally sourced clay for lining - no figures are given but can be estimated from the scale drawings at approx 680 cubic metres, need to consider the size and route of vehicles delivering this material to the farm through Oakhanger.
- The application also fails to state what will happen to the 3000 cubic metres of earth extracted to create the lagoon - will this be spread around the farm or exported, again the concern is the risk of damage to local roads.

## **OTHER REPRESENTATIONS**

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of an agricultural building that is essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 1.3 of PPS7 states

*"Promote the development of the English regions by improving their economic performance so that all are able to reach their full potential – by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies"*

*"To promote sustainable, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity"*

In addition, paragraph 16 of PPS.7 states that Local Planning Authorities should:

*"Support development that delivers diverse and sustainable farming enterprises".*

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

The key issues, therefore, are whether the proposed slurry lagoon is appropriate in terms of safeguarding neighbouring amenities and the appearance of the open countryside and impact on the local highway network.

### **Need for the Proposal**

According to the applicants Design and Access Statement recent NVZ (Nitrate Vulnerable Zone) regulations come into force on the 1<sup>st</sup> January 2012 requiring livestock farms to ensure they have five months storage capacity for slurry and dirty water produced on the holding. Currently Oakhanger Hall Farm has insufficient storage to meet these regulations and as a result the business needs to construct the new lagoon in order to meet the legislation.

### **Design**

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed location of the slurry lagoon is situated to the north east of the existing farmyard. The proposed lagoon is rectangular in form and measures approximately 37m wide by 37m long (which equates to an area of 1369msq) and will be 2.5m deep. The slurry lagoon will be excavated in the field and the base and banks of the lagoon will be lined with a sufficient depth of imported clay, to prevent any leakage. The banks of the lagoon will be at a 45 degree gradient. The site is located within an undeveloped field in close proximity to the existing lagoon. The application site is bounded on two sides by mature native hedgerows and open fields on the remaining elevations. According to the Design and Access Statement this location for the lagoon has been chosen for a number of reasons. The position of the new lagoon will allow for slurry to be moved from the existing lagoon into the new slurry lagoon without having to travel a large distance. The new lagoon will be sited a lower ground level than the existing facilities, so the new lagoon is gravity fed. The new lagoon is situated approximately 140m from the existing farmhouse, which will help to reduce any impact on residential amenity. In addition, the new lagoon is sited so that it does not interfere with the existing public right of way. Finally, the soil at this location has a high clay content, whereas the soil adjacent to the existing lagoon has a sand content, making it more porous.

Whilst the lagoon would be visible from the adjacent footpath this is the type of structure expected within a farm complex. In order to help assimilate the proposal into the local environment conditions relating to boundary treatment and landscaping will be attached to the decision notice.

### **Amenity**

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are Stockton Farm and Gate Farm. The nearest residential properties to the application site (apart from the applicants property) are Stockton Farm which is located 500m to the west of the site and Gate Farm which is located in excess of 600m to

the south. It is not considered that the development will have any impact upon neighbouring residential amenity given the separation distance involved, undulating nature of the land and intervening buildings. Whilst there is also a farmhouse associated with the farm complex in close proximity to the lagoon, as this is occupied in connection with the existing farm complex any impact on the amenities of this property is within the occupant's control. Furthermore, the Councils Environmental Health Department has been consulted and they have raised no objection to the proposal. It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

## **Ecology**

There are numerous ponds within the locality of the application site and it is possible that GCN and Lesser Silver Water Beetles which are both protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) may be affected by the proposal. However, the Cheshire East Ecologist has viewed the submitted plans and accompanying supporting information and concludes that he does not anticipate the proposal having any adverse ecological impacts associated with the proposed development. Consequently, the proposed development accords with policy NE.9 (Protected Species).

Oakhanger Moss is identified as a RAMSAR site, however the site falls outside the consultation zone and it is not considered that the proposal will have a detrimental impact upon the RAMSAR site.

## **PROW**

The proposal is located near a public footpath. It would appear from the submitted plans that the proposal appears unlikely to affect the public right of way. Colleagues in PROW have been consulted and their comments have not yet been received at the time of writing this report. When their comments have been received they will be referred to in the update report.

## **Other Matters**

The agent has confirmed that the clay will be imported to the site in 20 ton loads, therefore the required volume of clay will generate approximately 34 deliveries to the site during the lagoons construction. The surrounding roads are not heavily trafficked and the vehicle movements and the associated disturbance will be for a limited time. It will not be a constant number of comings and goings from hereon in.

In light of the temporary nature of the associated vehicle movements the development will not result in demonstrable harm to either highway safety or neighbouring amenity. It is however recommended that a condition for wheel washing facilities should be imposed on any condition to ensure that vehicles crossing the field to the hollow do not spread debris on the highway.

