

Southern Planning Committee

Agenda

Date:	Wednesday, 15th February, 2012
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

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

3. Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the meeting held on 25 January 2012.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **11/4396C Elworth Hall Farm, Dean Close, Sandbach, Cheshire CW11 1YG: Variation of Approved Plans Condition to Allow for Substitution of House Type on Plots 5,12 & 20 and Handing of House on Plot 15 for Rowland Homes Ltd (Pages 7 - 18)**

To consider the above planning application.

6. **11/4579C 38, Brooklands Drive, Goostrey CW4 8JB: Resubmission of application 10/4947C - revised proposals for new family dwelling in existing domestic curtilage for Mr & Mrs S Occleston (Pages 19 - 28)**

To consider the above planning application.

7. **11/4530N Sherborne Road, Cranborne Road, Roedean Walk, Abbey Place, Crewe, Cheshire CW1 4LA: Residential Estate Improvement Works of 106 Houses, Including the Demolition (12 Houses), New Build (4 Houses), Remodelling of Existing Properties (90 Houses), New Access Roads, Traffic Calming and Other Environmental Works for Mr N Powell Wulvern House (Pages 29 - 38)**

To consider the above planning application.

8. **11/3548C Thimswarra Farm, Dragons Lane, Moston, Sandbach, Cheshire CW11 3QB: Change of Use of Land to use as Residential Caravan Site for One Gypsy Family with Two Caravans, including Laying of Hardstanding and Erection of Stables for Mr Dennis Sheridan (Pages 39 - 56)**

To consider the above planning application.

9. **11/3899N 52, Pillory Street, Nantwich, Cheshire CW5 5BG: To Erect Two Storey Extension at Rear to Provide Staff Facilities for the Ground Floor Retail Unit and to Convert the First Floor into a Self-Contained Flat for Mrs V Solan, c/o KDP Architects (Pages 57 - 66)**

To consider the above planning application.

10. **11/3867N Land to Rear of 157 Crewe Road, accessed via Gutterscroft, Haslington CW1 5RJ: Construction of 11 Three Storey Dwellings for Lothlorian Ltd (Pages 67 - 78)**

To consider the above planning application.

11. **12/0166N The Bank, Station Road, Wrenbury CW5 8EX: Demolition of Bank and Build New One Dormer Bungalow (Resubmission) for Mr T Morgan**
(Pages 79 - 86)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 25th January, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors J Clowes, W S Davies, M Jones, A Kolker, S McGrory, D Marren,
M A Martin, M Sherratt and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brown and Rhoda Bailey

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer, Highway Development Control)
David Malcolm (Southern Area Manager – Development Management)
Alex Strickland (Planning Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors P Butterill, L Gilbert, D Newton and G Wait

131 DECLARATIONS OF INTEREST

Councillor D Marren declared a personal interest in respect of application number 11/3899N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence regarding application number 11/2999C.

Councillor A Thwaite declared that, as one of the Ward Councillors, he had received correspondence and had discussions with Councillor D Brown regarding application number 11/4466C, but that he had not expressed a view.

132 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 4 January 2012 be approved as a correct record and signed by the Chairman.

- 133 **11/4466C - LITTLE MOSS FARM, PRIORY CLOSE, CONGLETON, CW12 3JL: INSTALLATION OF 21M HIGH MONOPOLE TELECOMMUNICATION TOWER INCORPORATING 6 NO. 3G ANTENNAS AND ASSOCIATED HEADFRAME. 1 NO. EQUIPMENT CABINET, 1 NO. METER CABINET AND ALL ANCILLARY DEVELOPMENT FOR O2**

Note: Councillor D Brown (Ward Councillor) and Mr S Muirhead (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr N Rymer (objector) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

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

The proposed development is considered to be of a height which is unacceptable in this prominent location on the edge of the Green Belt, creating a visually incongruous addition to the area contrary to policies E19: Telecommunications and GR2: Design of the Congleton Borough Local Plan First Review 2005.

- 134 **11/4222N - PRG ENGINEERING, LIGHTWOOD GREEN AVENUE, AUDLEM: PROPOSED EXTENSION TO EXISTING INDUSTRIAL BUILDING AND ENLARGEMENT OF REAR PARKING AND VEHICLE TURNING AREA FOR PRG ENGINEERING**

Note: Councillor I Barton (on behalf of Dodcott cum Wilkesley Parish Council) and Mr P Kubis (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral update by the Southern Area Manager - Development Management and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for further plans showing sufficient space for turning, access and parking within the site.

- 135 **11/2999C - LAND SOUTH OF, PORTLAND DRIVE, SCHOLAR GREEN, STOKE ON TRENT: VARIATION OF CONDITIONS 2, 3, 5, 10, 10 AND 11 OF PLANNING PERMISSION 08/0712/FUL AND VARIATION OF S106 AGREEMENT TO ALLOW COMPLETION AND OCCUPATION OF 34 DWELLINGS (INCLUDING 17 AFFORDABLE) FOR BEN BAILEY HOMES(PART OF GLADEDALE GROUP)**

Note: Councillor Rhoda Bailey (Ward Councillor), Miss S Jones (objector), and Mr P Taylor and Mr G Asker (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Ms N Kent (Primary Care Trust) had not registered her intention to address the Committee. However, the Chairman, with the approval of the Committee, agreed to allow Ms Kent to answer questions of fact, for clarification.

The Committee considered a report regarding the above planning application.

RESOLVED – That the formal deed of variation on the S106 Legal Agreement be APPROVED to allow sale and occupation of 34 units (including 17 affordable) and permit the variation of condition numbers 2, 3, 5, 10 and 11 to allow the development to commence on the housing scheme prior to the delivery of the health care centre subject to the following conditions:

1. Development to commence within 3 years
2. Details of materials to be submitted and approved.
3. Details of landscaping to be submitted.
4. Submission of Tree protection measures for retained trees
5. Details of foul and surface water drainage to be submitted.
6. Hours of construction limited
7. Further gas monitoring shall be carried out
8. Protected species – details of bat boxes to be submitted
9. No work to be carried out with the bird breeding season
10. Details of CCTV to be submitted prior to commencement on the new health care centre
11. Scheme for acoustic enclosure of fans/compressors etc. to be submitted prior to commencement on the new health care centre
12. No burning of materials associated with demolition
13. Management regime for hedgerows to be submitted and approved prior to commencement
14. Hours of operation limited
15. Submission of details of levels for rear gardens

136 **11/3899N - 52 PILLORY STREET, NANTWICH, CHESHIRE, CW5 5BG:
TO ERECT TWO STOREY EXTENSION AT REAR TO PROVIDE STAFF
FACILITIES FOR THE GROUND FLOOR RETAIL UNIT AND TO
CONVERT THE FIRST FLOOR INTO A SELF-CONTAINED FLAT FOR
MRS V SOLAN, C/O KDP ARCHITECTS**

Note: Councillor M Martin left the meeting prior to consideration of this application.

Note: Prior to consideration of this application, the meeting was adjourned for ten minutes for a break.

Note: Ms C Matthews (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity and the listed building.

**137 11/4295N - WESTON HALL, MAIN ROAD, WESTON, CW2 5ND:
EXTENSION TO TIME LIMIT OF PLANNING PERMISSION P08/1274
FOR ONE DWELLING FOR MR R GALLOWAY**

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That the application be approved as a departure from the Development Plan subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Landscape to be Submitted
6. Landscape to be Implemented
7. Drainage Details to be Submitted and Approved
8. Detailed Specification of all Renewable Energy Features
9. Window Reveal Details to be Submitted and Approved
10. Demolition of Existing Buildings
11. Remove PD Rights – Extensions and Outbuildings
12. Works to Stop if Protected Species Found
13. No Trees Removed Other Than Those Specified in the Arboricultural Report
14. Tree Protection Measures
15. Boundary Treatment
16. Tree/Vegetation Removal to Take Place Outside Bird Breeding Season

**138 11/4371N - LAND OFF MONKS LANE, HANKELow, CHESHIRE: 2
NO. NEW BUILD DETACHED PROPERTIES FOR MR N WARBURTON**

Note: Mr J Meadows (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be REFUSED for the following reason:

The Local Planning Authority considers that the proposed dwellinghouses are an unacceptable form of development due to their location within an area of open countryside where there is strict control over new residential development. The development is not considered to fulfil the criteria for infill development and no evidence of need has been made to justify an exception to policy to warrant this intrusion into the open countryside. The

proposals would therefore be contrary to policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

139 **11/4598C - 3 SHORTHORN CLOSE, MIDDLEWICH, CW10 9GF:
DOUBLE STOREY SIDE EXTENSION FOR MRS J VAN-KORGEN**

Note: Ms J Osborne (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager - Development Management.

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

The Local Planning Authority considers that the proposed development by reason of its size and scale would not respect the character and appearance of the application property. Furthermore the development would have an overbearing impact upon the surrounding residential properties and due to the non-compliance with the separation distances set out in SPG2 it would result in a significant level of overlooking and loss of privacy. Therefore the proposed development would be contrary to Policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review 2005 and Supplementary Planning Guidance Note 2 (Provision of Private Open Space in New Residential Developments).

The meeting commenced at 2.00 pm and concluded at 4.45 pm

Councillor G Merry (Chairman)

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Application No: 11/4396C

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

Proposal: Variation Of Approved Plans Condition To Allow For Substitution Of House Type On Plots 5,12 & 20 And Handing Of House On Plot 15.

Applicant: Rowland Homes Ltd

Expiry Date: 29-Feb-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES

- Principle of Development
- Design
- Amenity
- Trees and Landscape
- Affordable Housing
- Flooding and Drainage
- Highway Safety
- Contaminated Land

REFERRAL

The application has been referred to planning committee because it relates to variation of conditions attached to a major development, which was originally considered by Southern Planning Committee.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to a redundant farmstead on the edge of Elworth. The site was formally occupied by the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. These have now been cleared and works have commenced on redevelopment. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north. There are two access points to the site from Dean Close and Wrenmere Close.

Planning permission has been granted on appeal for the erection of 25 dwellings and associated works. This application seeks approval for a variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15.

2. PREVIOUS RELEVANT DECISIONS

10/2006C (2011)	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 25 dwellings and associated works. - Appeal allowed
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3. 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
PPS25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010

4. OBSERVATIONS OF CONSULTEES

Environment Agency

The application does not require a formal response from the Environment Agency as it falls outside the scope of referrals we would wish to receive.

Highways

The Strategic Highways Manager notices that in this application for a variation of plans the developer has included for an upgrade of the carriageway serving plots 15 – 20. This upgrade shows an increase of carriageway width to 5.5 metres and the provision of two footpaths.

This is unacceptable to the Strategic Highways Manager as it increases the capacity of the proposed road to serve up to 400 dwellings (less those already served via existing infrastructure). It would significantly increase traffic generation from the site and would be inappropriate against the existing background traffic for this residential area. It is important that as with previous approvals for this site, the proposed design caps the number of dwellings which can effectively be served by this development.

The Strategic Highways Manager would therefore recommend that an amended plan be provided to show the design category of this road to be of a joint use design with a width of 4.8 metres and two service strips.

If the application detail is not amended in this way the Strategic Highways Manager would not be able to support this application.

Locally there are many existing link footpaths which will provide sustainable links to the site. DfT (GoTA) guidance requires new sites to promote sustainable travel options and it is reasonable that development should provide monies for the maintenance of those existing footway links by Cheshire East Council. Some of the footway links have poor surface condition and it is considered reasonable that they receive maintenance to help promote their more regular use.

Condition:- Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA

Condition:- The developer will contribute a sum of £10,000 towards local management and maintenance of existing sustainable footway links.

Informative:- The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the adoption of new highway infrastructure.

5. VIEWS OF THE PARISH / TOWN COUNCIL:

Sandbach Town Council

Members were unable to comment on this application due to insufficient information. It was felt that comparable plans needed to be presented to enable Members to better understand the proposed changes.

As such, Members request CEC delays its decision until such time as Sandbach Town Council receives full details with which to make informed comment.

6. OTHER REPRESENTATIONS:

Letters have been received from 7, 15 and 17 Boothsmere Close making the following points:

- Residents are not against some development of the farm building area.
- However since the development has commenced no consideration has been made to a number of areas which impact significantly on local residents
- it has become far from the sensitive development residents would have welcomed.
- the plans for the site seem to change by stealth, residents already are burdened with a development far removed from that which was originally presented to them in the various applications through 2010 and 2011.
- Although this application lists only the changes to plots 15-20 the siting of plot 21 is significantly impacting on 7 Boothsmere Close and is significantly different to that set out in the original plans which were consulted upon
- This plan also places plot 21 a lot closer to 7 Boothsmere Close than previous proposals, yet this isn't highlighted as a change.
- Siting a proposed garden 3 foot above 7 Boothsmere Close, and within 6 foot of the kitchen window, hence looking directly into the house from above intrudes on privacy.
- Given the fact that changes to plans appear to happen regularly residents would therefore object to any further changes to the development.
- Furthermore residents are aware that the marketing of the current development is very much being positioned as "phase 1" implying further development on the adjoining farm land.
- Anything that is designed to increase the potential for development on farm land should be totally rejected, that land is still farm land, and no changes should be made to facilitate further development on it.
- The comments of the Highways agency with regard to the widening of the road and residents share their disapproval of such and also note the comments of Sandbach Town Council with regards to insufficient information and would support this view also.

- The original plans were not clear in terms of trees being retained, the exact positioning of the edge of the development with regard to neighbouring property, the height of the land and other items.
- This uncertainty has led to a development which is based on unclear information at the consultation period, and a development not in the interests of the town of Sandbach and the locality.
- In short residents already believe this development impacts adversely on them in an unacceptable way, and are therefore opposed to any further changes which would further increase such impact and open up adjacent land for further development.
- By substituting larger house types on the plots in question that this will cause increased visual intrusion not envisaged in the original application.
- The plans which were approved upon appeal showed plots 15-20 as: 15 Bretherton; 16 Palermo; 17 Bretherton; 18&19 Siena; 20 Atherton.
- This proposal shows the same plots as: 15 Marlborough; 16 Bonham; 17 Marlborough; 18 & 19 Renishaw; 20 Belgrave
- In short not one of the original house types approved by the Planning Inspectorate have survived to this application.
- There seems to be references made to 'previously approved house types' yet no details of these - often much larger - house types appear on the planning website. The substitution of these new house types was not part of the original plans, which were thrown out by the council and it is incumbent on the council to resist any further attempt to detract from the view of the open countryside caused by this development.
- This application would appear to be much wider in scope than the stated change of house type on three plots and 'handing' of another one. If approving the submitted site plan would in any way give permission for these additional changes then the application should be refused as there would be a grave risk that the changes had not been given proper opportunity for consideration by the local community, town council, etc.
- Some of the additional changes are:
 - The road serving plots 15 to 18 has been substantially changed. It is noted that the highways officer has already objected to this change but residents would like to point out that the original plans not only were for a narrower road without footpaths but also featured a different road surface. Presumably this was designed to define this stretch as for a very limited amount of traffic and to highlight the likelihood of children playing in the road. This distinct surface should be retained so as to fulfil these purposes.
 - The plans give different house names than those approved.
 - The current 'Marlborough' plan of plot 15 using the information from the developer's sales brochure shows that there are significant internal and minor external differences from the previously approved house type ('Bretherton') on the same plot.
 - The approved plans show planting that is no longer present on the submitted plan (e.g. hedging between plots 15 and 16 and a small tree on plot 16).
 - The path from plot 16 to its garage has altered.

- Some of these changes may only be minor but they have a cumulative effect that makes them significant. The sales brochure for the development shows very substantial changes from both the approved plans and those submitted with this application. Specifically, it has plots 16 and 17 sited in a manner that would greatly increase the visual intrusion into the countryside and it also shows a through road to the surrounding fields which are described as “Future Phase 2 Residential Development”.
- It appears that many of the changes in the site plan submitted with this application are actually designed to facilitate such future development rather than to improve the current one.
- As such they should be rejected.
- Regarding the specific changes for which this application has been made, it is extremely hard to determine the visual impact without indicative before and after street scenes. It would appear that the changed ‘handing’ of plot 15 would increase the apparent gap between it and plot 16, worsening the overall visual appearance of the development.
- The larger houses on plots 5, 12 and 20 would also appear to result in a decreased visual appearance.

7. APPLICANT’S SUPPORTING INFORMATION:

N/A

8. OFFICER APPRAISAL

Principle of Development

The previous Appeal Decision established the acceptability in principle of 25 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

The main issues in the consideration of this application are the acceptability of the proposed Belgrave house type in terms of design, amenity, highway safety, drainage, trees ecology and contaminated land.

Design

The principal difference between the approved “Atherton” house type and the “Belgrave” now proposed are as follows:

- A small increase in the footprint to widen the projecting family room to the rear from 3.8m to 4.2m
- A change from a gable roof to a hip
- A small increase in overall ridge height of 0.46m from 7.5m to 7.96m
- Widening of the projecting front gable from 2.8m to 6.4m and corresponding increase in height from 6.8m to 7.96m to extend the lounge and bedroom 1 forward to fall in line with the porch.

- Alterations to the canopy over the front door from a lean to arrangement to a gable, and a new lean to canopy over the garage door
- Omission of the hanging tiles from the front elevation.

The increase in the footprint, the changes to the front canopy / porch and the omission of the tile hanging are comparatively minor and would not have any material impact in visual terms. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

However, the resulting increase in the height and mass of the front gable, particularly when taken cumulatively with the increase in the overall ridge height and change from a gable to a hipped roof will have a very significant and material impact on the overall appearance of both the side and front elevations of the building.

Nevertheless, it is considered that the proposals will not appear out of keeping with the surrounding development, and that increase in the general bulk and massing of the buildings will not have any significant impact on the openness of the countryside, given that they will be viewed as part of a group of contiguous properties. Therefore, whilst the comments of local residents are noted, it is concluded that there would be no adverse effect on visual amenity, including the character and appearance of the open countryside arising from the proposed change of house type.