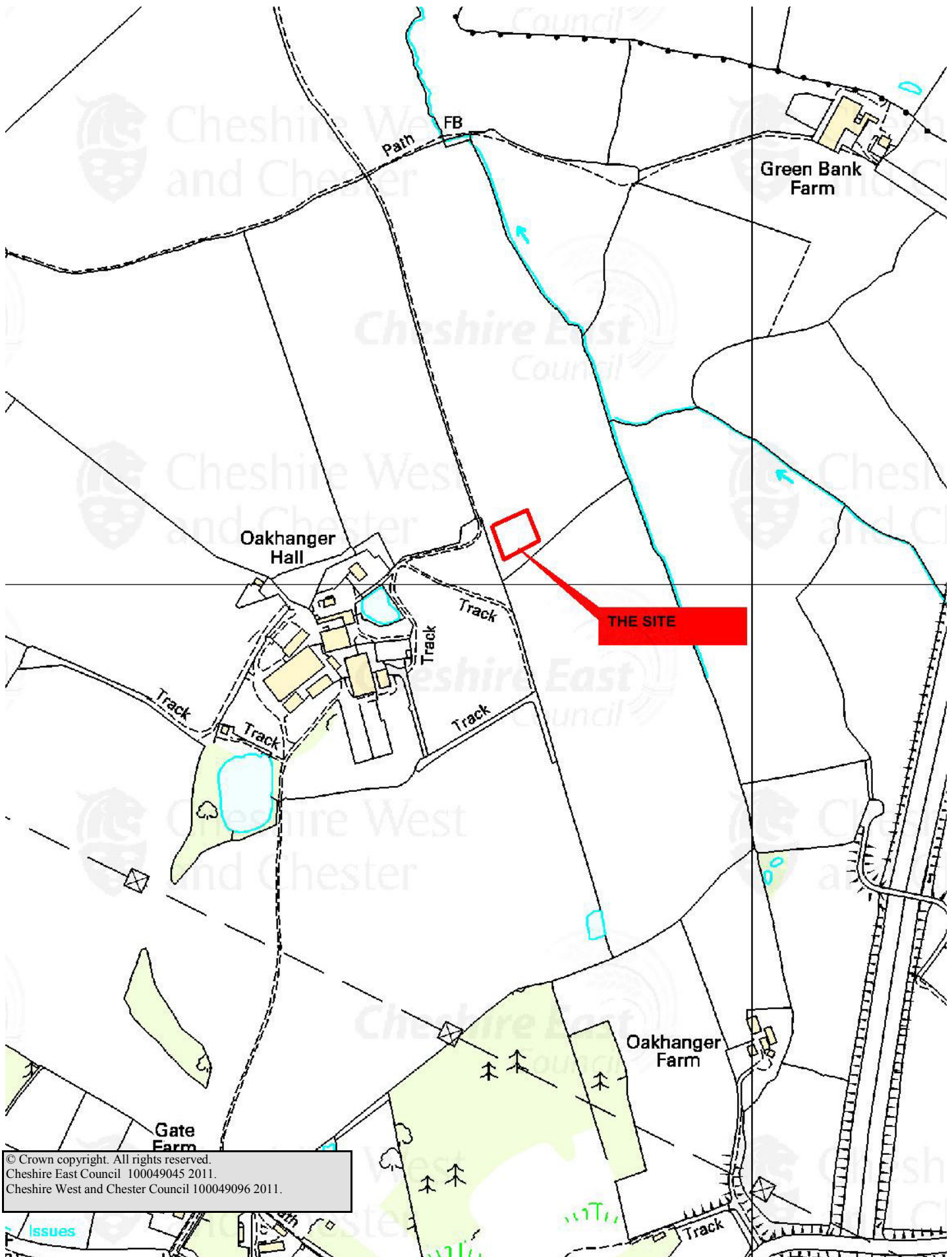
The excavated soil will be used to freeboard and grade banks around the edge of the lagoon, any excess material will be graded and used on the holding. If material wasn't to be used on the holding the surplus material would be loaded into the vehicles delivering the clay.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed slurry lagoon is appropriate in terms of scale, form, character and appearance for the purpose it will serve. The impact on residential amenity will be marginal given the separation distances involved and the existing agricultural buildings on the site. Therefore the proposal is in accordance with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plans**
- 3. Boundary Treatment**
- 4. Landscaping Submitted**
- 5. Landscaping Implemented**
- 6. Slurry shall only be used for the storage of slurry and dirty water from Oakhanger Hall Farm and no other location and for no other purpose.**
- 7. Hours of Construction restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 8. Wheel Washing**



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Application No: 11/1683N  
Location: UNIT DC 360, FOURTH AVENUE, CREWE  
Proposal: Solar Panels to be Affixed to the Roof of an Existing Warehouse Unit  
Applicant: Mr A Fornal, Juwi Renewable Energies Limited  
Expiry Date: 08-Aug-2011

**Date Report Prepared: 28<sup>th</sup> June 2011**

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Design – Impact on the Character and Appearance of the Locality and Streetscene; and
- Impact on the Amenity of Adjacent Properties

**REASON FOR REPORT**

This application is to be determined by Southern Planning Committee as it is a proposal on a site area which exceeds 1ha.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is a large vacant warehouse located wholly within the settlement boundary of Crewe. The warehouse consumes a significant area which is contained by another large warehouse to the east, Fourth Avenue to the west and beyond that is a car garage, to the north are smaller industrial warehouses and to the south is the A5020 and similar warehouses beyond. Located around the periphery of the site is car parking and other ancillary structures.

**DETAILS OF PROPOSAL**

This application proposes the installation of solar PV panels to be located on the roof of the warehouse. There will be a total of 9,360 panels covering a large surface area of 28,511m sq roofspace. The projection of each solar panel from the roof top will be approximately 98mm and due to their location will not be visible from the public realm. This would achieve a potential annual out of 1.375 MW. The unit is currently vacant but it is considered that the production of

energy on site will raise interest in the unit given the possibility of substantially reduced energy costs.

## **RELEVANT HISTORY**

Extensive site history across the application site, none of which are relevant to this proposal.

## **POLICIES**

### **Local Plan Policy**

NE.19 (Renewable Energy)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS: Planning and Climate Change – Supplement to PPS1  
PPS22: Renewable Energy

## **CONSULTATIONS (External to Planning)**

None consulted

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Not Applicable

## **OTHER REPRESENTATIONS**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

## **OFFICER APPRAISAL**

### **Principle of Development**

Policy NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan states that development which is for the generation of renewable energy sources



will be permitted, subject to satisfying a number of criteria relating to impact on the character of the area, highway safety, the amenities of nearby properties and landscape considerations. The proposed development of solar panels is therefore acceptable in principle providing there is no significant harm to those areas identified.

Developments for renewable energy schemes which help to address climate change are encouraged in national planning guidance contained within PPS1, the Climate Change supplement to PPS1 and PPS22.

National planning guidance for renewable energy is contained in PPS 22: Renewable Energy and states that:

*'Increased development of renewable energy resources is vital to facilitating the delivery of the Governments commitments on both climate change and renewable energy'.*

In setting out the key principles the guidance states that *'The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.'* (para. 1.iv).

The main issues in this instance are therefore whether the proposed development would result in significant harm to the character and appearance of the area and the amenities of nearby properties. There are no landscape considerations due to the nature of the site and, as the proposals do not create additional floorspace and are contained within the site complex, there would be no highways implications.

### **Design - Impact on the Character and Appearance of the Locality and Streetscene**

The application site is a large warehouse sited on the edge of Crewe in a predominately industrial/commercial area. The scale of the site means that it is visible from a wide area. The proposed solar panels (9,360), which would total approximately 28,500m<sup>2</sup> would be sited completely on the roof of the building lying flat against it. The panels will be set back from the edge of the roof by approximately 1.3m. According to the submitted plans the proposed development does not create any additional floorspace but would project by 98mm from the existing roof. The increase in bulk of the building would be imperceptible from the surrounding area. Due to the design of the host building, the roof is not visible from within the site boundaries or from the adjacent roads. The proposed solar panels, will be a dark colour in appearance, however, given that the panels are not going to be visible it is considered that the proposal would not significantly alter the overall character of the site or cause a detrimental impact on the character and appearance of the surrounding area. The proposed development would provide significant benefits through the reduction of carbon emissions, this would outweigh any harm in the change in character and

appearance of the site.

**Impact on the Amenity of adjacent properties**

The proposed development covers a substantial area of roof space. There are residential properties located to the west, which are in excess of 790m away from the proposed development. The proposed development is a renewable energy source which does not generate any significant noise output. In any event, the site is a large scale industrial warehouse located adjacent to similar buildings. It is considered given the separation distances, intervening building and due to the nature of the development there would be no other amenity issues relating to disturbance, pollution, visual intrusion or traffic generation.