The proposed handing of plot 15, which will result in the house on that plot appearing as a mirror image of the previously approved dwelling, when viewed from the front, will also have no adverse impact on the overall design and appearance of the scheme as a whole.

Residential amenity

The site is surrounded by residential properties in Boothsmere Close, Wrenmere Close, Dean Close and Lawton Way to the south and west, and open countryside to the north and east. With the exception of plot 5, all of the plots affected by this application are adjacent to the northern and eastern site boundaries and adjoin the open countryside. With the exception of Plots 5 and 12, all of the dwellings subject to this application are separated from existing houses by other proposed properties that will remain unchanged. All of the houses concerned are separated from existing residential properties by distances in excess of 28m, which is greater than the 21.3m minimum separation distance set out in the Supplementary Planning Guidance adopted by the former Congleton Borough Council.

Therefore, whilst the increase in the ridge height and the bulk and massing of the front gable has the potential to generate amenity implications, and the comments of local residents are noted, in view of the separation distances involved, and the relationship between the existing and proposed dwellings, it is not considered that a refusal on amenity grounds could be sustained.

Highway Safety

As originally submitted, as well as the amendments to house type, the site plan showed an upgrade of the carriageway serving plots 15 – 20. This upgrade included an increase of carriageway width to 5.5 metres and the provision of two footpaths. This is considered to be unnecessary to serve the level of development which has been approved on this site and an amended plan has been requested from the developer. An update on this matter will be provided to Members prior to their meeting.

The Strategic Highways Manager has also requested conditions requiring detailed drawings showing the construction details and specification for the highways within the site. It is proposed to replicate the same conditions that were attached to the original approval in this respect. Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA and a financial contribution towards local management and maintenance of existing sustainable footway links. Similar conditions were requested at the time of the original application on this site. However, the Inspector who dealt with the appeal did not consider it necessary to impose them. The proposals do not involve any increase in the intensity of the use at the site and no changes are proposed to the approved parking, access and servicing arrangements. As a result it is not considered that the proposed amendments raise any material traffic generation, access or parking issues. Consequently, it is not considered to be reasonable to impose the conditions at this stage.

Drainage and Flooding

Given that there is no increase in the amount of development proposed on the site, it is not considered that the application raises any drainage or flooding issues over and above those which were considered at the time of the previous application. The Environment Agency has confirmed that the proposal does not warrant a formal response.

Trees and Landscape

The site is bounded by a number of protected trees. However, with the exception of plot 20, the majority of the plots affected by this application are a considerable distance from the trees in question. It is not considered that the property proposed on plot 20 will have any materially greater impact on the trees than the approved dwelling. The Council's landscape officer has examined the application and recommended that conditions are imposed as per the Inspector's decision.

Ecology

The original application was accompanied by a number of surveys and ecological issues were considered by the Inspector at Appeal and conditions were imposed accordingly. It is not considered that the change of house type raises any new ecological issues. It is also noted that the Council's ecologist has examined the proposals and raised no objection.

Contaminated Land

The surveys submitted with the previous application identified that the site could be affected by contaminated land. However, conditions requiring a full investigation and implementation of a programme of remediation were attached to the Inspectors decision which will adequately address the issue. It is proposed to replicate the same conditions to any fresh permission.

Affordable Housing

A number of affordable houses are proposed as part of this development. However, none of the plots affected by this application are affordable dwellings. Nevertheless a Deed of Variation to the existing legal agreement will be required to reference the new permission and to secure the provision of the affordable houses.

Other Matters

A number of other matters have been raised by local residents. Residents have commented that the plans have changed by stealth and are far removed from that which was originally presented to them in the various applications through 2010 and 2011. However, there have been no changes to the scheme approved since the Appeal decision.

Residents have commented that all of the house type names have been changed since the appeal decision. The names have been changed because the site is being developed by a different house builder to the one which secured the planning permission and the brand names of the house types have been changed accordingly. However, with the exception of the plots to which this application relates, the other dwellings are not materially different to those for approval was granted. Modifications are mainly internal and related to materials. The changes to the latter have been approved pursuant to the materials condition imposed by the inspector. Contrary to the claims of residents, the revised house types are not materially larger than those which were previously approved at Appeal.

Other comments are that the approved plans show planting that is no longer present on the submitted plan and the path from plot 16 to its garage has altered. These issues can be addressed through the conditions which will be imposed requiring a hard and soft landscaping scheme to be submitted and approved. Objectors have also stated that on the sales particulars plots 16 and 17 are sited

in a manner that would greatly increase the visual intrusion into the countryside. However, notwithstanding the sales particulars, this application does not involve any changes to plots 16 and 17 and any proposal to re-site them would require a further planning application to be submitted.

One resident comments specifically that plot 21 is higher and closer to 7 Boothsmere Close than on the original drawings. However, this application does not relate to plot 21 and no changes to this plot are shown on the drawings submitted with this application. Furthermore, no changes to this plot have been approved since the previous Appeal decision.

Residents comment that the marketing of the current development is being positioned as “phase 1” implying further development on the adjoining farm land and that anything that is designed to increase the potential for development on farm land should be totally rejected, that land is still farm land, and no changes should be made to facilitate further development on it.

This application does not seek approval for further development on the adjoining farm land. It is not considered that the changes, for which this application seeks consent, will facilitate that development. The only exception to this point is the widening of the access road, shown on the approved drawings, and, as stated above, a revised plan has been requested to address this issue. However, even if the proposed changes were to open up access to land beyond, it is a firmly established planning principle that an application cannot be refused because it may result in further development or planning applications in the future. Any development for land beyond the site would require the submission and approval of a further planning application which would need to be judged on its own merits and against the planning policies and other material considerations that applied at the time.

Officers consider that adequate information, including details showing the impact on the trees on site and the site boundary, was submitted with both the original application and the current proposal and that a comparison of the two sets of plans makes the nature of the proposed amendments clear.

9. CONCLUSIONS

This application seeks approval for a variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15.

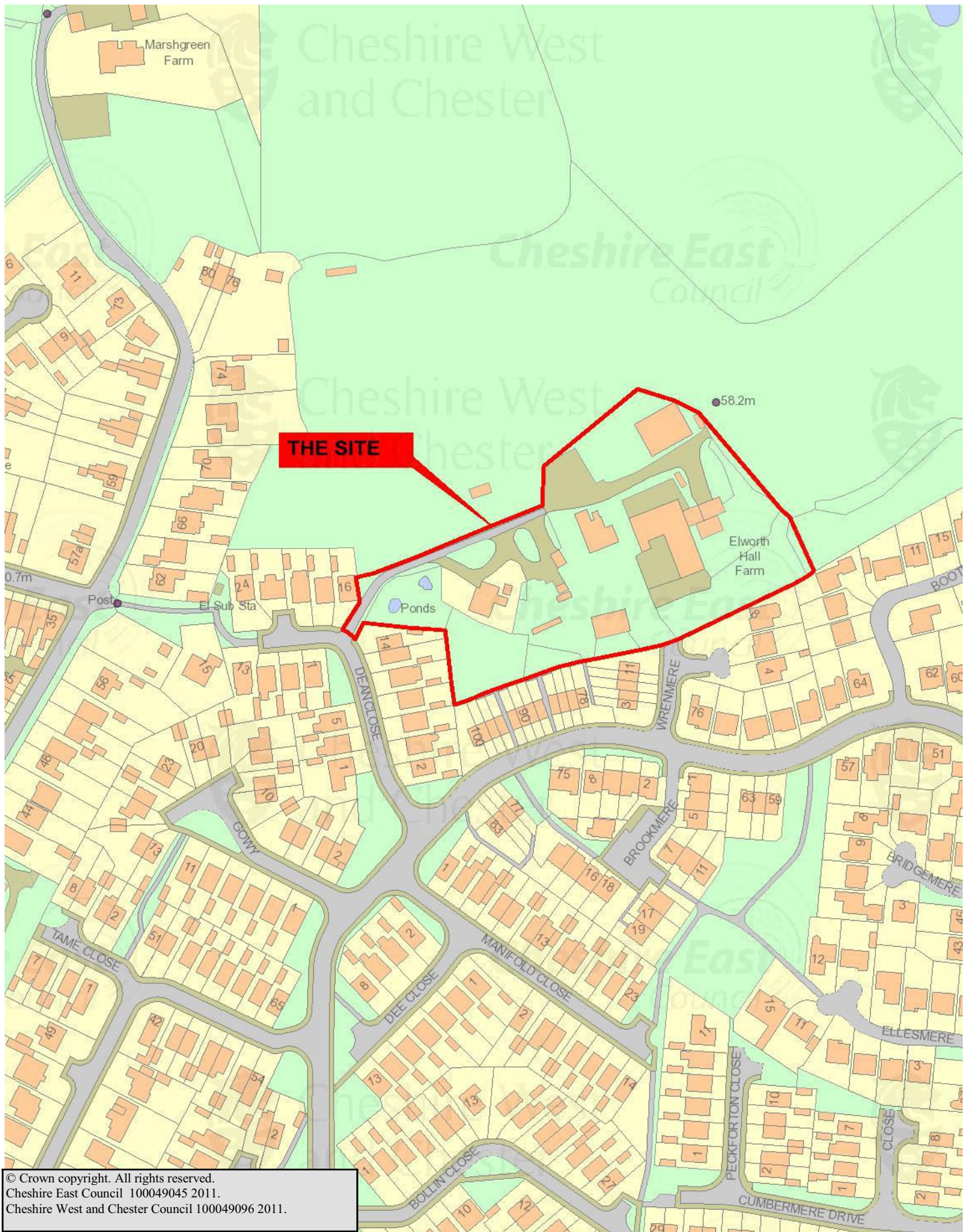
The previous Appeal Decision established the acceptability in principle of 25 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

The proposed amendments are considered to be acceptable in terms of design, amenity, highway safety, drainage, trees ecology and contaminated land. The proposal is therefore in accordance with the relevant local plan policies and in the absence of any other material considerations and, having due regard to all other matters raised, accordingly the application is recommended for approval.

10. RECOMMENDATIONS

APPROVE subject to the following

- A Deed of Variation to reference the new permission
- The following conditions:
 1. Standard time limit
 2. Approved Plans
 3. Submission / approval / implementation of detached garage details
 4. Submission / approval / implementation of samples of the materials
 5. Submission / approval / implementation of details of the finished floor levels
 6. Submission / approval of a scheme of landscaping, boundary treatments and tree protection
 7. Implementation of landscaping scheme
 8. Retention and implementation of tree protection
 9. Implementation of boundary treatments
 10. Submission / approval / implementation of details of the surfacing for the access road and shared surfaces
 11. Provision of car parking
 12. Submission / approval / implementation of drainage scheme
 13. Submission / approval / implementation of means of accommodating any breeding birds and roosting bats
 14. Submission / approval / implementation of details of external lighting to the access road and shared surfaces
 15. Submission / approval / implementation of contaminated land investigation / remediation.



Application No: 11/4579C

Location: 38, BROOKLANDS DRIVE, GOOSTREY, CW4 8JB

Proposal: Resubmission of application 10/4947C - revised proposals for new family dwelling in existing domestic curtilage

Applicant: MR & MRS S OCCLESTON

Expiry Date: 06-Feb-2012

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

Principle of development
Design
Amenity
TPO trees
Highway safety
Ecology

1. REASON FOR REFERRAL

The following call in request has been received from Councillor A. Kolker:

'There are concerns that this is an inappropriate development. Neighbours have complained of loss of privacy. The previous application for this site was scheduled to come before committee, before being withdrawn.'

2. DESCRIPTION OF SITE AND CONTEXT

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse lies within Settlement Zone Line and most of the curtilage would lie within the Open Countryside.

Residential development surrounds the site to the east, south, and west and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

This application is the resubmission of planning application 10/4947C which was withdrawn prior to being discussed at planning committee due to issues raised with regards to trees and the position of the garage.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front two-storey aspect and rear three-storey aspect due to the significant gradient of land on the site. The application includes an attached double garage.

4. RELEVANT HISTORY

7654/1 - One detached dwelling with garage - Refused 1978

The reasons for refusal were, the site was not allocated for development within the Village Plan, the proposal would set an undesirable precedent for similar development and in the interest of public or highway safety.

28731/5 - Certificate of lawfulness for use as domestic garden - Certificate issued 1997

T0582/21 - Application to fell one TPO tree - Approved 1999

34674/3 - Single storey porch extension & first floor extension with rear facing balcony - Approved 2002

06/0627/FUL - Conservatory - Approved 2006

09/1763C - Erection of new residential dwelling house 2 storey - Withdrawn 2009

10/3571C - Alterations and Extensions To Provide Altered Living Space And Improved External Appearance - Approved 2010

10/4947C - New family dwelling and associated works to provide turning area separate from existing dwelling – Withdrawn 2011

5. POLICIES

Local Plan Policy

PS4 Towns
PS6 Open Countryside
GR1 New Development
GR2 Design
GR4 Landscaping
GR6 Amenity & Health
GR9 Accessibility, servicing and parking provision
NR1 Trees & Woodland
H1 Provision of new housing development
H2 Housing Supply

H4 Residential Development in Towns
SPG2 Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Highways: No Highways objections

Environmental Health: No objection subject to informative about land contamination and conditions restricting construction and pile driving hours in the interests of amenity.

VIEWS OF THE PARISH / TOWN COUNCIL

The comments of Goostrey Parish Council are the same as for the previous application 10/4947C. Objections on the grounds that the house is too big in that location, imposing on the adjoining dwellings. It may be better located in line with no. 24.

There is also an issue with the narrow steep driveway. In icy weather cars are parked on the road, creating problems for local residents.

Should any of these applications be permitted, the Parish Council wish to stress that permitted development rights should be withdrawn and that no contractor's vehicles or materials should be parked on the highway.

APPLICANTS SUPPORTING INFORMATION

Design and Access Statement

Planning Statement

Cheshire Woodlands – Arboricultural Statement

Contaminated Land Questionnaire

OTHER REPRESENTATIONS

A total of 7 objections were received at the time of report preparation. The following issues were raised:

- Overlooking in to principal windows,
- Original officer did not carry out a site visit from within neighbouring properties gardens and therefore can not state that the dwelling will not appear imposing,
- Large house which would have high property value would not add to the homes required in the region,
- A band of trees on the site have already been removed prior to the submission of this application, which has had a devastating impact on local ecology,
- The traffic generated by this building site will cause a hazard to the whole east end of Brooklands Drive, causing parking on pavements and grass verges against the bye-laws of the village,
- Size of the property,
- Impact on the openness of the site,
- It is unknown what the proposed landscape screening will achieve as this is to be submitted at a later date,
- The proposal does not sit comfortably in relation to neighbouring properties,
- The proposal is not sympathetic to the character, appearance and form of the site,

- Not acceptable to build a further house in the existing garden space already surrounded by neighbouring houses,
- The visibility splays drawing is only correct when no other cars are parked on Brooklands Drive,
- Existing access not sufficient for one dwelling due to narrow nature causing existing occupiers to park on the road in bad weather, this will be exasperated by construction vehicles and then new owners.
- Application was refused for a single dwelling house on the plot in 1979 and dismissed at appeal. The reason stated which location and physical conditions, and these have not changed.
- Drainage and flooding

7. OFFICER APPRAISAL

Principle of Development

The Settlement Boundary Line for Goostrey runs through the application site. However it should be noted that the proposed dwelling will be sited within settlement boundary.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

Design

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, there is another pair of detached dwellings which replicates a similar layout to the proposed development (46 & 48 Brooklands Drive); the layout is therefore considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a two-storey dwellinghouse. It is only from a northerly direction that the three storey element would be visible.

The proposed dwellinghouse would be of a modern, contemporary design. Given that the surrounding residential area encompasses no strict vernacular, a modern style dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive, and the foot print has been reduced from the original application (reference number 10/4947C) and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

Furthermore, the new position of the garage attached to the dwelling rather than set within the garden area keeps the development within the settlement boundary line and therefore will be seen in the context of the surrounding residential development rather than as a new structure within the open countryside.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 3 and 4 of the code for sustainable homes.

Amenity

The proposal site is located within a cluster of residential properties which surround the site from the east, west and south. SPG2 states that the distance between principal windows directly facing each other is 21.3m and the distance between flanking elevations and elevations containing primary windows should be at least 13.8 m.

There is a minimum distance of 21.1m between the principal windows on the rear of No.36, and No.34 Brooklands Drive (to the south) and the proposal site. This is 0.2m lower than the standard stated within SPG2, however in this instance it is considered that this would be negligible as the standard is only breached very slightly, and therefore would not warrant a refusal on amenity grounds. The majority of the front (south-west) elevation of the dwelling will be 22m away which meets the separation distance.

There would be a suitable distance between the existing dwellinghouse at 38 Brooklands and the proposal site, given that no principal windows will be sited on the side elevation and there is an existing close boarded fence around the side of the dwelling to the balcony/veranda section to the rear.

There is a distance of 20m between the side elevation of the proposal dwelling and the rear elevation of No.26 which given there will be no principal windows in the side elevation of the proposed dwelling it is considered acceptable and meets the standard of 13.8m.

No.24 appears to be a fairly modern (or recently modernised) property which has a fairly glazed front elevation. There are no windows on the side elevation of the building and the proposed dwelling will be sited approximately 20m to the south west of the front elevation.

There was previously a large band of trees across this boundary however these have now been removed. The proposed dwelling would not impact on the dwelling house by means of overlooking and the introduction of landscaping/boundary treatment at this point will help to reduce the impact further.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be similar to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however; the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be controlled via condition to ensure that development only occurred during reasonable hours.

TPO trees

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

The Councils Landscape Architect notes that the cumulative effect of the loss of vegetation opens the site up to views from the end of the cul de sac between 24 and 26 Brooklands. Furthermore it is noted that the separation distances to the eastern and southern boundary are limited and any meaningful screen planting will be difficult.

However, it is considered that the trees which have already been removed and those which are still to be removed could have been felled at any time and opened up the site. It is considered that with the addition of tree protection measures for the remaining trees and a landscaping scheme to be submitted the proposal is acceptable.

Highway safety

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

The application also includes visibility splay to the front of the site which show acceptable visibility in both directions. It is noted that Brooklands Drive is fairly narrow however there is more than sufficient space to park a car on one side of the road and for other vehicles to pass safely.

The Strategic Highways Manager has raised no objections to the proposal and it is therefore considered that the proposed development is acceptable and will not have a significantly detrimental impact on highway safety.

Ecology

Most of the trees which require removal to accommodate the new dwellinghouse have already been removed. The submitted report states that none of the trees appear to have any significant potential for roosting bats and a bat survey is therefore not required.

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition requiring a detailed breeding bird survey to be carried out if any works to the trees are carried out between 1st March and 31st August, in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

Other issues raised within objections

Concern has been raised in relation to the drainage of the site and the resultant stability of the land. The submitted application form and drawing No. AD2014 - 18 indicates that the existing private sewer serving No.38 will be used and further detail of this will be investigated by a survey. Storm drainage will discharge to the bottom of the site as existing. It is considered that the drainage scheme can be controlled by condition and therefore will be acceptable.

With regard to land stability, this is not a material planning consideration however; it is a matter that would be taken into account at the Building Regulations stage. It would be the responsibility of the Building Control Officer to determine if the design of the proposal and its foundations would allow for the building to be constructed and used safely.

With regard to flooding, it is noted that the site is not within a Flood Zone and, subject to appropriate hardstanding materials and drainage details, the impact upon flooding should be negligible.

It is noted that within one of the objections a previous refusal on the site in 1979 for a dwellinghouse was subsequently dismissed at appeal. Whilst this application does have some weight, planning policy has changed significantly since the 1970's and as noted above as this application meets current planning policy it must be considered on its own merits, in line with the most relevant planning policies.

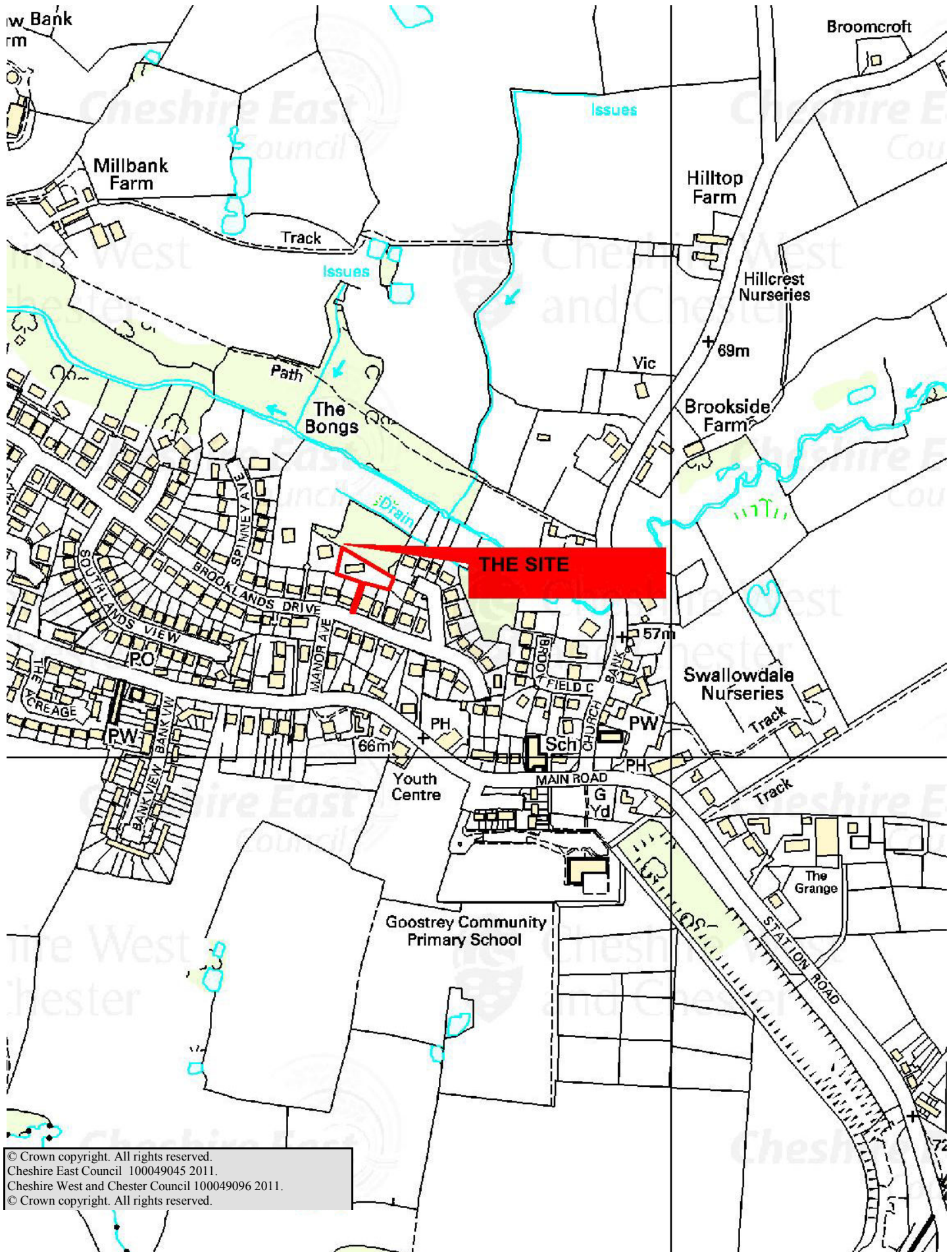
8. CONCLUSIONS

The principle of the development is acceptable, as is the proposal's design, impact upon neighbouring properties, highway safety, street scene, and protected trees. The application is therefore recommended for approval.

9. RECOMMENDATION

Approve subject to the following conditions: -

- 1. Commencement of development within 3 years**
- 2. In accordance with approved plans**
- 3. Details of all external materials to be submitted**
- 4. Inclusion of electromagnetic shielding materials**
- 5. Hours of construction**
- 6. Details of pile driving**
- 7. Landscaping scheme**
- 8. Landscaping implementation/maintenance**
- 9. Tree protection measures**
- 10. Boundary treatment details**
- 11. Hard landscaping details - to include permeable materials**
- 12. Drainage details**
- 13. Removal of pd**
- 14. Soil disposal method statement**
- 15. Nesting birds survey to be submitted prior to any works to trees between 1st March and 31st August**



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Application No: 11/4530N

Location: SHERBORNE ROAD, CRANBORNE ROAD, ROEDEAN WALK, ABBEY PLACE, CREWE, CHESHIRE CW1 4LA

Proposal: Residential Estate Improvement Works of 106 Houses, Including the Demolition (12 Houses), New Build (4 Houses), Remodelling of Existing Properties (90 Houses), New Access Roads, Traffic Calming and Other Environmental Works

Applicant: Mr N Powell Wulvern House

Expiry Date: 22-Mar-2012

MAIN ISSUES

- Design, layout and impact upon the character and appearance of the area
- Affordable Housing
- Open Space provision on the site
- Flood Risk
- Residential amenity in terms of the proposed and existing dwellings on and surrounding the site
- Highway/parking issues in terms of the alterations to the highway layout and parking provision on the estate
- Public footpath issues in terms of the public footpath which crosses the site

SUMMARY RECOMMENDATION

Approve with conditions

REFERRAL

The application is referred to the Southern Planning Committee as the application relates to a residential development of between 0.5ha and 4ha.

1. SITE DESCRIPTION

This application relates to the Sherborne Road Housing Estate which is located within the Crewe Settlement Boundary. The application site covers parts of Sherborne Road, Cranborne Road, Abbey Place and Roedean Walk. The area is characterised by 1970's two-storey terraced dwellings, cul-de-sacs, parking areas, grassed areas and footpaths. Many of the dwellings appear to be positioned tightly together with flat roofed porches to the front elevation and the dwellings often lack windows to the front elevation at ground

floor level overlooking the public areas. To the west of the site is a railway line and Public Footpath Crewe 23 crosses the southern section of the site. The site contains a number of trees the details of which have been assessed in an Arboricultural Impact Assessment. All dwellings within the site are owned by Wulvern Housing apart from 23 which are owner occupied.

2. DETAILS OF PROPOSAL

This application relates to phases 2 and 3 of a wider scheme by the applicant, Wulvern Housing. Phase 1 has been completed following the approval of planning application P08/0275. Phase 2 relates to the southern area of the site and includes properties on Cranborne Road, Roedean Walk and Sherborne Road, and Phase 3 is directly to the north of phase 1 and includes properties on Abbey Place and Sherborne Road. An application for phases 2 and 3 was approved under application P09/0003 and this application seeks approval for an alternative scheme.

This application proposes to demolish the following properties; 7, 17, 18, 19, & 20 Roedean Walk, 8 & 9 Cranborne Road and 27, 28, 50, 51 & 52 Abbey Place. A terrace of four new dwellings is proposed and these would front onto Cranborne Road.

The proposal would create a vehicular link from Cranborne Road to Sherborne Road. Four new home zone area which would be located at the following locations:

- east of 8-11 Roedean Walk,
- west of 8-12 Sherborne Road, north of 27-29 Abbey Place
- north of 29-35 Abbey Place.

The proposed development also includes alterations to 90 dwellings in the application site with the following external alterations to front elevations of the dwelling types;

- Dwelling type A – Sloping roof to porch, new glazed opening (storage room removed internally), porch to be rendered, new front door and a render panel to the front elevation
- Dwelling type B – Sloping roof to porch, new window to replace door (storage room converted to downstairs WC), porch to be rendered and a render panel to the front elevation
- Dwelling type C – Sloping roof to porch and porch to be rendered, store room removed and replaced with downstairs WC
- Dwelling type D - Sloping roof to porch, new glazed opening (storage room removed internally), porch to be rendered, new front door and a render panel to the front elevation. Three dwellings of this type (22, 23 and 24 Abbey Place) will have there front and rear elevations reversed.
- Dwelling type F - Sloping roof to porch, new window to front of porch and porch to be rendered
- Dwelling type (Bungalows) – New porch and elevational changes, No's 5 & 6 Roedean Walk to be converted into one larger property, No's 27, 28 & 29 Sherborne Road to be converted into two larger properties.

As well as the above changes some properties will also benefit from new windows and bay-windows to prominent side elevations to increase natural surveillance.

The development would also include new boundary treatment including the provision of small front gardens to some properties, the creation of car-parking spaces and the closing off or gating of some of the alleyways.

3. PREVIOUS RELEVANT DECISIONS

P09/0042 - Remodelling of 5 Existing Properties at 5 & 15 Cranborne Road, 7 Sherborne Road, 5 & 29 Abbey Place – Approved 11th March 2009

P09/0003 - Residential Development and Improvement including Demolition (30 Houses), New Build (30 Houses), Remodelling of Existing (70 Houses), New Access Roads, Traffic Calming and Other Environmental Works – Approved 6th March 2009

P08/0275 - Residential Estate Improvement Works Including Demolition (13 Houses) New Build (9 Houses) Remodelling of Existing Properties (53 Houses) New Pocket Park Traffic Calming and Other Environmental Works – Approved 2nd June 2008

4. PLANNING POLICIES

Local Plan Policy

RES.2 (Unallocated Housing Sites)
RES.11 (Improvements and Alterations to Existing Dwellings)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
NE.5 (Nature Conservation and Habitats)
NE.20 (Flood Prevention)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
L3 – Existing Housing Stock and Housing Renewal
L5 – Affordable Housing
EM18 – Decentralised Energy Supply

National Policy

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPS25 (Development and Flood Risk)

5. OBSERVATIONS OF CONSULTÉES

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

- This site must be drained on a totally separate system.

- Several public sewers cross these sites and UU will not permit building over them. UU will require access strip width's of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.

Highways Authority: The highways authority has no objections to these proposals, providing that all of the works affecting the highway are carried out under the relevant highways legal agreement.

Environment Agency: No comments received at the time of writing this report.

CCC Public Rights of Way: The most appropriate way forward for the obstructed public footpath is actually to extinguish it through the T&CPA process, as it has been replaced with adopted footways remote from road.

Sustrans: Would like to make the following comments;

- The traffic calming proposed is supported. Sustrans would like to see vehicular speeds limited to 20mph by design.
- The path connection from the open space to the south of Phase II into Cranborne Road is supported.
- Any road closures such as on Crossway, should allow for cyclists to pass through, using dropped kerbs.
- The design of smaller properties should include storage areas for residents' buggies/bicycles.
- For information Sustrans are proposing a pedestrian/cycle route is established from Remer Street/Cross Keys junction via Crossway and this site to Cranborne Road and the open space to the south

6. OTHER REPRESENTATIONS

One letter of objection has been received from the occupants of 6 & 10 Stamp Avenue raising the following points;

- Loss of trees/hedgerow to the rear of properties along Stamp Avenue
- The trees/ hedgerow and ditch are within the ownership of the properties which front Stamp Avenue and not Wulvern Housing

7. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement (Produced by Triangle Architects and dated November 2011)
- Arboricultural Impact Assessment (Produced by TEP and dated December 2008)
- Ecological Assessment (Produced by TEP and dated June 2009)

These documents are available to view on the Councils website.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary of Crewe where, in principle, new build residential development is considered acceptable. However, to fully accord with Policy RES.2 (Unallocated Housing Sites), the development must also be in keeping with the requirements of policies BE.1 – BE.5.

The site would have a housing density of 36 dwellings per hectare which is above the minimum density of 30 dwellings per hectare set out in Policy RES.3 of the Local Plan and is therefore acceptable.

The remodelling of the existing properties is acceptable in principle and needs to be considered against Policy RES.11 (Improvements and Alterations to Existing Dwellings), the requirements of policies BE.1 – BE.5 and the Council's Supplementary Planning Document on Extensions and Householder Development.

Amenity

The existing estate is characterised by short separation distances between elevations and small rear garden areas.

The four new build dwellings would have greater separation distances to the existing dwellings than the dwellings which are to be demolished. As a result the relationship is considered to be acceptable.

The alterations to the external appearance are considered to have minimal impact upon neighbouring residential amenity through loss of privacy. The scheme is considered to raise numerous benefits in terms of the increased natural surveillance of the public realm.

All proposed dwellings would have their own amenity space with some having under 50sq.m which is considered to be acceptable in this instance given the quite dense character of the estate and due to the fact that areas of public open space are being created as part of the wider development of the estate.

Design

The new dwellings are similar in scale and height to the existing properties on the estate. The proposed terrace blocks have projecting two-storey bays which give them a strong rhythm. At the end of each terrace is a taller dwelling which terminates the terrace and turns the corner with its large curved bay which also helps to increase the natural surveillance on the estate. The raised roofline of the taller dwellings acts as a local landmark amongst the surrounding two-storey dwellings and is considered to be acceptable.

It is proposed to use brickwork to the dwellings with some natural timber cladding to give the proposed dwellings a more modern appearance. A condition will be used to ensure that details of these are submitted and approved prior to the commencement of development.

The proposed alterations to the existing dwellings will help to increase surveillance and would also improve the appearance of the existing dwellings on the estate.

It is proposed that small front garden areas will be created and will be defined by low metal railings and gates to create a defensible space. The new gardens which will be created will mainly be paved, with some planting which will be chosen by the residents of the dwellings. The rear gardens are to have tall boundary treatments. Against highway boundaries this is proposed to be brick pillars with a low wall and fencing panels between.

Overall it is considered that the design and layout of the proposed development is acceptable.

Flood Prevention

The application site is over 1 hectare and located within Flood Zone 1 and should ordinarily be accompanied by a Flood Risk Assessment.

The Environment Agency raised no objection to the previous scheme and this view was based on the view that the development is unlikely to have any significant on flood risk/surface water drainage matters.

Footpaths

Public Footpath Crewe Town No23 crosses the railway bridge and then the south-west corner of the application site. This footpath runs directly through a number of properties and their garden areas.

There is no record of a public footpath ever being diverted when these dwellings were built. However, all users of this public footpath are likely to follow Roedean Walk to the end of the footpath at Middlewich Street and would not travel through the existing dwellings and garden areas. As part of this application the applicant intends to address this issue by diverting the footpath along Cranborne Road and along the alleyway to Middlewich Street which is considered to be an appropriate solution to address this issue and this is accepted by the PROW Officer.

In terms of the closure of some of the alleyways within the application site it is considered that these are acceptable and would not dramatically affect pedestrian circulation on the site. The alley gating scheme will provide unlocked low public realm gates which will restrict motorcycles driving along pedestrian areas but a condition would be used to ensure that these are accessible for disabled people.

Highways

In terms of the highway implications there would be no increase in the number of dwellings on the site which would result in no change in the number of vehicular movements from the site, whilst the traffic calming measures proposed are also considered to be acceptable. Parking provision will be increased on the site and has been designed to integrate into the design and move away from the existing large, unbroken and underused car parking areas.

The Highways Authority has raised no objection to the development and the highways/parking implications were considered to be acceptable. The Safety Audit, 278 Agreement and Traffic Regulation Orders will be dealt with separately.

Renewable Energy Provision

Policy EM18 (Decentralised Energy Supply) of the North West of England Plan Regional Spatial Strategy to 2021 requires that *'all residential developments comprising 10 or more units should secure at least 10% of their renewable energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable'*.

The applicant has confirmed that all new build properties will achieve at least 10% of their energy requirements from renewable energy sources (solar thermal panels). This will be controlled through the imposition of a planning condition.

Trees

There are 40 individual trees and 2 groups of trees on the site as identified by the Tree Survey. As part of this scheme 32 of the individual trees and one group of trees would be retained whilst two trees of moderate value, four trees of low value and the one group of trees of moderate value would be removed from the site. This is considered to be acceptable given the benefits to the estate which would arise from the scheme. Furthermore the proposed development would also include the provision of new tree planting throughout the application site.

A number of concerns have been raised by residents living on Stamp Avenue in relation to the hawthorn hedgerow which is located along this boundary. The parts of the hedgerow which are in the ownership of Wulvern Housing will be removed as part of the application and given that this hedgerow is not considered to be worthy of retention, the proposed development is considered to be acceptable in landscape terms.