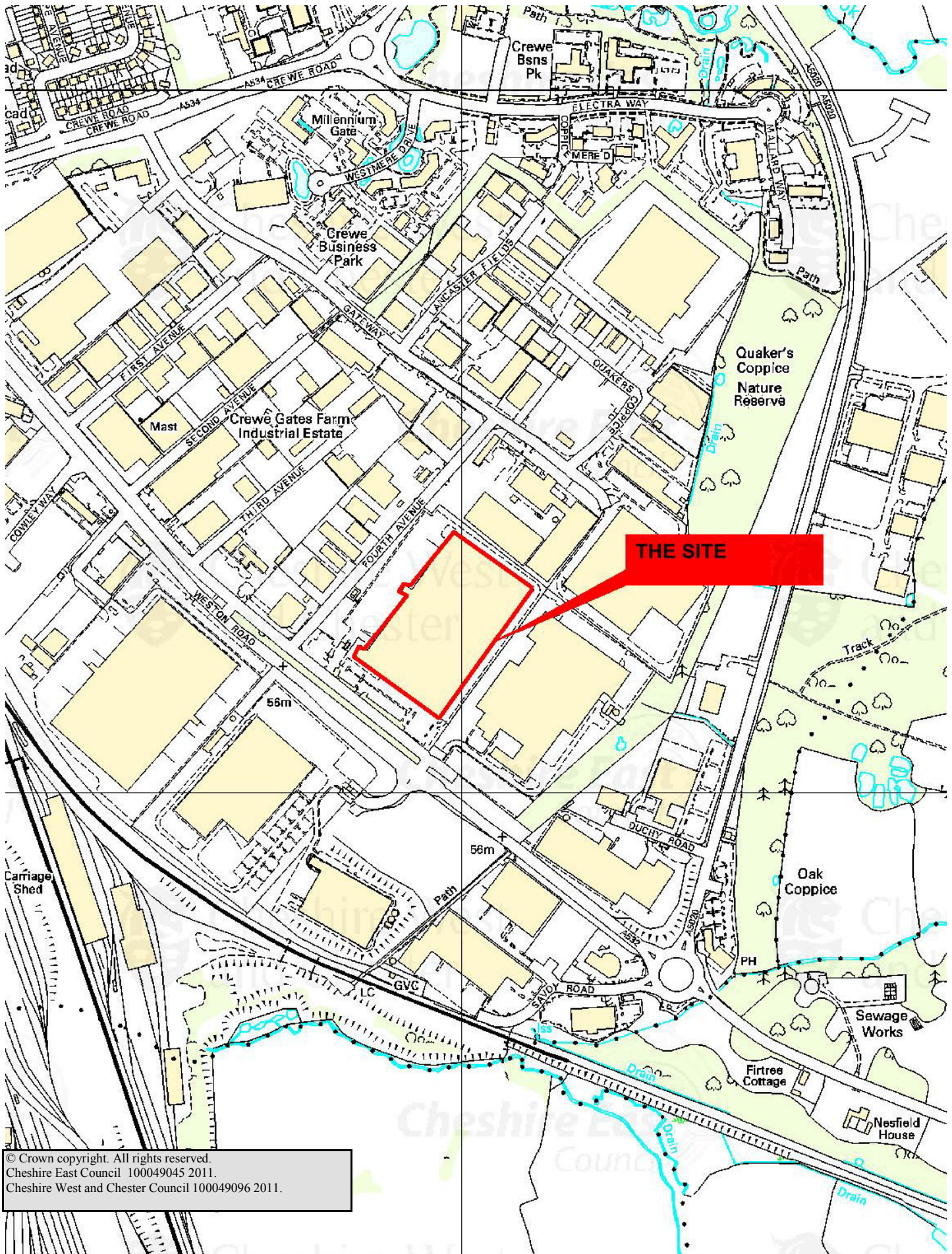
**CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development is for a largescale solar panel installation on top of Unit DC 360, which is a large vacant warehouse. The scheme would provide significant environmental and economic benefits. The setting and nature of the site would mean that the proposed development would not cause any significantly detrimental harm on the character and appearance of the area. There would be no amenity issues arising from the proposed development. The proposed development is therefore considered to be in compliance with Policies NE.19 (Renewable Energy), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1: Delivering Sustainable Development, PPS: Planning and Climate Change – Supplement to PPS1 and PPS22: Renewable Energy

**Approve subject to the following conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials as Submitted**





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Application No: 11/1782N

Location: 90 Crewe Road, Shavington Cum Gresty, Crewe, Cheshire, CW2 5DW

Proposal: Change Use of Single Garage into a Small Dog Grooming Salon. No External Alterations to be Made

Applicant: Mrs N Kerr

Expiry Date: 12-Jul-2011

**SUMMARY RECOMMENDATION: Approve with Conditions**

**MAIN ISSUES:**

- **Principal of Development**
- **Impact on the streetscene and the existing dwellinghouse**
- **Impact on neighbouring amenity**
- **Impact on highway safety**

**1. REASON FOR REFERRAL**

This type of development would normally be dealt with under the council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr David Brickhill for the following reasons;

*'The reasons for this are to allow members to consider the parking problems associated with this application on the very busy Crewe Rd exactly where there was a fatal accident in the last two years and several other incidents have occurred. There is just no room for the extra vehicles to park on this road. Noise from barking dogs cannot be avoided and will reduce amenity to adjoining residents.'*

**2. DESCRIPTION OF SITE AND CONTEXT**

The proposal site is situated with the Shavington Village settlement boundary as defined by the Crewe and Nantwich Replacement Local Plan 2011. The existing property is a semi-detached dwelling, within a streetscene of similar two storey properties. The existing dwelling has got a detached garage within the curtilage of the property. The garage has a pitched roof.

**3. DETAILS OF PROPOSAL**



The proposal is for the change of use of the existing garage building, to a dog grooming salon. There are to be no external changes to the outbuilding to accommodate the change of use. However, the supporting statement includes details that the existing front wall is to be removed and the front of the site is to be used for car parking.

#### **4. RELEVANT HISTORY**

No relevant planning history

#### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

##### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
RES.11 (Improvements and alterations to existing dwellings)  
E.5 (Employment in Villages)

##### **Other Material Considerations**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth

#### **6. CONSULTATIONS (External to Planning)**

**Highways:** None received at the time of writing this report.

**Environmental Health:** The introduction of a dog grooming business in a residential area has the potential to cause noise nuisance to local residents. There is the potential for loss of amenity caused by dogs barking on the premises, vehicles coming to and from the site as well as noise from equipment used in the dog grooming business. Therefore Environmental Health would recommend the following conditions to protect the amenity of local residents:

1. Hours of working, including deliveries, should be restricted to those specified in the application form i.e. 9am-6pm Monday to Friday and 9am-2pm Saturday due to the close proximity of local residents.
2. Before the use commences the building (garage) together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.