Other issues

The proposals involve a number of alterations to properties under private ownership. It is a private matter between Wulvern Housing and the owners as to whether these works ever take place and the issues of ownership will not be considered as part of this application as the required ownership certificates have been signed and served as part of this application.

9. CONCLUSIONS

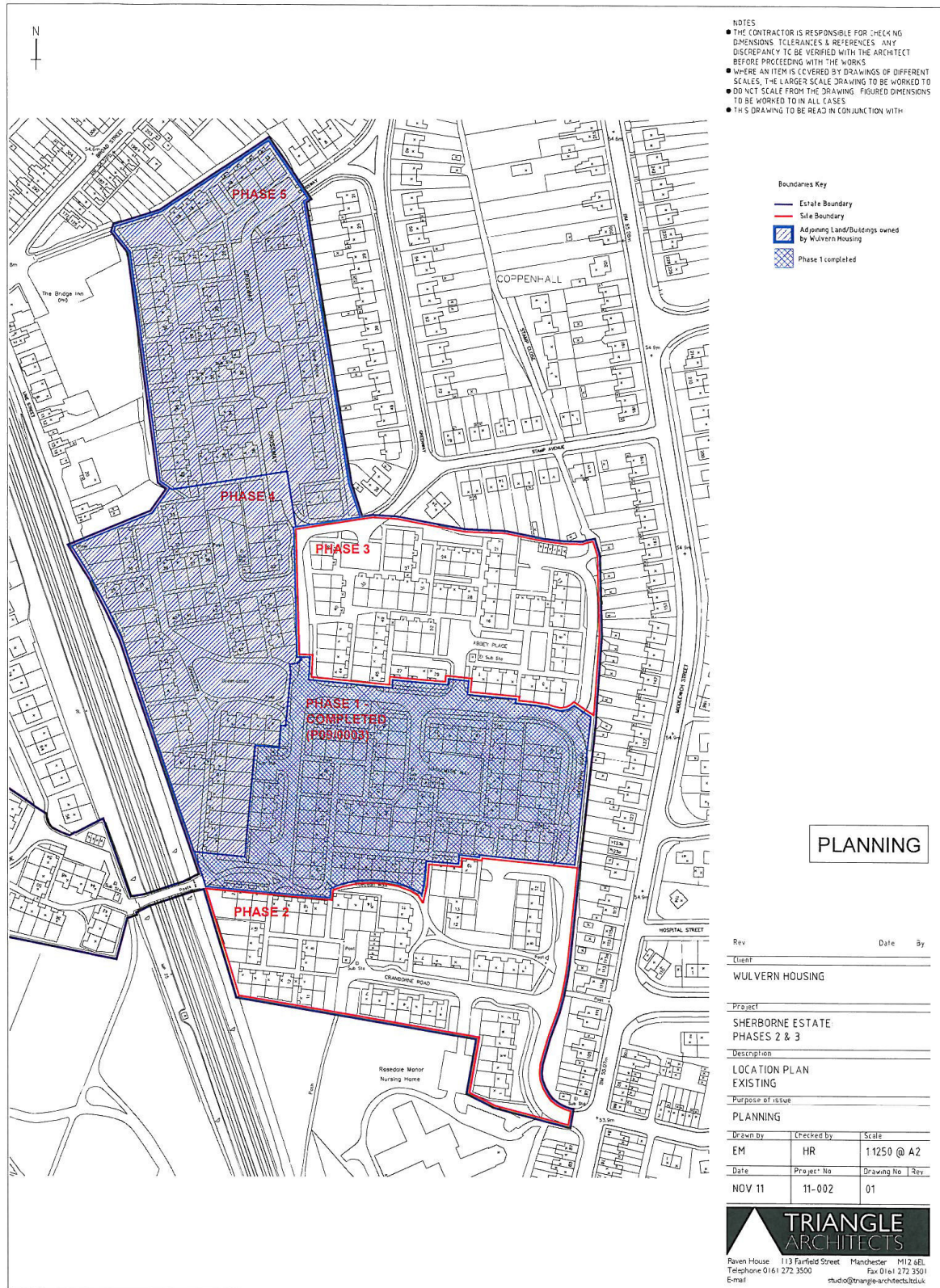
The proposed development would bring numerous benefits to the estate, including improved layout and design, increased surveillance, increased parking provision, provision of public open space, traffic calming measures, improved landscaping and the closure of a number of unsecure alleyways which lack surveillance.

10. RECOMMENDATIONS

APPROVE Conditions

- 1. Standard time limit 3 years**
- 2. Materials to be submitted and approved in writing**
- 3. Surfacing materials to be submitted and approved in writing**
- 4. Boundary treatments to be submitted and approved in writing**
- 5. Landscape to be submitted and approved in writing**
- 6. Landscape to be completed in accordance with the approved details**
- 7. Drainage details to be submitted and approved in writing**
- 8. Tree protection in accordance with BS5837:2005**
- 9. Development to proceed in accordance with the approved plans**
- 10. A timetable for the demolition of existing buildings to be submitted and approved. All materials of demolition to be permanently removed from the site**
- 11. No development within 3 metres of the public sewer which crosses the site**
- 12. Details of gates to be submitted and approved in writing. Gates to be accessible by disabled people.**
- 13. 10% Renewable energy provision to be submitted and agreed in writing**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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Application No: 11/3548C

Location: THIMSWARRA FARM, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE, CW11 3QB

Proposal: CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING LAYING OF HARDSTANDING AND ERECTION OF STABLES.

Applicant: MR DENNIS SHERIDAN

Expiry Date: 17-Nov-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Procedural Matters;
- Site History;
- Main Issues;
- Principle of Development;
- Assessment against Policy;
- Sustainability;
- Impact on the Character and Appearance of the Open Countryside;
- Stable Block;
- Residential Amenity;
- Demonstrable Need;
- Human Rights and Race Relations;
- Highways;
- Drainage; and
- Other Matters.

REFERRAL

This application is to be dealt with under the Council's delegation scheme. However, Councillor Wray has requested that it be referred to Committee for the following reasons –

- (1) *The proposal would be detrimental to the amenity of the area;*
- (2) *It would have a detrimental impact on the open countryside and its character and appearance; and*
- (3) *A previous almost identical application has already been refused on the site and there is an existing enforcement to remove the static caravan and associated items.*

DESCRIPTION OF SITE AND CONTEXT

The application site is located in the corner of a (much larger) field on the south side of Dragon Lane. Furthermore, the site is in a prominent position adjacent to the junction of Dragon Lane and Plant Lane. The site boundaries are demarcated by mature native hedgerows. A close boarded timber fence (in excess of 2m high) has been erected around the majority of the perimeter of the site. The site is accessed directly from Dragons Lane via a utilitarian double wooden gate. Beyond the gate is an extensive area of hard standing which skirts around the periphery of the site and terminates at a large static caravan (which is the subject of this application), located to the front of the caravan is a large timber decked area and pergola, with a lawned area beyond. It was noted that when the case officer conducted his site visit there was numerous vehicles and a touring caravan. Located towards the rear of the mobile home was a steel shipping container with solar panels erected on top of it. The application site is separated from the remainder of the field by a post and wire fence. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a retrospective application for the change of use of agricultural land to a site for a mobile home, touring caravan and stable block at Thimswarra Farm, Dragons Lane, Moston, Sandbach. The static caravan has been positioned in the northwest corner of the application site adjacent to the junction of Dragons Lane and Plant Lane. The caravan is to be occupied by one gypsy family.

RELEVANT HISTORY

09/2358C – Change of Use from Agricultural Land to a Site for a Mobile Home for the Occupation by an English Traveller who has ceased to travel due to ill health and long standing disability – Refused – 17th March 2011.

Appeal Reference – APP/R0660/C/10/2140668 – Dismissed – 14th June 2011

POLICIES

Local Plan Policy – Congleton Borough Local Plan First Review 2005

- GR1 (New Development)
- GR2 (Design)
- GR6 (Amenity and Health)
- GR9 (Accessibility, Servicing and Parking Provision)
- GR17 (Car Parking)
- GR19 (Infrastructure)
- GR20 (Public Utilities)
- PS8 (Open Countryside)
- H6 (Residential Development in the Open Countryside and the Green Belt)
- H7 (Residential Caravans and Mobile Homes)
- H8 (Gypsy Caravan Sites)

National Planning Guidance

- PPS.1 (Delivering Sustainable Development)

PPS.3 (Housing)
PPS.7 (Sustainable Rural Development)
PPG.13 (Transport)

Structure Plan

HOU6 (Gypsy Caravan Sites)

Other Material Considerations

Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites

CONSIDERATIONS (External to Planning)

Environmental Health: No objections subject to conditions relating to no external lighting, containment, storage and disposal of manure, use of the stables and

If planning permission were granted a site licence would be required under the Caravan Sites and Control of Development Act 1960. The following conditions will need to be taken into consideration that may have a knock on effect for planning:

1. **Site boundaries**, should be clearly marked i.e. with fences or hedges.
1. **Roads, gateways and footpaths** must be of suitable material/construction and suitably lit, and have adequate access for emergency services etc. Suitably surfaced parking spaces shall be provided where necessary to meet the additional requirements of the occupants and visitors.
2. **Drainage sanitation and washing facilities.** There must be provision of a foul drainage system made. Each caravan standing should be connected to foul drainage. Each caravan standing should have it's own water supply, W.C, W.H.B, shower or bath (hot & cold water). Where these facilities are not present, they should be provided in an adequately constructed building. Each hard standing should have adequate surface water drainage.
3. **Hard-standing.** Every caravan should stand on a concrete or tarmacadam hard-standing which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from its entrance to enable occupants to enter and leave safely.

Contaminated Land: No objection subject to a contaminated land condition

Highways: No objections subject to the following informatives:

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.

National Grid: Providing the gypsy site is outside the pipeline easement of 24.4m (12.2m either side) National Grid has no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Moston Parish Council have the following comments regarding the proposed development:

- This site has been refused planning once before and therefore there should be no change in this application;
- This area has the highest concentration of pitches in Cheshire East;
- It should be borne in mind that there are gas pipes crossing this land and should not be built on; and
- This site has also already been refused by the Inspector.

Warminingham Parish Council objects to the proposed development on the following grounds:

- It does not consider that there is a proven need in this particular part of Cheshire East;
- The site at Booths Lane in Middlewich currently has vacant pitches, with the option of the addition of further pitches;
- There is currently a proposal for the creation of a further 12 pitches on a permanent Council Site in Coppenhall;
- The proposed development is not sufficiently close to existing local shops, primary school and community facilities. It is unlikely that these could be accessed other than by car or van which will increase traffic movements along already over-used rural lanes;
- The site is not on a bus route;
- The development is inappropriate for what is an area of open countryside and would set a precedent for the flooding of the rural environment by similar developments;
- The mobile home at present on the site is there illegally and subject to an enforcement order; and
- The field in question is crossed by at least one mains high pressure gas pipe and such development may cause a serious hazard.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of Oak Barn, 124 Plant Lane, 7 Watch Lane, The Willows, 11 Watch Lane, Woodville Farm, 5 Plant Farm, Cherry Farm, Ivy Cottage Farm, Hillcrest, Hillside, 10 Watch Lane, Salters Cottage, Laburnum Cottage, Pequa, 7 Plant Lane, 4 The Fox, White House, Larvin, 4 Needhams Bank and 6 Eaton Close. The salient points raised in the objection letters are:

- The proposal would detract from the essentially agricultural nature of the area;
- The planning inspectorate supported the refusal of the former planning application on this site (09/2358C) and this application not only incorporates the unlawful existing facilities which have been directed to be removed on an Enforcement Notice, but has planned additional development of a large stable block;

- The intrusive development is contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan;
- The Council and the Planning Inspectorate have already made a ruling that this is an unsuitable site for development;
- The Council should be consistent with their previous decision and refuse this application;
- The proposed use of the existing caravan, hardstanding and septic tank should not be considered with this application because they should have been removed;
- There is adequate provision in Moston and the surrounding areas for traveller sites;
- The proposal is not in keeping with the rural vernacular and will have a detrimental impact on the visual character and appearance of the area;
- The existing boundary treatment which comprises stained panel fencing is entirely unsuitable;
- The site is in a unsustainable location;
- The applicants Design and Access Statement is meaningless and misleading as it refers to cases near Thirsk without any planning reference or context;
- The submitted plans for the stable block and site layout do not provide specific dimensions. The stable block is extremely large and not in keeping with other similar buildings;
- The static caravan and Touring Caravan when scaled off are extremely large and the touring caravan is nearly as large as the static caravan;
- The touring caravan due to its size could be used as second static/mobile home rather than a touring caravan for incidental use;
- The proposal if allowed will affect property values in the area;
- The caravans will be an eyesore and the mess and litter created will become unbearable;
- How many more Travellers sites are we going to get in this area;
- The Council has designated an area in Coppenhall for a traveller site, based on the grounds of easy access to amenities and facilities, as opposed to semi-remote location of Dragons Lane/Plant Lane with no public transport and limited access to shops, schools and medical practices;
- If approved the proposal could lead to other 'Travellers' joining the applicant;
- We do not want a traveller home to be allowed on agricultural land in our community when there are four travellers sites already in the area. We have a nature reserve close by and wish to keep the countryside as it is. If one traveller is allowed a mobile home on this land, others may follow;
- Moston is a predominantly agricultural area where planning is extremely restricted. The applicant has set up an intrusive unpermitted development which has an adverse affect on the countryside area and is contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review;
- There is nothing to stop the site being further developed if permission is granted, leading to further retrospective planning applications to increase the site development;
- Allowing retrospective planning for this application will set a precedent which may encourage others to follow a similar route, by ignoring recognised planning process and procedure in the hope of securing a positive outcome;
- The proposal would be detrimental to the area as it is in a green belt area which, by definition, is predominately an agricultural area;
- This site is unnecessary as there are already sufficient adequate sites in the local area;

- The planned position of a septic tank is not suitable for access/servicing/emptying because it is to be placed at the edge of the site, far away from the entrance gate. There is no indication of the position/structure/materials required for a soakaway or connections to field drains/outlets. The overflow/waste water from impermeable structures such as the mobile home, storage unit, vehicles, driveways and septic tank will exit into roadside ditches and have serious implications for nearby land, neighbouring properties and highways;
- The proposal will have a significant detrimental impact on the enjoyment of residential amenities;
- The applicant's occupation of the site presents unacceptable consequences for the amenity of nearby residents and detracts from the aesthetic value of the surrounding landscape and area;
- There is an audible impact on nearby residents and the locality. Electricity is not only produced by the solar panels but also by the frequent use of a noisy generator that can be heard in the surrounding area;
- The proposal is detrimental to the amenity of the area;
- I feel that threatened by this development which has expanded at an alarming rate. I am concerned that there will be further growth in residential use directly opposite my house, stables and lane.

A letter from Fiona Bruce MP (dated 9th November 2011).

- I share the concerns of local residents and the Parish Council that the proposal is inappropriate.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

OFFICER APPRAISAL

Procedural Matters

A number of local residents have claimed that as the application is retrospective the applicant has been acting illegally. However, as confirmed in PPG 18: Enforcing Planning Control, it is not an offence to carry out development without first obtaining planning permission required for it. Furthermore, Section 73A of the 1990 Town and Country Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place. A number of local residents have stated that the planning application forms have been completed inaccurately. The case officer acknowledges that this may be the case but does not consider that the application is fundamentally flawed and the information submitted is sufficient for it to be determined on its merits, and if necessary some of the issues raised by residents could be controlled by the imposition of conditions, in the event that planning permission is granted.

Site History

The siting of a mobile home was first reported to the Council in April 2009. The site was visited on 29th April 2009 when it was noted that a mobile home had been stationed on the

site, at that time there was also a 4 wheel drive vehicle, lorry containing furniture and a horsebox. Since that time a pergola had been constructed along with an area of decking directly outside the mobile home. In addition to this a driveway/hardstanding had been formed around the part of the perimeter of the site. A steel shipping container had been sited on the land with solar panels installed on top of it.

In June 2009 a letter was sent to the previous owner (Mr. Arrowsmith) which set out the Councils view regarding the use of the land. In this letter the previous owner was advised that there were serious concerns, having due consideration to relevant national and local policies that planning permission would be granted for the change of use of the land for the siting of a residential caravan.

In July 2009 a retrospective planning application was submitted to the Council, however, this could not be made valid as it lacked sufficient information and a fee. Whilst the outstanding documentation was submitted the full fee was not paid so the application remained invalid. By May 2010, the applicant had still failed to pay the full fee, consequently a further letter was sent advising if the outstanding balance was not received by the 14th May 2010 the Council would have no option but to consider the expediency of enforcement action. On the 28th July 2010 authority was given to issue an Enforcement Notice in relation to the unauthorised change of use. The Enforcement Notice was issued on the 14th October 2010. However, the applicant made the final payment on the 15th October 2010 and the planning application was made valid. Upon receipt of the Enforcement Notice the applicant decided to Appeal against it.

Members will recall that the planning application (09/2358C) was refused planning permission by the Southern Planning Committee on the 17th March 2011 for the following reasons:

'The Local Planning Authority does not accept that the occupier of the caravans qualifies as a Gypsy or Traveller as defined in Circular 01/2006 or that he is engaged in full-time in agriculture, forestry or other business appropriate to the locality and that it is necessary for him to reside in this location. The use of the land for stationing of residential caravans is therefore contrary to policies PS8 (Open Countryside), H6 (Residential Development in the Open Countryside and the Greenbelt) and H7 (Residential Caravans and Mobile Homes) of the adopted Congleton Borough Local Plan First Review'.

'The site which includes a static mobile home, shipping container, solar panels and boundary fencing etc is clearly visible from Dragons Lane and Plant Lane and the Local Planning Authority considers that the proposal due to its inappropriateness causes inherent harm to the visual appearance and character of this part of the open countryside. To allow the development would be contrary to policies GR1 (General Criteria), GR2 (Design) and PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005 and advice advocated in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas

In addition to the above, Mr. Arrowsmiths appeal against the Enforcement Notice was also dismissed on 14th June 2011. Shortly after the issue of these decisions, Mr. Arrowsmith sold the land to the current applicant Mr. Sheridan, who confirms that he is a gypsy. Mr. Sheridan has completed Certificate A which states that he is the owner of the land. In addition a land registry search has proven that the application site is owned by the current applicant.

A number of objectors have stated that as the Enforcement Notice was upheld all the caravans and other associated development should have already been removed from the site. However, the period for compliance does not start until the date of the Inspectors Letter, and as such its requirements are held in abeyance until such a time and the appeal has been determined. The date of the appeal decision was 14th June 2011 and therefore the compliance date is 13th June 2012 when all structures should be removed from the site.

Main Issues

The main issues in this case are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Circular 01/2006;
- (b) The effect of the proposed development on the character and appearance of the area; and
- (c) Whether, if there is any harm and conflict with policy, there are material considerations which outweigh the harm and conflict, including the need for more gypsy sites in the area, the likelihood and timescale for identified needs to be met through the development plan system, the appellants and intended occupiers personal and family circumstances and accommodation alternatives.

Principles of Development

As with national planning guidance, Policy PS8 (Open Countryside) of the Local Plan seeks to safeguard the countryside for its own sake and prevent non-essential development that may cause harm to the character and appearance and openness of the countryside.

However, policies within the development plan, in conjunction with national planning guidance and advice in Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites), accept that outside Green Belt areas, rural settings are acceptable in principle for gypsy and traveller caravan sites. The applicant argues that a degree of harm to the character and appearance of the countryside is unavoidable but points out that Government advice suggests that in most cases this visual harm can be satisfactorily mitigated with appropriate landscaping. However, whilst the need for gypsy and traveller accommodation is a consideration, both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services.

Assessment against Policy

Policy H.8 (Gypsy Caravan Sites)

According to Policy H.8 planning permission will be granted for proposals for temporary or permanent gypsy caravan sites provided they comply with the following criteria:

- (i) *Avoids unacceptable consequences for the amenity of nearby residents;*
- (ii) *Comprises a site which is not within the Greenbelt, Area of Special County Value for Landscape or affects sites of nature conservation or archaeological interest;*
- (iii) *Is of an appropriate scale which would not detract from the value of the surrounding landscape;*
- (iv) *Is adequately screened and landscaped;*
- (v) *Provides satisfactory onsite parking and access from a public highway;*
- (vi) *Provides adequate onsite facilities and services to serve all caravans;*
- (vii) *Does not prejudice other relevant local plan policies;*
- (viii) *Does not conflict with utility company or agricultural interests;*
- (ix) *Avoids wherever possible encroachment on the open countryside; and*
- (x) *Is, wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities.*

In addition to the above, Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' is an important material planning consideration. The Circular defines a gypsy or traveller as:

'Person of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

(Paragraph 15)

The applicant confirms that he was not employed in agriculture, forestry or any other appropriate rural enterprise, however, he does vehemently state that he is a gypsy. According to the applicants Design and Access Statement *'The applicant is an Irish Traveller who travels with his family in the area between Birmingham and Manchester in order to make his living by touting for gardening work. He regularly camps on Pochin Way, Middlewich but wants a settled base in this area with proper facilities, and access to health and education services'.*

The applicant claims that the occupation of the site does not represent unacceptable consequences for the amenity of nearby residents, due to separation distances and boundary treatment, which will help to mitigate any negative externalities. The applicant goes on to state that the plot of land approximately 1.5 acres is ample to site the mobile home, touring caravan and stable block and provide sufficient manoeuvring space so that vehicles can access/egress the site in a forward gear and the servicing of the caravan. The application site is not located in an area of countryside which is subject to any 'special planning constraints' and the proposal has a safe means of access. The applicant acknowledges that the application site is located in a remote area and some distance from local services, for example, shop(s), school(s) and doctors etc.

It is considered, having regard to the above definition, that Circular 01/2006 defines gypsies and travellers as 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or families or dependants educational or health needs or old age have ceased to travel temporarily or permanently'. The applicant has confirmed that he has always lived in a caravan and has never had a permanent residence. The applicant goes on to claim that he is ceasing to travel so that he can be near health facilities and to meet the educational needs of his child. Therefore, it is considered that the

applicant does satisfy the definition of a Gypsy or Traveller and that policy H.8 (Gypsy Caravan Sites) should be applied.

Sustainability

A key principal of national and local planning policies is to promote sustainable patterns of development in order to reduce the need to travel and the dependence on the private car. It is noted that buses travel along Dragons Lane at various intervals in the day. The nearest service centre to the application site is Elworth and there is a distance of approximately 2.5km separating the two sites. Therefore, it is considered that the application site is in an isolated rural setting and is removed from any settlement, shop(s), school(s), community facilities or place(s) of employment. Dragons Lane is typical of many rural highways being twisty, unlit and without footways. The road is wide enough for vehicles to pass each other with relative ease.

Circular 01/2006 has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The Circular clearly acknowledges that, whilst other sites near to existing settlements should be considered first, many sites are likely to be found within rural areas. The Circular also makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. Other considerations include the wider benefits of access to GP and other health services; children attending school on a regular basis; and the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampments.

The services and facilities available in Elworth are beyond the walking distance of 2kms normally regarded as the maximum distance referred to in PPG13: Transport, but not by a large distance. However, the site is within 5kms distance normally considered acceptable to cycling. It is noted that bus services operate along this stretch of Dragons Lane, but these appear to be irregular and infrequent. Furthermore, the case officer did not identify any bus stops in close proximity to the application site and the nearest bus is on London Road approximately 2km away from the application site.

It is considered that the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. It is generally acknowledged that as distance increases the likelihood of car use becomes generally greater. According to Policy H.8 (Gypsy Caravan Sites) criterion (x) states that proposal should be *'wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities'*, the advice is qualified by the term 'wherever possible'. It does not therefore rule out sites which are further away. Furthermore, the policy does not specify the modes of transport are to be utilised. However, it is considered given the location of the site, the surrounding highway network and the lack of street lighting and pavements in the area, the main mode of transport will be the private car.

Overall, it is considered that the application site is not in a sustainable location and the proposal conflicts with advice advocated within Policies H.8 (Gypsy Caravan Sites) and HOU6 (Gypsy Caravan Sites).

Impact on the Character and Appearance of the Open Countryside

At the time of the case officer site visit there was a large static caravan located within the application site. The caravan measured approximately 10m deep by 3.5m wide. Located at the front of the static caravan is a large decked area projecting out approximately 5m and incorporated a pergola. As mentioned previously the static caravan is located in the northwest corner of the application site. It was noted that immediately behind the static caravan was a large steel shipping container with solar panels located on top of it. The applicant is proposing to store a touring caravan, which will be located to the north east of the static caravan. Furthermore, to the south west the applicant is proposing to erect a stable block. There is a large area of hard standing predominately around the periphery of the site and in front of the static caravan was a pergola, the remainder of the site was laid to lawn. The case officer noted that the application site is bounded by mature native hedgerows, which are punctuated at sporadic intervals by trees. It was noted around the majority of the periphery of the application site, the applicant had erected a close boarded timber fence which is in excess of 2m high and is clearly visible through the hedge line, particularly during winter months when the hedgerow and trees are in leaf fall. The application site is part of a much larger field and the boundary separating the two fields is demarcated by a post and rail fence.

The application site is located wholly within an area of open countryside and the area is characterised by agricultural fields bounded by native hedgerows. According to Circular 01/2006 makes it clear that gypsy sites are acceptable in principle in the countryside and this advice overrides any apparent conflict with conventional policies for the constraint of residential development in such areas. It is acknowledged that the caravans may be visible in the public realm but this does not necessarily equate to visual harm.

Assessment

According to policy PS8 (Open Countryside) permits uses which are appropriate to a rural area. Furthermore, paragraph 54 of Circular 01/2006 states that *'Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure'*. Therefore, both local and national policy accepts that gypsy sites can be located within rural areas. It is acknowledged that some degree of encroachment and visual impact will be derived from the location of gypsy sites within rural locations. Policy H.8 criterion (iv) stipulates that proposals should be *'adequately screened and landscaped'* and criterion (iii) states that proposals should be *'an appropriate scale which would not detract from the value of the surrounding landscape'*. The Circular 01/2006 is more up to date than the local plan and significant weight must be given to the advice contained within it.

The proposal is for the siting of a static caravan, a touring caravan and a stable block and other associated paraphernalia. It is considered that the visual impact of the development to a large extent is reduced by the fact that it is sited within the corner of a field with front and side elevations well screened from nearby roads by mature trees and hedges. Access is via a

previously existing gateway. The case officer noted that the previous applicant had installed close boarded timber fencing (This fencing has been retained by the current applicant), which was well in excess of 2m and this draws the eye, making the site appear more prominent and visually discordant with the rural vernacular. It is considered that if planning permission is to be approved a condition requiring the removal of the fencing within a specified time period shall be attached to the decision notice. Furthermore, the gate which is approximately 2m high is very utilitarian and this style of gate causes inherent harm to the open countryside and is wholly inappropriate. Therefore, a condition will be attached to the decision notice requiring the removal of the gate and its replacement with a more sympathetic gate.

The case officer noted that the existing hedgerow is patchy in places and this will allow for glimpses into the site from the surrounding roads. It is considered that views of the development would be limited to glimpses of the roofs and higher sections of walls of the mobile homes and stable block. However, in order to mitigate the visual presence of the development a landscaping condition will be attached to the decision notice which will help to reinforce the perimeter hedgerows that already exist. The case officer notes that the boundary treatment along the southern boundary of the application site comprises a post and rail fence and this permits views into the site. Therefore, this boundary will also need to be adequately screened and will be conditioned accordingly.

Overall, it is considered that any visual harm or physical encroachment that might harm the character and appearance of the countryside would be small and it is considered that providing conditions relating to landscaping will help to mitigate any negative externalities associated with the proposal and in addition conditions requiring the removal of the close boarded timber fence and gate. Therefore, it is considered that the proposal complies with Policy GR2 (Design) and advice advocated within PPS.1 (Delivering Sustainable Development) and PPS.7 (Sustainable Rural Development)

Stable Block

PPS7 is broadly supportive of equestrian activity within the open countryside and states that:

'Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.'

Therefore both national and local planning policies are supportive of equestrian activities within the open countryside provided that it can be demonstrated that the development is essential.

The proposed stable block will be located adjacent to Plant Lane and in close proximity to the caravans. The footprint of the stable block is rectilinear in form and the building will measure approximately 11.8m long by 4.7m deep (at the widest point) and is 2.1m high to the eaves and 3.4m high to the apex of the pitched roof. There will be overhang of approximately 800mm, which will span the whole of the stables. According to the submitted plans and

application forms the proposed stable block will be constructed out of timber under a felt roof. It is considered that the materials used to construct the stable block are acceptable and will not appear as incongruous or obtrusive features having a detrimental impact on the character and appearance of the open countryside. Internally the stable block comprises of 2no. loose boxes and a feed and bedding room. It is considered that the proposed stable block will not have a detrimental impact on the character and appearance of the open countryside and the proposal is in accord with policies GR2 (Design Standards), GR6 (Amenity and Health) and PS8 (Open Countryside) of the Local Plan.

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 those located to the south west (Ivy Cottage Farm) and west (Woodville Farm) which are sited approximately 150m and 200m respectively away from the application site. As previously stated, the site is demarcated by a mature native hedgerow, which is punctuated at irregular intervals with mature trees. It is considered the distances between the existing properties and the application site and the intervening vegetation will minimise any loss of amenity through overlooking or over domination. Furthermore, colleagues in Environmental Health have raised no objections. It is considered that the proposal complies with policy GR6 (Amenity and Health).

Demonstrable Need

Planning Policy Statement 3 sets out the need for planning authorities to create mixed and sustainable communities. The key characteristics identified for a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. The need to take account of the diverse range of housing requirements across an area, including the need to accommodate Gypsies and Travellers, is highlighted.

Guidance on identifying sites for gypsy and travellers is contained in Circular 01/2006. A sequential approach to the identification of sites in DPDs is advocated in the Circular, requiring Local Planning Authorities to consider locations in or near existing settlements with access to local services first. Local Planning Authorities should be able to release sites for development sequentially, with sites being identified in DPDs being used before windfall sites. However, at present the Council has not produced a DPD and no suitable alternative sites have been identified as part of the Local Development Framework process.

Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) was completed in May 2007. In Cheshire East, the GTAA identified an overall need for between 37-54 permanent residential pitches and 10 pitches for transit provision by 2016. The council are part of the Strategic Gypsy & Traveller Partnership across the sub region and together the authorities have secured future funding from the Homes and Communities Agency (HCA) to deliver new sites. Previously this funding was accessed to extend the council run site, Astbury Marsh, by 2 pitches (still under construction).

Since the GTAA in May 2007, when the number of pitches was 101, there have been four new sites approved with permanent permission, giving an additional 9 pitches with 2 under construction on Astbury Marsh and 1 site with temporary permission with 8 pitches (temporary permissions do not count towards the GTAA figures). The Council are in the process of addressing the shortfall of provision and have recently submitted a new permanent residential site with 10 pitches. However, it should be noted that there would still be a shortfall in the need for gypsy sites.

Furthermore, a recent appeal decision at land at Wynbunbury Lane, Stapely (November 2009) found that *'there is undoubtedly an immediate need for further pitch provision both in Cheshire East and regionally'*.

This view was further endorsed at a more recent appeal decision at New Start Park, Wettenhall Road, Reaseheath (APP/R0660/A/10/2131930 January 2011) which stated *'that there is little or no prospect of the Council being able to successfully address the challenge in Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is an urgent and substantial unmet need for permanent residential pitches for gypsies and travellers in Cheshire East which needs to be addressed'*. Therefore, as can be seen there is a substantial unmet need for permanent residential pitches in Cheshire East and this lack of permanent residential pitches weighs significantly in favour of the application.

Human Rights and Race Relations

Circular 01/2006 advises that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1988 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The applicants are Irish Travellers, a racial group protected from discrimination by the Race Relations Act 1976. Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this particular case, the determination of this application will not have a direct impact on the occupier's rights given that the application is for the most part retrospective. Should the application be refused, any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impact are considered acceptable.

Highways

The application site is accessed directly off Dragons Lane. The highway is wide enough for two vehicles to pass with relative ease although there are no footpaths along the carriageway. The set of double gates, which gives direct access into the application site are well set back from Dragons Lane and there are good views in either direction. Beyond the gates is an area of hardstanding which provides sufficient space for vehicles to be parked clear of the public highway and to maneuver so that they enter/leave the site in a forward gear. Colleagues in Highways have been consulted and raise no objection to the proposal. Therefore, it is considered that the proposal complies with policy GR9 (Accessibility, Servicing and Parking Provision).

Drainage

A number of objectors are concerned about how the development will be drained. The proposed method for drainage would be via a septic tank and it is the Council's understanding that a drainage pipe will connect the mobile home to the septic tank, which has not yet been installed. 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 drainage scheme in order to ensure that the site is appropriately drained.

Other Matters

A number of representations make references to the application site lying within the Greenbelt. However, this is not the case and according to the Local Plan the whole of the application site is located wholly within the Open Countryside.

A number of objectors have stated that if planning permission is approved for the proposed development it will have a detrimental impact on house prices in the locality. Whilst the concerns of the objectors are noted, issues to do with devaluation of properties are not a material planning consideration and as such are not a sufficient justification for warranting a refusal of this application.

Several objectors have stated that there are sufficient pitches within the Borough and in any event existing sites could be expanded. Whilst the concerns of the objectors are noted, every application must be judged on its own individual merits and this application cannot be refused on the hypothetical situation that other travellers may want to construct additional pitches at some in the future at this site. If additional pitches are sought this will necessitate a new application and the proposal will be assessed on its merits.

Other objectors claim that the current application in Coppenhall will meet the needs of travellers. However, this application has yet to be determined and in any event would not meet the unmet need for gypsy sites in Cheshire East.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is acknowledged that the site is poorly located in order to access shops, services and other community facilities and the site is located in an unsustainable location. However, there is a substantial and unmet identified need for gypsy and traveller site provision within Cheshire East which needs to be addressed urgently. To date no sites have been identified through the LDF process are unlikely to be so until 2014. Furthermore, significant weight must also be given to the need to facilitate the education and welfare needs of the applicant and his family.

This site would therefore meet some of that identified need. Furthermore, in the context of Circular 01/2006, the impact of the proposed development on the surrounding countryside could be satisfactorily mitigated, the site is within the Open Countryside as opposed to Green belt.

Therefore whilst there are elements of the application which would need addressing via condition such as drainage and landscaping; on balance it is considered that the benefits of the application would outweigh any perceived harm and therefore it is found that the use of the site as a residential gypsy site accommodating 1 pitch would not conflict with Circular 01/2006 or relevant national or local planning policies. The application is therefore recommended for approval accordingly subject to appropriate conditions.