3. The business activities associated with the dog grooming shall be restricted to the detached garage in order to protect the amenity of local residents.
4. No more than 5 dogs per day shall be brought to the premises for grooming.
5. No more than 2 dogs connected with the business operation shall be on site at any one time.
6. Dogs associated with the dog grooming operation shall be kept inside the garage apart from access and egress to the site.
7. In order to prevent dog barking outside the premises, apart from dogs living in the same household, only one dog shall access or exit the site at any one time.

**7. VIEWS OF THE PARISH / TOWN COUNCIL:**

The Parish Council has considered the above application and has instructed me to raise the following objections with you. I understand that Councillor D Brickhill has called-in this application to the Planning Committee and I would be obliged if you would arrange for the following to be reported to the Committee when it meets.

The Parish Council has serious highway concerns since this is the main arterial road through the village and is very busy at all times during the day. Parking is always a problem along Crewe Road and can be exacerbated by events at the Social Club just a few doors away (such as large bowls matches). In addition the speed of vehicles coming down the hill from Dodds Bank on the approach to the Village is of continual concern to the Parish Council and further traffic will only add to this especially as visitor parking is made very difficult by the number of vehicles always parked along this stretch of road. The Parish Council has asked for a police report of incidents in this location over the last two years and these show that there were 11 slight injury accidents and 1 serious/ fatal accident during this period.

Should the Highways Department need to view the stretch of road in question before making its observations the Parish Council would suggest that such a visit be made on a bowls match day when parking is non-existent.

**8. OTHER REPRESENTATIONS:**

Letters of objection have been received from the Occupiers of 111 Crewe Road, Shavington.

The main issues raised are;

- Concerns raised over increase in traffic movements in an already busy and fairly narrow area of Crewe Road,
- Horse riders will be more likely to mount the pavements of the opposite side of the street due to extra car parking.
- Emergency vehicles use this road frequently and more traffic will cause a hazardous impact for the drivers,

- Not possible to park two cars on the drive and have a further car parking in front of the property without blocking the cars on the drive in,
- If a second person is employed at the site it is not realist to assume that they will be local and will not have a further car,
- A number of the existing dwellings in the area use the front garden as a driveway this creates less available on-street car parking spaces.

**9. APPLICANT'S SUPPORTING INFORMATION:**

- **Supporting Statement**

**10. OFFICER APPRAISAL**

**Principle of Development**

Small scale business use is considered acceptable within a residential area, particularly within village settlements where sustainable economic development is possible. However, the proposal must meet the requirements of policies BE.1 (Amenity), BE.2 (Design Standards), and BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

**Amenity**

The proposal seeks permission for the change of use of part of a domestic garage building to be used as a dog grooming salon. Externally there will be no changes to the building. Only internal alterations are proposed within the garage which includes the provision for relevant items such as, a work surface, bath, cupboard, area for cages and counter top associated with the business.

The proposal site is situated within a residential area which is predominantly an estate of two storey properties. The existing garage is sited adjacent to the boundaries of No.92 and 88 Crewe Road, and No. 16 The Orchards to the rear. The proposed use will be accessed through the existing door on the side elevation of the garage.

Whilst it is noted that the proposed use may have some increased impact on neighbouring amenity, the proposed dog grooming salon will be fairly small in size, with only 5 dogs/clients per day, to begin with and with the intention of growing to 10 per day if the business grows. This may lead to an addition full-time employee at the site.

In the general use of the site there will be no more than 2 dogs relating to the business on the site at any one time (however there is the chance that one client will have two dogs and they may cross over with other clients). The applicant is proposing to use the business between the hours of 9am to 6pm, Monday to Friday, and 9am to 2pm on a Saturday.

As the proposed use is of a fairly small scale, and the keeping of dogs is typically something which is carried out in a residential area, it is not considered that the



business would generate a significant level of additional traffic or create noise levels that would have a detrimental impact upon neighbouring amenity.

Concerns have been raised in relation to the impact which the proposal will have on local residential amenity, and the perceived increase in noise which will occur from the proposed business use. However, the Environmental Health section considers that the proposal is acceptable provided that several conditions are attached to an approval. These conditions would restrict the hours of operation, require noise attenuation, limit the numbers of clients/dogs, and the dog grooming use would be allowed solely within the garage. Only one of the conditions proposed by the environmental health department will not be used within the permission '*7. In order to prevent dog barking outside the premises, apart from dogs living in the same household, only one dog shall access or exit the site at any one time*'. It is considered that this condition would be unenforceable. Notwithstanding this condition, it is agreed that the other proposed conditions which have been requested by Environmental Health are acceptable and will help to achieve a scheme which will have an acceptable impact on residential amenity.

It is agreed with the Environmental Health Department that this permission will be restricted to 5 dogs per day by condition, to safe guard the amenity of the adjacent neighbours, should the business need to expand a further application should be sought to increase the amount of dogs permitted to the site. At this time it will be possible to re-address the scheme and see if the site can accommodate an increase in clients or not and a further employee.

It is considered that with the restrictions proposed by the Environmental Health Section, and given the relatively small scale of the business, the proposed dog grooming salon will not have a significantly detrimental impact on neighbouring amenity, and is therefore considered to be in accordance with Policy BE.1 (Amenity).