Approve subject to the following conditions:

- 1. Plan References**
- 2. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006**
- 3. There shall be no more than 1 pitch on the site and there shall be no more than two caravans stationed at any time, of which only one caravan shall be a residential mobile home**
- 4. Remove stable within six months when no longer required**
- 5. No external lighting**
- 6. Within 3 Months remove existing stained wooded panel fencing to boundaries fronting Plant Lane and Dragons Lane to be removed**
- 7. Within 3 Months remove existing gate fronting onto Dragons lane and submit details of 5 bar farm gate details of the replacement gate to be agreed and installed within 5 months**
- 8. Materials to be used in the construction of the stable block to be submitted and approved in writing. The development is to completed in accordance with the approved materials**
- 9. Within 3 months landscaping scheme to be submitted and agreed**
- 10. Landscaping implemented within the next available planting season**
- 11. Within 3 months details of the drainage scheme to be submitted and agreed**
- 12. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site**
- 13. No commercial activities shall take place on the land, including the storage**
- 14. Contaminated Land Condition**
- 15. Within 3 months details of hardstanding for the caravan pitch to be submitted and agreed**

16. Use of Stable personal to the applicant

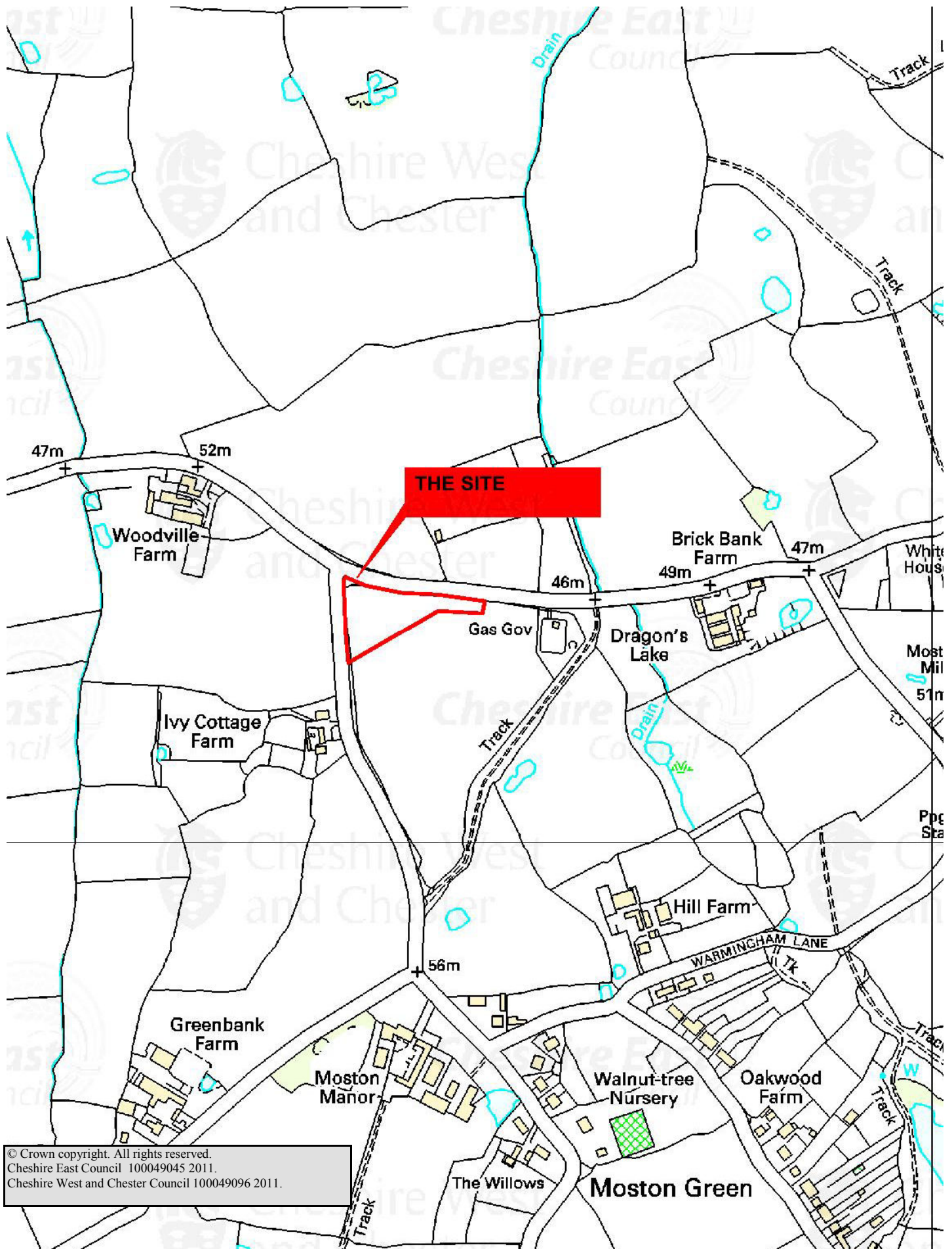
17. Details of the containment, storage and disposal of manure to be submitted and agreed

Informatives:

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.

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.



Application No: 11/3899N

Location: 52, PILLORY STREET, NANTWICH, CHESHIRE, CW5 5BG

Proposal: To Erect Two Storey Extension at Rear to Provide Staff Facilities for the Ground Floor Retail Unit and to Convert the First Floor into a Self-Contained Flat

Applicant: Mrs V Solan, c/o KDP Architects

Expiry Date: 23-Dec-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Effect on the character and appearance of the Grade II Listed Building and the Conservation Area

Amenity

REASON FOR REFERRAL

The application was deferred from Southern Planning Committee on the 25th January 2012 for a Member site visit.

The application was 'called in' to committee by Cllr Groves for the following reason:

The owner of no. 54 Pillory Street is concerned that the Application proposed is "unneighbourly, overbearing, cramped and unsympathetic to the building, which is proposed to be extended."

The owner of no. 54 is "also concerned that it would be detrimental to the character and appearance of a LISTED building, which is situated within the Conservation Area of Nantwich."

DESCRIPTION OF SITE AND CONTEXT

The application site is an end of row property with a retail frontage at ground floor level along Pillory Street. The property is part of a Grade II Listed row of properties, with the remainder being in residential use. To the rear some dwellings have been altered and extended, with the neighbouring properties number 54 and 56 having two storey rear flat roof extensions, similar to that proposed on the application site. A dental practice adjoins the site to the rear with a public car park beyond.

The listing description is described below:

List entry Number: 1039564

Listing NGR: SJ6519252143

Location

52-62,

PILLORY

STREET

Grade: II

Date first listed: 01-Mar-1974

Details

PILLORY STREET (West Side) Nos 52 to 62 (even)

A row of 6 late C18 - early C19 cottages. Red brick; 2 storeys; 12 restored casement windows; 5 restored simple wood doorcases with shallow pediments and 6-panelled doors; gabled ends; dentilled eaves; slates. No 52 has C19-C20 shop fronts with modern glazing. Undergoing extensive restoration when inspected 1972.

DETAILS OF PROPOSAL

The application proposes a flat roof two storey extension to the rear of the property. This would project 2.9 metres with a height of 5.6 metres. An additional single storey element is provided at ground floor level to accommodate a WC. A new window is also proposed to the side elevation of the building. Self-contained residential accommodation would be provided to the first floor.

RELEVANT HISTORY

4/3/1784 Change of use two rooms dress-makers premises to stock rooms (Approved 1970)

4/3/1420 proposed car park at rear (Approved 1966)

POLICIES

Regional Spatial Strategy (NW)

DP7 Promote Environmental Quality

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE1 (Amenity)

BE2 (Design)

BE7 Conservation Areas)

BE9 (Listed Buildings: Alterations and Extensions)

Other Material Considerations

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

CONSULTATIONS (External to Planning)

Archaeology:

No objection subject to the following conditions:

- (i) That the applicant shall provide seven days written notice of the commencement of work to the Development Control Archaeologist, Archaeology Planning Advisory Service Cheshire Shared Services, the Forum, Chester, CH1 2HS. Tel: [01244] 973289).
- (ii) That the applicant shall provide access during reasonable hours to the Development Control Archaeologist, Archaeology Planning Advisory Service for the purpose of observing and recording the work.

Environmental Health:

No objections.

VIEWS OF NANTWICH TOWN COUNCIL

No comment made.

OTHER REPRESENTATIONS

An objection has been received from the adjoining residential property number 54 pillory Street. In summary, the objection details Local Plan policies BE1 (Amenity), BE2 (Design), BE7 Conservation Areas), and BE9 (Listed Buildings: Alterations and Extensions) and raises the following issues:

- The Design and Access Statement does not refer to the fact that the application premises are Grade II Listed.
- No application for Listed Building Consent has been submitted.
- The application refers to a precedent set in the row of properties – The two storey extension at number 54 was negotiated to be a flat roof construction by the Local Planning Authority at the time event though a pitched roof was initially proposed. The two storey extension at 56 Pillory Street does not appear to have a planning history, and a more recent Officer's report details this as being an 'unsympathetic extension'.
- To revisit the mistakes of the past by allowing them to be repeated now would be to abdicate responsibility for ensuring the proper control of development and protection of the historic built environment in the interests of the community. A proliferation of flat roofs at second storey level would not enhance this part of the Nantwich Conservation Area or views into or out of it.
- The Council now has the 'Extensions and Householder Development' SPD which was not in force in 2006 when permission was granted at number 54 for a two storey flat roof extension.
- The proposed extension is not visually subordinate to the host structure and nor does it reflect the scale, form and character of that building.
- The junction between the proposed flat roof and the existing pitched roof would appear clumsy and the impression would be of a "box" shape tacked onto the rear of the building. This would appear unsympathetic to the listed building and the proposal would obliterate the dentil course at eaves level referred to in the listing.
- The proposal is considered to be contrary to Policies BE. 2, BE.7 and BE.9
- The siting of the proposed extension is such that according to the drawing of the proposed rear elevation submitted with the planning application its southerly wall,

associated foundations and fascia board would extend over the boundary line drawn on the plan and onto my client's property. If this is the case then the application is accompanied by the incorrect ownership certification. Certificate B rather than A should have been completed and appropriate formal notice served upon the landowner.

- The siting and massing of the proposed extension will dominate the rear garden of number 54 Pillory Street and significantly reduce the view of the sky from the sitting out area contained within it.
- It is important to note that in addition to the proposed extension now under consideration number 54 could well be faced with the construction of an extension to the south side of the dentist's surgery situated to the rear of number 52 Pillory Street. This single storey extension, which received planning permission under reference 11/2467N in September 2010 would be built on what was the garden of number 52 Pillory Street immediately alongside the garden fence.
- The current proposal would add a two storey high blank brick wall immediately on the boundary of the site with number 54 and an unattractive utilitarian rear elevation overlooking the fence towards the rear garden at close quarters.
- The massing of the proposed extension would be overbearing and un-neighbourly. If the approved single storey extension to the dentist's surgery is also built, then the impact will be that the garden to number 54 will become even more enclosed by buildings and the sense of visual intrusion will become even more unacceptable.
- It is considered that the scale and massing of the proposed extension would not enhance the built environment, nor would the proposals respect the pattern, character and form of the surroundings. The proposals on this basis alone are therefore contrary to the provisions of Policy BE.2
- The intended parking provision is depicted on the plan of the proposed ground floor arrangements. Provision is made for one modest size car to be parked outside on the yard area which is left between the rear elevation of the proposed extension and the easterly gable end of the dental surgery. This would be positioned on the only area of open space left within the curtilage of the property, leaving no usable area for outdoor amenity for the residents of the proposed first floor flat. So restricted would be the space available for the vehicle to park, the submitted drawings of the extension show one corner of the proposed extension cantilevered out at first floor level over the parking area.
- It is impossible to gain any access from the public highway to the proposed parking space due to bollards and also from the public car park to the rear. The parking space would therefore be entirely unusable and even if these problems were resolved it is difficult to imagine how this could be practical or safe.
- On street parking on Pillory Street in the vicinity of the application premises is prohibited. Reliance would therefore have to be placed on parking within public car parks. There is no provision made for staff parking for those working at the shop at present and none would be possible as part of the scheme proposed.
- The proposed extension is shown as having a bedroom window in the rear elevation at first floor level directly overlooking the garden of number 54 and sitting out area at an approximate distance of only 2.5 metres from the boundary. This loss of privacy is unacceptable and contravenes the requirements of Policy BE. 1
- With regard to noise and disturbance, the proposals introduce a residential use at first floor where previously there has been no such use; just a staff facility for use during shop opening hours and storage for merchandise to be retailed from the shop downstairs. It is expected that, as is normally the practice in such situations, were

planning permission to be granted for the proposals conditions would be imposed by the planning authority requiring the submission, approval and implementation of a scheme of soundproofing to reduce sound transmission from the flat through the party wall to number 54.

- In terms of the level of residential amenity for the prospective occupants of the proposed flat this would be compromised by a lack of on-site parking, extremely limited private open space and poor outlook from the window to the proposed kitchen in particular. The Council's Supplementary Planning Document (SPD) on Extensions and Householder Development states that a minimum level of private open space following the construction of an extension would be one which can accommodate all the following basic amenities:- a washing line, a parking area, a garden shed, bin storage, an area for sitting out and children's play area. The proposed flat is depicted as having two double sized bedrooms so it would be unreasonable to discount the possibility of children living there. Most of the garden which served the application property was relatively recently disposed of in order to enable the single storey extension to the adjoining dental surgery to be built on it. It is not surprising to find that the residual area of private open space available to serve the proposed flat is deficient by any modern day standards. The proposal also therefore fails for these reasons to meet the requirements of Policy BE1
- the proposals if implemented would result in an extremely high proportion of the property curtilage being occupied by built form
- The development is oppressive and cramped in appearance and would be overbearing when viewed from the neighbouring residential property. Certainly this is not an appropriate form of development for a Conservation Area or one which is suitable in terms of its impact upon a listed building and its setting.
- The inability of the applicants to provide even a basic level of landscaping within the curtilage is further evidence of the congested nature of the yard area and of the extent of the overdevelopment of the site which is proposed.
- Because the application property is listed as being of special architectural or historic interest further information should have been submitted with the application in the form of a Heritage Statement. No such statement appears on the Council's website.
- the Council's validation requirements indicate that where a proposal includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving a pre-1914 building with gable ends or slate roofs, regardless of location the application should be accompanied by a Protected Species Report in relation to Bats. The proposal does involve works to the roof of the existing pitched roof because it will have to be opened up to join the flat roof on to it. As the building is pre-1914 (described as late C18 early C19 in the listing document), and it has a gable and a slated roof it appears that a Protected Species Report is required. No such report appears on the Council's website.
- The Council's validation requirements also require that either by way of a separate document or inclusion within the Design and Access Statement issues of climate change are addressed in accordance with the policy objectives of PPS 1. No such assessment of the proposals appears to have been carried out.
- The proposed development would be un-neighbourly, overbearing, visually intrusive, unsympathetic to the character and appearance of the listed building and Conservation Area and would fail to enhance or harmonise with the built environment and pattern of development in the locality. The proposals would lead to an unacceptable degree of harm to the level of residential amenity which she is reasonably entitled to expect and

would fail to provide an acceptable level of residential amenity for the future occupants of the proposed first floor flat. The development would therefore be contrary to the provisions of policies BE.1, BE.2, BE.7, and BE.9

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application is whether or not the proposal accords with the provisions of Local Plan policies BE1 (Amenity), BE2 (Design), BE9 (Listed Buildings: Alterations and Extensions) and BE7 Conservation Areas). In summary these policies seek to ensure, amongst other things, that proposal have an acceptable impact on neighbouring residential amenity; and respect the character and appearance of the building, its setting and the conservation area.

Design

The application seeks a two storey flat roof extension to the rear of the property. Whilst flat roof extensions would not normally be encouraged, the application site is characterised as a row of Grade II Listed properties and not a single building in isolation. Two properties within the row, numbers 54 and 56, both have two storey flat roof extensions to the rear. The proposal would be adjacent to these existing extensions, and would therefore be seen in this context which would result in a uniformed approach to the rear elevation. It is considered that an alternative design would highlight the various forms of development and have a negative relationship with existing development, thereby being more detrimental to the character and appearance of the row. This view is consistent with the opinion of the Council's Conservation Officer and advice given during pre-application discussions with the applicant. The scale of the extension would be similar to that of number 54, and would not dominate the whole of the rear elevation of the premises, thereby appearing as a subordinate addition. In the context of the above and surrounding development, it is considered that the proposal is acceptable in design terms and would harmonise with the building more so than if a different design was proposed. In this regard there would be no adverse impacts on the character and appearance of the Grade II Listed Building; the conservation area; or the streetscene generally, to warrant refusal of the application.

This proposal would be consistent with Local Plan policies BE2 (Design), BE7 Conservation Areas) and BE9 (Listed Buildings: Alterations and Extensions).

Amenity

A key issue in the determination of the application is the impact of the proposal on the neighbouring residential amenity of the adjoining property number 54 Pillory Street. The proposal would be built adjacent to an existing two storey extension within the curtilage of number 54. There would be no further projection beyond this existing extension and therefore would not be overbearing, oppressive or visually intrusive to number 54. When viewed from the rear garden of number 54 or wider views, the proposal would be seen in its context adjacent to existing forms of development.

A bedroom window is proposed to the rear elevation and given the layout of the garden boundaries to the properties which are generally off-set, it is acknowledged that there would be some overlooking of the garden area of number 54. However when taking the direct line of sight from the window, this would be towards the end of the garden which is enclosed as a private parking area to the residence. This is also typical of the existing situation of the properties situated within the row and as such it is not considered that this would be unduly detrimental to the residential amenity of number 54 to warrant refusal of the application.

The adjacent Dental Surgery has recently received planning permission for a single storey extension to the rear of the premises in proximity to the common boundary with number 54 Pillory Street (Application reference 11/2467N). Given that the permitted extension is single storey and taking into account existing boundary treatments, it was not considered that this would be over bearing or visually intrusive to number 54. The neighbour objection raises that in combination with the approval at the Dental Surgery, the current proposal would further enclose the garden to number 54 and the sense of visual intrusion would be more unacceptable. However as described above, the proposed two storey extension would be sited adjacent to an existing two storey extension at number 54 and would have a similar projection of 2.9 metres from the original rear elevation. Therefore the proposal would not result in a sense of enclosure or visual intrusion to the garden area of this adjoining property (number 54).

In terms of the amenity of future occupiers of the proposed first floor apartment, there is no requirement to provide the levels of private amenity space as contained within the guidance laid out in the Council's 'Extensions and Householder Development'. The proposal is for a self contained flat and not a dwellinghouse and the provision of a garden is not required in this case. Furthermore the site is situated within a town centre location, with local amenities and public open space situated in close proximity. The proposed residential use at first floor level would be compatible with surrounding land uses.

There would be no amenity impacts associated with the window proposed to the side elevation of the premises and there would be no adverse impacts on other adjoining properties, over and above the existing site arrangements.

Taking into account the neighbour objection and having regard to the above, it is not considered that the proposed extension would be unduly detrimental to neighbouring residential amenity. There would be no significant conflict with the provisions of Local Plan policy BE1 (Amenity).