### **Highway Safety**

Within the objections received from local residents and from the Parish Council concerns have been raised relating to the possible highway safety implications which may arise from the proposed development. The issues raised largely relate to the amount of available car parking within the area and the general amount of traffic within the area, already being very high.

The applicant has stated that the site is capable of parking two cars within the curtilage of the dwelling, once the front wall is removed. Although not noted within the application it is likely that a further increase in the dropped kerb will be required to accommodate this vehicular access and therefore an informative will be added to ensure it is carried out to CEC Highways requirements. The applicant has also stated that there is adequate on-street parking within the area to accommodate the clients dropping/picking the dogs up. This is not agreed by the neighbours or the parish who consider the road to be over saturated with on street parking from the existing local social club, furthermore stating that the road has been subject to 11 slight injury accidents and 1 serious/ fatal accident within the last two years.

Notwithstanding the absence of any comments from the Highway Authority it is noted that the proposed business will only increase the amount of car parking required in the area by 5 movements a day. Whilst it is acknowledged that on street parking in the area is fairly saturated the proposed business use will be restricted to certain times of the day. Therefore, given that the movements will be fairly limited and there are no parking restrictions on the street, it is considered that it is unlikely that the proposed increase vehicular movements to and from the dwellinghouse, will create such an increase as to cause a significantly negative impact on highway safety in this area.

### **Design Standards**

The proposed development is for the change of use of an existing building, and there are to be no alterations to the external appearance of the building. The proposed alterations are to be contained internally within the building and therefore the development will not have a detrimental impact on the streetscene or the existing dwellinghouse. If the application is approved an informative will be added to the decision notice to highlight that the decision relates solely to the change of use and does not give permission for any external alterations proposed including advertisements.

### **Other matters**

As altering the front garden area to a car parking area may require planning permission depending on the materials used to surface the area, a further condition will be attached to the permission to ensure the front drive is constructed using permeable surfacing materials in line with the requirements of Part 1 Class F of the General Permitted Development Order 2008.

## **11. CONCLUSIONS**

It is considered that the proposed development is of a scale and intensity which is acceptable for a residential area and by means of several conditions noted below the development should not have a significantly detrimental impact on neighbouring amenity. It is therefore considered that the proposed development is acceptable and in accordance with the relevant policies of the local plan.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions:-**

- 1. Standard Time**
- 2. Approved plans**
- 3. Hours of operations to be 9am until 6pm Mondays to Fridays and 9am until 2pm on Saturdays, not at all on Sundays or Bank Holidays**
- 4. Details of noise attenuation to be submitted**
- 5. Dog grooming to be restricted to detached garage only**
- 6. Number of dogs per working day restricted to 5**
- 7. No more than two dogs associated with the business on site at any one time**

- 8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site**
- 9. Surfacing materials for the new driveway to be permeable**

#### **INFORMATIVE 1**

This application is solely for the approval of the change of use of part of the existing garage building and does not include any external alterations to the garage or advertisements relating to the business use. Any external alterations will require a separate planning application to the Local Planning authority.

#### **INFORMATIVE 2**

Prior to first use the developer will provide a new vehicular crossing to the property, the specification for which will comply with Cheshire East Council Highway Authority requirements. The applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980 and prior to the commencement of the work.

#### **Reason(s) for Decision:-**

**The proposed development is of a scale and intensity which is acceptable within the residential area. The proposed development will not have a detrimental impact on the character and appearance of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposal therefore complies with Policy BE.1 (Amenity), Policy BE.2 (Design Standards), Policy BE.3 (Access and Parking) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**



## CHESHIRE EAST COUNCIL

**Southern Planning Committee**

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**Date of Meeting** 13<sup>th</sup> July 2011  
**Report on** 08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel.

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**1.0 Purpose of the Report**

- 1.1 Following the decision of Members at the 27<sup>th</sup> April 2011 committee meeting to defer the consideration of whether to refuse the application, to consider minor alterations to the proposed S106 Heads of Terms and a new recommendation.

**2.0 Decision Required**

- 2.1 To agree to the proposed amendments to the Heads of Terms in order that the S106 Agreement can be finalised and completed.
- 2.2 To approve the scheme subject to the conditions previously agreed by Congleton Borough Council Planning Committee and subject to the prior signing of the S106 Agreement.
- 2.3 That if the S106 Agreement is not signed within three months from the date of committee that the application is refused for the reasons specified within the previous update report.

**3.0 Background**

- 3.1 On the 27<sup>th</sup> April 2011, Members of the Southern Planning Committee considered an update report recommending refusal of the application because the applicants had failed to sign the S106 Agreement.
- 3.2 After considering the report, and the representations of the land owner, Members resolved to defer consideration over whether to refuse the application for two consecutive committees in order to allow the applicants a further opportunity to sign the S106 Agreement.
- 3.3 In the intervening period, extensive dialogue has taken place with the applicant's solicitor and substantial progress has been made. As part of the on going discussions, it has become apparent that a number of very minor modifications to the resolution and the proposed S106 Agreement need to be agreed by Members before it can be signed and the decision issues.
- 3.4 These issues are now discussed in more detail below.

**4.0 S106 Heads of Terms****Relocation of Fine Art**

- 4.1 No changes are proposed in respect of this clause. The agreement will require the Fine Décor business to relocate to alternative premises within the Cheshire East borough prior to the commencement of development.

### **Affordable Housing**

- 4.2 Members will note from the background reports that the S106 Agreement originally sought to secure 'Intermediate Housing' by way of 'Shared Ownership' and 'Discount for Sale' housing. Whilst this approach would still remain, following discussions with the applicants and the Housing section, it is now proposed to also include the provision of 'Rent-to-Home-Buy' units within the scope of 'Intermediate Housing'.
- 4.3 This approach will provide both the applicant and any prospective Registered Social Landlord (RSL), as well as the Council to some extent, with greater flexibility at the point at which the intermediate units are available to purchase by an RSL and will help to tackle a common problem associated with shared ownership housing whereby an eligible person has an insufficient deposit to secure a mortgage to purchase the property. In this respect, the 'Rent-to-Home-Buy' model allows an eligible person to first rent the property from the RSL with rental money being set aside as deposit which can then eventually be used to secure a mortgage to purchase the property.
- 4.4 In summary therefore, the S106 Agreement will secure intermediate housing by way of Shared Ownership and Rent to Home Buy with a clause that allows the units to be transferred to Discount for Sale if they cannot be sold to an RSL. The Housing section is satisfied with this approach because it provides sufficient flexibility for all parties and, more importantly, would help to address the current levels of housing need within Holmes Chapel.

### **Travel Plan and Off-Site Highway Works**

- 4.5 Minor adjustments are sought to the original resolution to ensure that the words "and implementation" in respect of Travel Plan are included.
- 4.6 Similarly, for the avoidance of any doubt, the agreed financial sum of £25,000 will be used to fund off-site highway improvements and to upgrade bus services or stops in accordance with recommendations within the Travel Plan.

### **Children and Young Persons Provision (CYPS)**

- 4.7 Due to the outline nature of the application and presence of a culvert within the site, the provisions relating to CYPS within the S106 are extremely complicated and need to cover the range of scenarios that could occur at reserved matters stage both in terms of the number of units that come forward and whether the culvert within the site remains closed or is opened up as a water feature within the new development (which dictates whether the Council adopts the on-site provision or not).
- 4.8 To address the complex range of scenarios, the S106 Agreement will include a number of provisions in order to meet the requirements of SPG1 "Provision of Public Open Space in New Residential Developments" and the Interim Policy Note "Public Open Space Provision for New Residential Development".
- 4.9 On the basis of the above, the main points that would be covered by the proposed S106 in respect of POS can be summarised as follows:



- Secure provision of a minimum of 0.35ha Amenity Greenspace and Locally Equipped Area of Play on the application site.
- Include provision for the management and maintenance of the on-site Amenity Greenspace and the ability to secure a financial sum for maintenance if adopted by the Council.
- Include provision for management and maintenance of the on-site Locally Equipped Area of Play and the ability to secure a financial sum for maintenance if adopted if adopted by the Council.
- Includes a clause to cover the possibility that a financial contribution towards enhancement and maintenance of off-site provision would be required to compensate for any shortfall in on site Amenity Greenspace provision. Any financial contribution arising would be used towards enhancement of the existing Elm Drive play area within Holmes Chapel.
- Include provisions in respect of the future management and maintenance of the on-site LEAP and Amenity Greenspace by a private management company where the culvert within the site is open.

### **Community Infrastructure Levy Considerations**

- 4.10 As certain elements of the S106 fall to be considered as infrastructure, it is necessary to consider the requirements of the Community Infrastructure Regulations 2010. This would extend to include the financial contribution towards off-site highway works and bus service provisions, the requirement to provide Amenity Greenspace and an on -site LEAP as well as the associated financial contributions. In this respect, it is considered that the requirements of the CIL Regs are satisfied for the following reasons.
- 4.11 Firstly, the requirements of the S106 are 'Necessary to make the development acceptable'. Without the provision, the scheme would fail to adequately cater for the needs of the development in terms of public open space provision or secure the necessary off-site highway works in terms of public transport provision and footpath enhancements.
- 4.12 Secondly, the requirements are 'Directly related to the development' because the need for enhancements and new provision only arises as a direct consequence of the proposed development.
- 4.13 Thirdly they are 'Fairly and reasonably related in scale and kind' because the costs associated with the provision of play equipment and its subsequent management and maintenance are calculated based on the number of new dwellings within the proposed development. Similarly, the £25,000 financial contribution towards off-site highway works and bus service enhancements will fund small scale infrastructure enhancements having regard to the overall size of the scheme and the number of dwellings proposed.