Archaeology

The site of the proposed development lies within Nantwich's Area of Archaeological Potential, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. This is due to its position within the medieval and early post-medieval town, although it is not within that part of the town where deep waterlogged archaeological deposits might be expected. In addition, the development is restricted in extent and has limited potential to seriously disturb any in situ archaeological remains. However in order to ensure archaeological interests, inspection of the foundation trenches by the Council's Development Control Archaeologist to observe and record the work would be secured by condition.

Parking Provision

It is noted that the proposed plans illustrate parking provision within the site for 1No car. Whilst the proposed parking space may, or may not be accessible, this is not considered to be a pertinent issue of the application. The Local Planning Authority does not require on-site parking as part of this application given its sustainable location within Nantwich Town Centre and access to transport options and public car parks in the immediate vicinity.

Other Matters

Noise and Disturbance

The neighbour objection specifically refers to the introduction of a residential use at first floor where previously this has been used as a staff facility and storage. The Environmental Health Division have raised no objection to the proposed use and have not requested any noise insulation details. Furthermore this aspect would be covered under separate regulations such as Building Control.

Landscaping

The application seeks a two storey extension to the rear of an existing property where any additional landscaping to the site is not considered necessary and would be onerous to require such in this instance given the type of development proposed.

Absence of Bat Surveys

The Council's ecologist advises that a bat survey is not required to determine the application given the limited foraging and commuting habitat in the locality and that roosting bats are unlikely to be present or affected by the proposed development.

Design & Access Statement

Whilst no Heritage Statement has been submitted, and the Design and Access Statement does not refer to the building being Grade II listed or addresses climate change, it is not considered that the absence of this information would warrant refusal of the application.

Listed Building Consent

The Local Planning Authority has not received an application for Listed Building Consent for the works; however this can be submitted at a later date and does not impact upon the determination of the planning application.

Land ownership and Certificates

The neighbour objection asserts that the part of the development would extend on land not owned by the applicant and therefore the correct Certificate should have been signed (B instead of A) and notice served on number 54. The Local Planning Authority however considers that this does not affect the determination of the application and the ownership dispute would be a civil matter between the interested parties. Furthermore the resident of

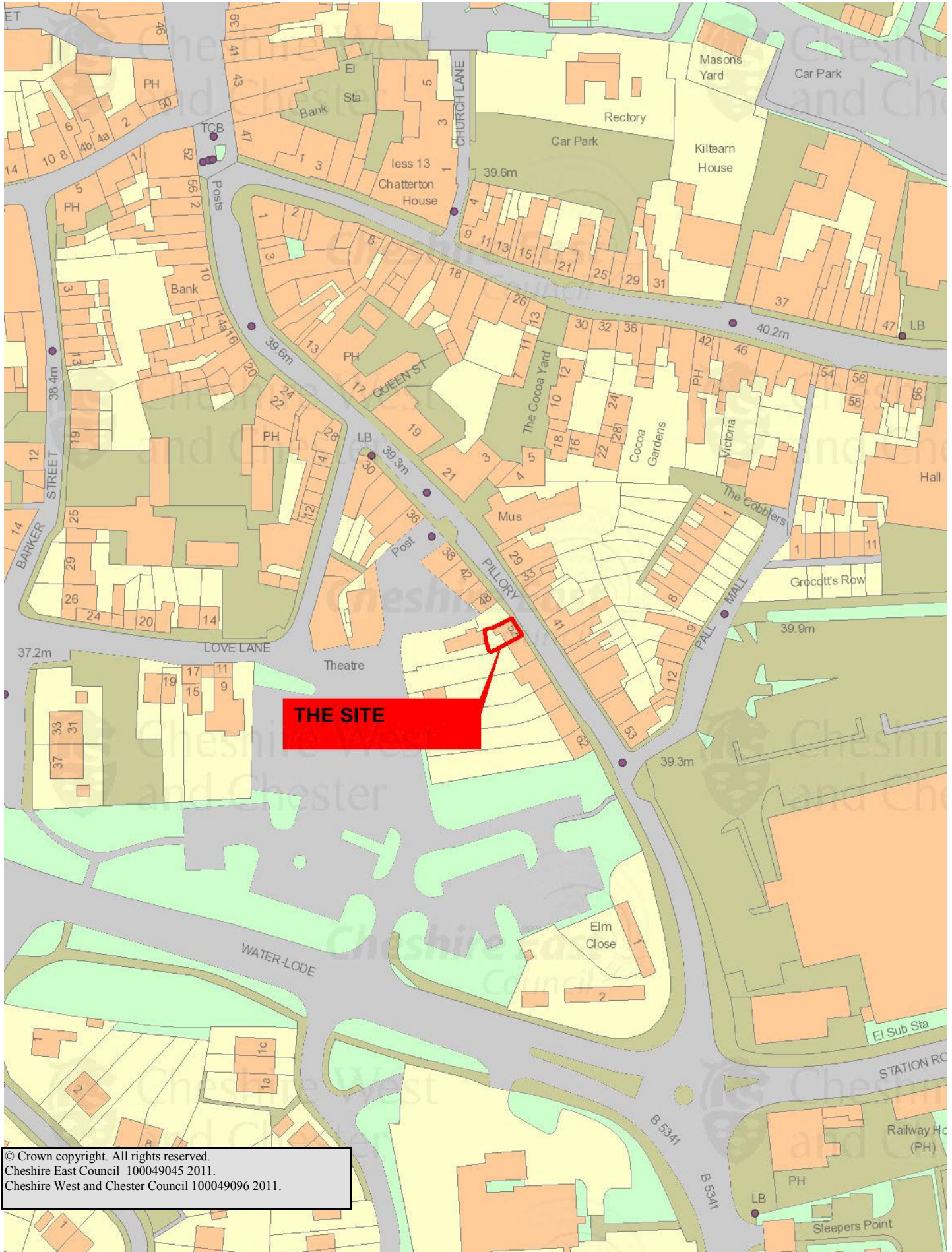
number 54 is aware of the application and acknowledges in the neighbour objection that this is not a material planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the issues raised in the neighbour objection have been considered within the report, it is regarded that the application seeks an acceptable form of development. The proposed design would provide uniformity to the rear elevation of the Grade II Listed row of properties and would harmonise with the building more so than if a different design was proposed. In this regard the proposal would not be detrimental to the character and appearance of the Grade II Listed Building and its wider setting within the Nantwich Town Centre conservation area. The proposal would not be unduly detrimental to neighbouring residential amenity, having particular regard to the adjoining property number 54 Pillory Street. The application is in accordance with the Development Plan and is therefore recommended for approval accordingly, subject to conditions.

RECOMMENDATION: APPROVE subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Rainwater goods – colour and material to match those on existing
5. Fenestration to be set behind reveals
6. Timber windows and doors
7. Specification of mortar mix
8. Brickwork to be constructed with bonding to match the existing building.
9. Archaeology – 7 days written notice of commencement of development and provision of access to the Development Control Archaeologist to observe and record the work.



Application No: 11/3867N

Location: Land to Rear of 157 Crewe Road, accessed via Gutterscroft, HASLINGTON, CW1 5RJ

Proposal: Construction of 11 Three Storey Dwellings

Applicant: Lothlorian Ltd

Expiry Date: 19-Jan-2012

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Principle of Development

Design

Amenity

Highways

Ecology

1. REASON FOR REFERRAL

The application was deferred from the Southern Planning Committee on 4th January 2012 for plans to be submitted showing the turning area within Meadow Bank; areas for refuse collection to each property; details of the road specification for Gutterscroft; and a site plan showing the context of neighbouring properties.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a backland site to the rear of properties 153 and 157 Crewe Road, Haslington. This is accessed via a relatively unmade public right of way known as Gutterscroft which bounds the site to the south. A public footpath (Haslington PF45) also forms the western boundary leading from Gutterscroft to 'the Dingle'. Surrounding land uses are predominantly residential, with access to local amenities within Haslington. Properties within the locality are of varying types, design and age. To the north of the site is United Reformed Church which is locally listed.

3. DETAILS OF PROPOSAL

This is a full planning application for the provision of 11 dwellings with domestic garage accommodation. A pair of semi-detached dwellings would occupy the Crewe Road frontage close

to the junction with the Dingle and vehicular access would be gained from within the site via Gutterscroft. 4No dwellings would provide a frontage to Gutterscroft with 5No dwellings forming a cul-de-sac within the site.

4. RELEVANT HISTORY

P02/1298 Demolition of Dwelling and Erection of Nine Dwellings (Refused June 2003) Refused due to the proposed site access from Crewe Road being too close to the junction of Gutterscroft and substandard levels of visibility.

P03/0049 Outline Application for 43 Dwellings (Refused March 2004) Refused due to the following reasons: failure to secure affordable housing provision. Development allowed at Appeal (APP/K0615/A/04/1147933) 15th December 2004.

P06/0498 Land off Crewe Road / Gutterscroft Haslington Crewe 17 Houses and 6 Apartments (Refused July 2006) Refused due to the following reasons: failure to secure affordable housing provision; failure to provide public open space; and design issues.
Appeal submitted and withdrawn.

P07/1103 Demolition of the Existing Buildings and Construction of 44 Dwellings and Associated Works (Approved with conditions January 2008).

P07/1693 Reserved Matters Application for the Demolition of Existing Buildings and Construction of 44 Dwellings and Associated Works (Duplicate Application) (Withdrawn).

5. POLICIES

Regional Spatial Strategy (NW)

Policy DP7 Promote Environmental Quality
L4 Regional Housing Provision

Borough of Crewe and Nantwich Replacement Local Plan 2011

RES4 (Housing in Villages with Settlement Boundaries)
NE5 (Nature Conservation and Habitats)
NE9 (Protected Species)
BE1 (Amenity)
BE2 (Design Standards)
BE3 (Accessing and Parking)
BE4 (Drainage, Utilities and Resources)
BE5 (Infrastructure)
TRAN9 (Car Parking Standards)

Other Material Considerations

Supplementary Planning Document 'Development on Backland and Gardens'
Cheshire East – Interim Planning Statement on Affordable Housing (2011)
PPS1 Delivering Sustainable Development

PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

6. CONSULTATIONS (External to Planning)

Highways

The Strategic Highways Manager is satisfied with the submitted details of the turning head within Meadow Bank; areas for refuse collection at the boundary of each dwelling; and the improvement specification for the length of Gutterscroft which forms part of the application site (as edged red).

Environmental Health:

Environmental Health have raised no objection to the application but request the following conditions:

(i) Restriction of hours of construction –

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

(ii) if pile driving is required, restriction of hours to –

Monday – Friday	08:30 – 17:30 hrs
Saturday	08:30 – 13:00 hrs
Sunday and Public Holidays	Nil

(iii) Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(iv) Land contamination surveys prior to commencement of development

Ecology:

The Council's ecologist has assessed the application and does not anticipate there being any significant protected species issues associated with the development. The development does however have potential to support breeding birds and any impacts would be in the local context. In order to ensure the nature conservation interests of breeding birds the following conditions are necessary:

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

Reason: To safeguard protected species in accordance with PPS9.

(ii) Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows and swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

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

7. VIEWS OF HASLINGTON PARISH COUNCIL

Object to the proposal.

In summary the objection relates to the following issues:

- The loss of green space within the village
- Removal of affordable homes from the previously agreed development
- The PC would like to see more specific detail on the proposed wider road and what it is capable of serving
- The previous developer agreed to resurface the road up to the Guttercroft Community Centre and resurface the car park – this would benefit the local community and minimise congestion with the development by users of the centre
- The 3 storey houses are out of character with nearby property
- Need to ensure the telephone box is retained at junction of Crewe Road / The Dingle
- The PC request that the Southern Planning Committee Members visit the site to assess the impact of the 3 storey structures on neighbouring properties, to consider whether the designs are in-keeping with existing properties, and that the proposed changes to Guttercroft Road are acceptable
- If the application is approved the PC request conditions to ensure the roads are provided prior to the development of the houses to minimise danger to residents and users of the busy community centre and Crewe Road.

8. OTHER REPRESENTATIONS

Neighbour objections have been received from 21 Batterbee Court, Ferndale House & Dove Cottage Guttercroft, 9 & 3 The Dingle; and a general observation from the United Reformed Church. In summary the issues raised relate to the following:

- Height of the development will restrict morning sunlight to 21 Batterbee Court and the noise factor will impact upon the quality of life and value of the property. The loss of 2 large trees and the height of the land compared to the back garden is also a concern
- 3 storey dwellings are out of character with the area – there are none in the village
- Height of the houses will be intrusive to residents
- The size of the dwellings will overlook the rear living room of 9 The Dingle, leading to a significant reduction in privacy and devalue the property
- The plot should contain bungalows or two storey house
- The application is not specific about the width of the road
- Guttercroft is unadopted, busy and unable to take heavy traffic i.e. construction traffic and refuse collection
- The whole of Guttercroft should be adopted
- Only part of the road being adopted would result in a safety hazard for both pedestrians and car users alike
- Only part of the road will be adopted and this will put extra traffic on the unadopted area of Guttercroft and incur extra costs to original residents
- There should be a double track access at the junction from Crewe Road to Guttercroft
- The footpath should be full length and not a partial footpath

- Amount of parking provision seems to be inadequate for the amount of new traffic on the proposed site and would mean further difficulties for the original residents
- Tree removal and loss of habitat in the hedgerows is a concern – the hedgerows should be retained. They are home to many type of bird as well as hedgehogs. The hedgerow is also a considerable sound buffer and will screen the development.
- Wildlife needs further consideration
- It is not a nursery at the end of the lane it is a community centre

Summary of comments from United Reformed Church:

- Maintenance of the church wall which borders the site – request a 1 metre gap between the wall and any fence to be erected.
- The ground level in the development area is lower than the churchyard, therefore any excavations close to the boundary wall will have the potential to undermine and damage it. It is requested that the developer takes great care not to damage the wall whilst working close to it.
- Retention of trees is requested particularly the holly tree growing close to the boundary wall which has considerable amenity value to the churchyard

9. OFFICER APPRAISAL

Principle of Development

The principle of residential development has previously been accepted on this site under application reference P03/0049. The site is situated within the Haslington Settlement Boundary where the key issues in the determination of this application is whether or not the proposal accords with Local Plan policies NE9 (Protected Species), NE5 (Nature Conservation and Habitats), BE1 (Amenity), BE2 (Design Standards), BE3 (Accessing and Parking), BE4 (Drainage, Utilities and Resources), BE5 (Infrastructure) and TRAN9 (Car Parking Standards)

Design

The surrounding area is comprised of a mix of housing types and styles, ranging from traditional cottages, large detached dwellings, dormer bungalows, and more modern houses. The application proposes 11 No three storey dwellings with the second floor accommodation being in the roofspace. Typically the dwellings would be 5.6 metres in height to eaves level and 9.4 metres to ridge height. As there is no set roofline, height or dwelling type within the locality, the 3 storey dwellings are considered to be acceptable in this location. The proposed dwellings would be predominantly brick, some of which would be half rendered, and would have feature heads and cills. The dwellings and associated garages would be comprised of a mix of 5 No styles which would add to the visual interest and variety when viewed in the context of the Gutterscroft streetscene. Whilst the proposed dwellings would have a distinct appearance, the site is a backland plot and it is not considered that the design proposals would be at significant odds with the surrounding pattern and form of development. The dwellings proposed along Crewe Road / Foxes Corner are more simpler in appearance and would sit comfortably with adjacent properties within the streetscene.

Some minor design amendments were requested for the more prominent units such as 10E (Foxes Corner) and 4A (junction of Gutterscroft and Meadow Bank) to introduce more visual interest to the side elevations. The revised plans are considered to be acceptable in design terms.

The layout of the development provides an active frontage to Gutterscroft, an infill plot along Crewe Road / Foxes Corner, and an internal cul-de-sac layout called 'Meadow Bank'. The public footpath (Haslington PF45) is to the west of the site and would share the boundary with the rear gardens of plots 1A, 5A, 6C, 7A and 8A. The boundary is defined by a well established hedgerow which is an attractive feature along the length of the footpath. This would provide soft screening and privacy for the development and it is considered that its retention should be secured by condition. A landscaping and hard surfacing scheme would also be required in the interests of the appearance of the development in the locality.

Having regard to the above and the imposition of relevant conditions ie retention of hedgerow, landscaping scheme and hard surfacing details, the proposal would be acceptable in design terms and would have an acceptable impact on the character and appearance of the area. The proposed development would accord with Local Plan policy BE2 (Design).

Amenity

A key consideration in the determination of the application is the impact of the proposed development on neighbouring residential amenity. Firstly with regard to plots 8A and 9D these would be situated to the north of the site at the head of the proposed Meadow Bank. These properties would back onto the rear blank elevation boundary of the United Reformed Church and would have a rear garden depth of between 9 and 10 metres. In this respect there would be no amenity impacts for the existing church or future occupiers of the dwellings.

In terms of plots 10E and 11E these properties would front Crewe Road and would be sited adjacent to number 157 Crewe Road. Whilst there are a number of windows to the side elevation of 157 these do not appear to be principal windows. There is currently an existing two storey building adjacent to 157 and given the orientation of the properties and the fact that there would be no principal windows proposed to the side elevation of plot 11E it is not considered that there would be any significant amenity impacts on this property. Property number 150 Crewe Road would be around 24 metres from plots 10 and 11E on the opposite side of the road which is a sufficient separation distance to avoid any significant amenity impacts associated with overlooking or loss of privacy. This separation distance is in excess of the standards provided in the Supplementary Planning Document 'Development on Backland and Gardens'. Property number 2 The Dingle is situated on the opposite side of the road from plot number 10E at a distance of over 20 metres. Whilst there are a number of windows to the side elevation of plot 10E, some of which would serve habitable rooms, given the separation distance and the road in-between it is not considered that this would in any adverse impacts on the amenity of number 2 The Dingle.

Turning to plots 5C, 6C and 7A these would back onto the boundary with the public footpath (Haslington PF45) and would have no direct relationship with any neighbouring properties to result in any adverse impacts associated with overlooking, loss of privacy, or loss of sunlight.