### **5.0 Conclusion and Recommendation**

- 6.1 a) That Members agree to the revised Heads of Terms for the S106.
- b) The application is approved subject to conditions specified within the

original committee report dated 3<sup>rd</sup> February 2009 and subject to the prior signing of a S106 Agreement to cover the following matters:

- Secure provision of 15% Affordable Housing / not less than 24 units for Intermediate housing. Intermediate housing to include provision of 'Shared Ownership' and 'Rent to Home Buy' but with an option for 'Discount for Sale' where agreed if the units cannot be sold to a registered social landlord.
  - Development not to commence until such time as Fine Art has relocated to alternative premises with the borough of Cheshire East.
  - Requires the applicants to submit a Travel Plan and implement the approved Travel Plan in accordance with the agreed triggers and mechanisms.
  - Secure a financial contribution of £25,000 to fund off-site highway improvements and works to upgrade bus services and bus stops as required by the Travel Plan.
  - To cover the range of scenarios in respect of Children and Young Persons Provision identified in summary within this update report.
- 6.2 A resolution from Members is also sought that if the S106 Agreement is not signed within three-months of this decision by the Southern Planning Committee, that delegated power is given to the Head of Planning and Housing to refuse the application for the reasons specified within the update report of the 27<sup>th</sup> April 2011.



## CHESHIRE EAST COUNCIL

### REPORT TO: SOUTHERN PLANNING COMMITTEE

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<b>Date of Meeting:</b>	<b>13 July 2011</b>
<b>Report of:</b>	<b>Adrian Fisher Head of Planning &amp; Housing</b>
<b>Subject:</b>	<b>Planning for Growth &amp; the Presumption in Favour of Sustainable Development</b>
<b>Portfolio Holder:</b>	<b>Cllr Rachel Bailey</b>

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#### **1.0 Report Summary**

- 1.1 The purpose of this report is to update the Board on recent ministerial announcements with regards to growth and sustainable development

#### **2.0 Decision Requested**

- 2.1 That the report be noted

#### **3.0 Reasons for Recommendations**

- 3.1 The report is for information only

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Planning for Growth**

- 5.1 On the 23 March the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which will be published in the forthcoming National Planning Policy Framework.

- 5.2 Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as an overly protective stance and towards a much more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"*

- 5.3 The statement (reproduced in full as Annex A) indicates that economic considerations should feature prominently in deliberations on new development, especially given the need to boost economic growth after the recession. Also highlighted is the need to maintain housing supply and not to place undue burdens on development.
- 5.4 In the past month this has been supplemented a further statement on a presumption in favour of sustainable development. This reinforces the inter connection between environmental, social and economic factors – with particular emphasis on the latter. The Government's clear expectation is that we move to a system where the default answer to development is 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.5 The proposed policy reads:

*There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.*

*Local planning authorities should:*

- *Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *Approve development proposals that accord with statutory plans without delay and*
- *Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date*

*All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole.*

- 5.6 Although the wider National Planning Policy Framework is yet to be published it is evident that the Government expects Councils to have immediate regard to these statements

## **6 Implications**

- 6.1 The concept of sustainable development has long been at the heart of the planning system – and has always been understood to mean an effective balance of economic, social and environmental considerations. Some argue that the environmental considerations have taken too much of a centre stage in

recent years and that insufficient weight has been given to the economy in planning decisions. In making these statements the government is clearly seeking to redress the balance and ensure the planning system facilitates development.

- 6.2 The Council needs to take account of such statements as a material consideration in its decision making. In particular there is a need to take a positive approach to development. Our starting point should be that development is a good and necessary thing - and therefore our approach should generally be a favourable one. That is not to say we should be approving each and every development - but unless there are clear and cogent reasons why development is unacceptable, the assumption should be that it can proceed.
- 6.3 In many respects the planning system has always worked on the basis that development should not be resisted unless it can be shown to be harmful. Equally Economic Development considerations should always be factored into planning decision making. However the recent statements highlight and reinforce more explicitly than has previously been the case.
- 6.4 Also of note in the statement on sustainable development is the encouragement to promptly prepare Local Plans (the Local Development Framework) and to approve development that accords with plans 'without delay'. The Converse is that development should be approved where plans are silent or 'out of date'. As Cheshire East still relies heavily on the plans of its legacy authorities this aspect of the statement may prove to be a fertile area of challenge until the new Local Plan is in place.
- 6.5 A further aspect of the Planning for Growth Statement is an encouragement to revisit planning obligations where these render development schemes unviable in the current depressed market. Councillors will already be familiar with situations where potential developers have sought to re-negotiate agreements made during more favourable times. The message from the Government is that we should not allow overly onerous planning obligations to stymie the progress of beneficial development.
- 6.6 In many ways the Council has already embraced this positive agenda. It has signed up to the sub regional growth plan 'Unleashing the Potential' and actively promoted economic development across the Borough. We have not reduced our housing figures from the Regional Plan totals (as many have done) but rather agreed new figures that keep supply well above current build rates and we have set forward positive proposals for how housing growth will be met in our Interim policy, which closely follows the aspirations of local people in the sustainable Community Strategy.
- 6.7 However the ministerial statements are already featuring in planning appeal decisions and the Council may need to adjust our approach as key appeal decisions come through on housing supply and other developments.

**7. Conclusions**

- 7.1 The ministerial statements on planning for Growth and the Presumption in Favour of Sustainable Development are a material consideration which need to be taken account of in the Council's decision making. Operation and practice with be kept closely under review as appeal decisions and case law develops

**Annexe A Statement on Planning for Growth**

June 2011

**Annex A Written Ministerial Statement: Planning for Growth (23 March 2011)**

**The Minister of State for Decentralisation (Mr. Greg Clark):**

The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.

The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.