Plots 1A, 2B, 3C and 4A would front Gutterscroft and would be set back from the edge of the carriageway by 4-6 metres. On the opposite (south) side of Gutterscroft is a vacant parcel of land,

with residential properties along Batterbee Court situated further beyond. Again these properties would not be sited directly opposite each other and given the separation distances and the forms of development in-between, it is not considered that there would be any significant amenity impacts on these nearby residences.

Whilst neighbour objections in relation to the height of the proposals and subsequent issues of overlooking or loss privacy to neighbouring properties 21 Batterbee Court, 3 & 9 The Dingle are noted; the report has explained that due to the position of the proposed dwellings there is no direct relationship with the aforementioned properties to result in any significant amenity impacts by reason of overlooking, loss of privacy or loss of sunlight. In particular number 21 Batterbee Court is situated offset to the southwest of the site at a distance of over 21 metres with Gutterscroft and a parcel of land situated in-between. Number 9 The Dingle is sited to the northwest of the site beyond the public footpath (Haslington PF45) with no proposed dwellings facing this property. In terms of number 3 The Dingle there are no directly facing properties within the proposal as these would back onto the rear of the United Reformed Church.

Noise impacts during construction would be controlled via a condition to restrict the hours of work and any associated pile driving activities.

With regard to the proposed dwellings, the SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. The proposed scheme would have sufficient private amenity space to meet the above requirements.

Having regard to the above the proposed development would not be detrimental to the residential amenity afforded to surrounding properties by reason of overlooking, loss of privacy or loss of sunlight. The proposal would accord with the respective provisions of Local Plan policy BE1 (Amenity).

Affordable Housing

Concern has been raised about the lack of affordable housing provision as part of this proposed development. In relation to this issue the Interim Planning Statement on Affordable Housing states that within settlements with a population of 3,000 or more the threshold above which affordable housing should be sought is 15 dwellings or more. In this case Haslington has a population of 6,410 and as a result this development would not meet the threshold for affordable housing.

It is accepted that in this case the application site did form part of a larger site which benefitted from an approval under outline and reserved matters applications P03/0039 and P07/1103. These applications included land on the northern and southern sides of Gutterscroft and the approval related to the construction of 44 dwellings. These decisions have now expired and there is no planning consent for residential development on either parcel of land.

As the parcels of land are now in separate ownership and there is no extant planning permission, it is not considered to be reasonable to request affordable housing as part of this application when the development does not meet the threshold contained within the Interim Planning Statement on Affordable Housing.

Highways

The proposed development would be accessed off Crewe Road via Gutterscroft which is currently an unadopted right of way. Neighbour objections relating to the increased use of the road are acknowledged however the Strategic Highways Manager has raised no objections to the application. The Strategic Highways Manager is satisfied with the submitted details demonstrating the turning head within Meadow Bank; the specification details for the improvement of the length of Gutterscroft forming part of the application site; and also the areas of refuse collection to the boundary of each dwelling.

The proposal would provide 200% parking provision with additional space within the site layout to accommodate parking for visitors. As such there would be no significant pressure for on-street parking along Gutterscroft or in the surrounding highway network.

In the previous application P03/0049 Gutterscroft was the main access for a wider site of 44 dwellings. In the absence of an objection from the Strategic Highways Manager the application is considered to be acceptable in highways terms and would accord with the provisions of Local Plan Policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

Ecology

The application site has the potential to support breeding birds including widespread BAP priority species. The proposed development however would not have a significant impact upon breeding birds other than in the local context. In order to ensure the protection of breeding birds during the development, detailed surveys will be required prior to any works being undertaken between 1st March and 31st August. A condition would also be attached to secure an enhancement scheme for breeding birds within the development. Subject to the above conditions it is considered that the proposal would be acceptable having regard to nature conservation interests and the provisions of Local Plan policies NE5 (Nature Conservation and Habitats) and NE9 (Protected Species).

Other Matters

Gutterscroft

Haslington Parish Council have requested a condition for the improvements of Gutterscroft to be carried out prior to site works commencing. This however is not considered to be reasonable, and would be conditioned to be improved prior to the development being brought into use.

Resurfacing of the community centre car park and the length of Gutterscroft is not directly related to the development proposed and would not be a reasonable requirement.

The Highways Authority have stated their intention to adopt a section of Gutterscroft and Meadow Bank, and whilst local residents may wish the Authority to adopt the entirety of Gutterscroft, this is not entirely related to the current application.

Loss of Green Space

The loss of green space within the village has been cited in the objection from Haslington Parish Council; however the land is not allocated as protected open space in the Borough of Crewe and Nantwich Replacement Local Plan 2011, and as such is not afforded the same level of

protection. Furthermore residential development has been permitted on the site previously; therefore the principle of development is acceptable.

Telephone Box

Retention of the telephone box is not material to this application and is a matter for the telephone service provider.

Church Boundary

Maintenance of the church wall which borders the site will be a civil matter and cannot be controlled under this application.

Excavation works in close proximity to the boundary is not a material planning matter.

11. CONCLUSIONS

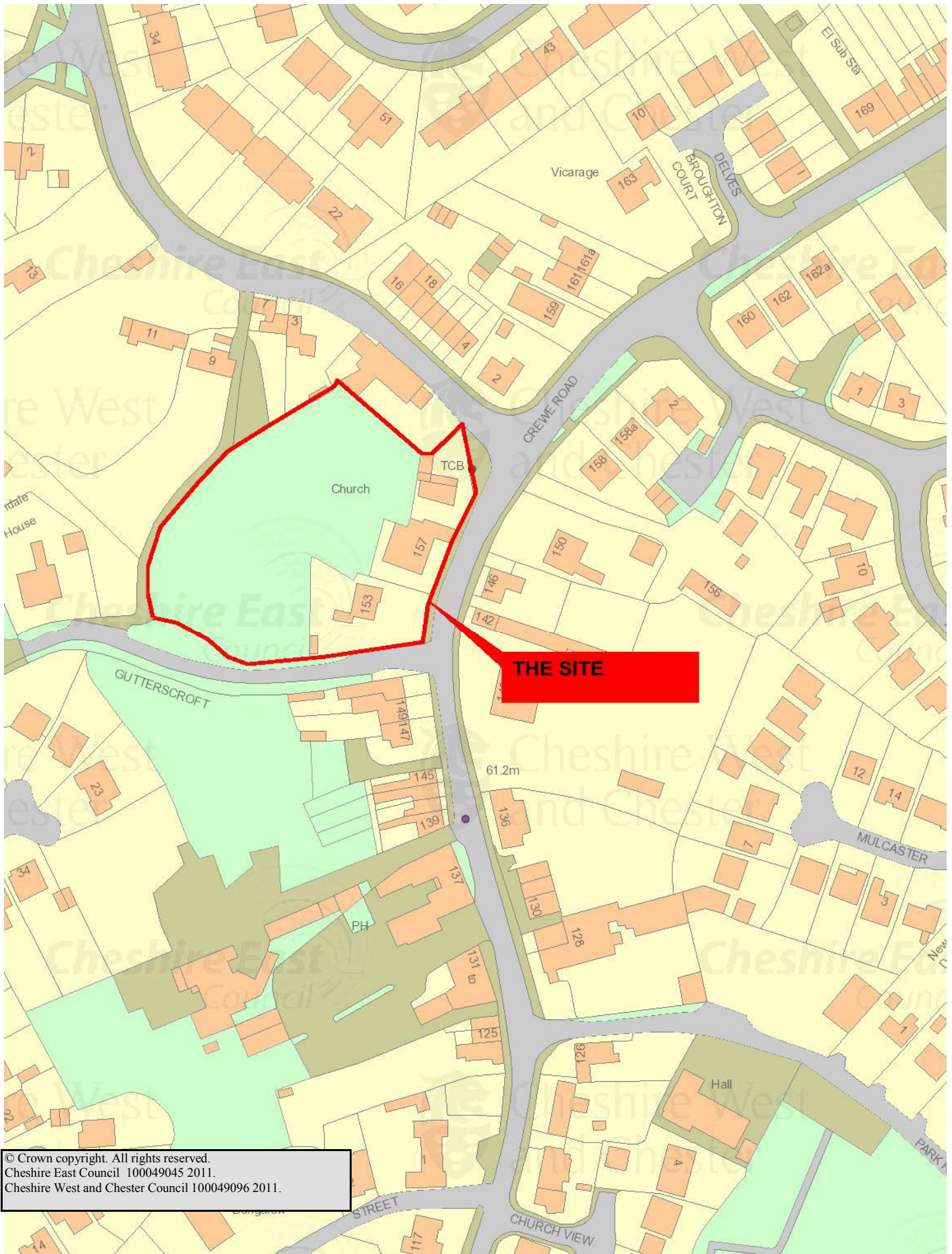
it is considered that the design and layout of the proposed development would not cause any significant harm to the character and appearance of the locality, and would have an acceptable impact on the Gutterscroft streetscene. There would be no significant impacts on the residential amenity of neighbouring properties. Subject to conditions i.e. details of the turning head, Gutterscroft improvement details, and areas for refuse collection, the proposal would be acceptable in highways terms. There would be no significant adverse impacts on nature conservation interests. Subject to the imposition of relevant conditions detailed below, the proposal would be in accordance with the relevant policies of the Development Plan and is therefore recommended for approval accordingly.

12. RECOMMENDATIONS

The application is recommended for approval, subject to the following conditions:

- 1) Commencement of Development (3 years)
- 2) Approved Plans
- 3) Materials to be submitted
- 4) Details of Surfacing materials to be submitted
- 5) Detailed Landscaping Scheme to be submitted
- 6) Landscaping Scheme Implementation and maintenance
- 7) Tree / hedgerow protection measures to be submitted and retention of hedgerow to western boundary with footpath (Haslington PF45)
- 8) Details of Boundary treatments to be submitted for approval
- 9) Parking to be made available prior to occupation
- 10) Hours of construction:
 - Monday – Friday 08:00 to 18:00 hrs
 - Saturday 09:00 to 14:00 hrs
 - Sundays and Public Holidays Nil
- 11) Hours of pile driving:
 - Monday – Friday 08:30 – 17:30 hrs
 - Saturday 08:30 – 13:00 hrs
 - Sunday and Public Holidays Nil

- 12) Phase II Contaminated Land Survey prior to commencement
- 13) Gutterscroft improvements to be implemented prior to the occupation of the development
- 14) Details of drainage to be submitted
- 15) Details of any lighting
- 16) Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year,
- 17) Detailed proposals of features suitable for use by breeding birds to be submitted



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Application No: 12/0166N

Location: The Bank, STATION ROAD, WRENBURY CW5 8EX

Proposal: Demolition of Bank and Build New One Dormer Bungalow (Resubmission)

Applicant: Mr T Morgan

Expiry Date: 28-Feb-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene /Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Impact on Protected Species

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Davies, for the following reason:

"this is a building worthy of retaining and should be able to be converted into a property. I would like Councillors on the Planning Committee to see the situation"

DESCRIPTION OF SITE AND CONTEXT

The application site forms a small unoccupied building located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The building is a modest singles storey property set within a modest curtilage. The building is not in any existing use. The building is set close to the public highway and a railway line. Adjacent to the site is Wrenbury railway station and level crossing. There are residential properties opposite the site and fields to the side and rear.

DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing building and its replacement with a detached dormer bungalow. The building would be 9m in width, 5.6m in depth, and

would be 2.8m to eaves and 6m to ridge. The scheme includes two dormer windows in both the front and rear elevations. A single garage is also proposed which would be 3m in width and 5m in depth. The dwelling would be set within a domestic curtilage of 30m in length and 16m in width.

RELEVANT HISTORY

11/2688N – A planning application was withdrawn for the Change of Use from Bank/Shop to Bed-Sit with Rear Extension on 5th September 2011.

P07/0750 – Planning permission refused for Change of Use from Bank/Shop to Dwelling, Rear Extension, Garage and Change of Use of Agricultural Land to Garden on 29th May 2008. This application was refused on the ground that the scale, form and design of the building would harm the open countryside, that the building is incapable for conversion without major reconstruction, that no Great Crested Newt Survey was submitted, that no Noise and Vibration Assessment was carried out and lack of evidence of alternative uses on the site. The application was dismissed at appeal.

7/11205 – Planning permission was approved for change of use to ladies and childrens clothing shop on 19th July 1984.

POLICIES

Local Plan Policy

- NE.2 (Open Countryside)
- NE.5 (Nature Conservation)
- NE.9 (Protected Species)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- RES.5 (Housing in the Open Countryside)
- TRAN.9 (Car Parking Standards)

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 - Housing

Draft National Planning Policy Framework (2011)

CONSULTATIONS (External to Planning)

Environmental Health – None received at time of writing report

Strategic Highways Manager – No objection subject to informatives ensuring that the access is constructed to CEC standard

United Utilities – No objection

VIEWS OF THE PARISH COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

None received at time of writing report

APPLICANT'S SUPPORTING INFORMATION

Plans, Forms, Photographs, e-mail correspondence and a Noise and Vibration Monitoring report

OFFICER APPRAISAL

Principle of development

This application site is located within the Open Countryside and forms a former bank building. There are no Policies within the Local Plan for the replacement of non residential buildings to residential buildings. In the absence of any such specific Policy any approval would be a departure to the Local Plan. However, it would be necessary to look at other Policies for residential development in Open Countryside locations, and any other material considerations in this instance.

Policy NE.2 is the overarching Policy for development in Open Countryside locations which only allows for appropriate development. Policy RES.5, which relates to residential development in Open Countryside locations, states that residential development will be restricted to limited infilling, or a dwelling which is required by a person engaged full time in agriculture or forestry.

No evidence has been submitted to demonstrate that the dwelling is required for a person engaged in agriculture. With regard to infilling, the policy states that this should be a small gap within an otherwise built up frontage. The existing building is a standalone building not immediately bounded on any side by residential development and therefore cannot be considered as infill development. Therefore the proposal does not satisfy Local Plan Policy for residential development in an Open Countryside location.

There is a presumption in favour of the use of brownfield land over greenfield land. The application building and its immediate curtilage is previously developed land, and is therefore brownfield land, which weighs in favour of the development. However the dwelling is not sited entirely within the curtilage of this building and requires the use of the field to the rear of the site, which is Greenfield land. In addition the residential curtilage and garage would be sited on Greenfield land.

The existing building on the site is approximately 74 cubic metres in volume. The proposed dwelling would be 226 cubic metres and the garage would be 48 cubic metres. The proposed

development would have a total volume of 274m³. In the light of this the building would be more than 3.5 times greater in volume than the building which it replaces. Therefore the existing building is being replaced by something which is significantly greater. In the absence of guiding policy it is considered that this additional volume would be unacceptable in this open countryside location.

The Inspector in considering the 2007 application for extensions noted that *“Together with its proposed garden to be enclosed from the adjoining field, the new dwelling would extend its bulk, and its domestic influence and paraphernalia, as a prominent incursion into the open countryside. The new buildings would be highly visible from Station Road, particularly on the approach from the north-west, in which the field gateway together with the proposed 3m wide access to the appeal site would together open up a view, in depth, of the extension, garage and garden. The diminutive existing building itself, in contrast, has a visual impact which is both minimal and confined to the immediate road frontage”*. It is considered that these proposals would have a similar, if not greater, impact to that previously observed by an Inspector.

It is noted that Cheshire East Council also cannot demonstrate a 5 year housing land supply and, in such instances, favourable consideration should be given to suitable schemes for residential development. Whilst this is acknowledged it is considered that this scheme for one dwelling would not outweigh the harm identified.

Impact on the character and appearance of the streetscene and Open Countryside

As identified above, the proposed development would be significantly larger than the development which it replaces. As such this, unjustified development, would cause significant detrimental harm on the character and appearance of the open countryside. Furthermore, the proposal requires the use Greenfield land to accommodate the dwelling itself and associated garage and curtilage. This is considered to be inappropriate development in the open countryside which would cause harm to its character and appearance.

Impact on the Amenity of Nearby Properties

There are no properties immediate opposite to the site, however, there are residential properties within close proximity. Notwithstanding this, these properties are sited and of sufficient distance away from the application site that they would not be detrimentally impacted by the proposed development through loss of daylight, privacy, overbearing or in any other way.

The dwelling is sited in very close proximity to a railway line. Therefore, consideration needs to be given to the amenity impact that may be borne on any future occupants of that property. Environmental Health have been consulted on the application and their comments are not yet received. An update on this issue will be provided prior to Committee.

Impact on Highway Safety

The application proposes the construction of a new vehicular access, and off street parking and turning area. The proposals would provide off street parking for at least two vehicles, which is an acceptable off street provision. The Strategic Highways Manager has commented

that they have no objection to the application provided that the access is constructed to CEC standard. Therefore, it is considered that there are no highway safety issues arising from this development.

Impact on Protected Species

The application proposals have been supported by an e-mail from the Council's Nature Conservation Officer stating that no survey for Great Crested Newts would be required for an application for minor extensions to the building. This application proposes the demolition of the building. The application building is of an age, design and condition which has the potential to support habitat for bats. As the application has not been supported by a Protected Species Survey to determine the presence/absence or use of the building for bats then there is insufficient information to determine the impact that the proposals would have. In the absence of such information the scheme would be contrary to Policies NE.5 and NE.9 of the Local Plan and guidance contained within PPS9.

Other Matters

The submitted plan shows an agricultural track to the north and west of the application site. Overhead photographs, and the Councils GIS, show that the junction with Station Road is actually much closer to the application site, with the track crossing the proposed residential curtilage. The development may not be able to be carried out without diverting this track. Notwithstanding this, the application has been considered on the basis of the change of use of the land to the extent shown in the application forms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is no Policy within the Local Plan which allows for the replacement of non residential buildings with residential properties. The development does not satisfy Local Plan Policies relating to new residential properties in Open Countryside locations. The proposed development is unacceptable in principle. Whilst the application is, in part, a brownfield site, the scale of the property in relation to the existing building and the use of a large area of Greenfield land would cause unacceptable harm on the character and appearance of the Open Countryside.

In addition the application has not been supported by a Protected Species survey with regard to bats and the proposal may therefore cause an adverse impact on Protected Species.

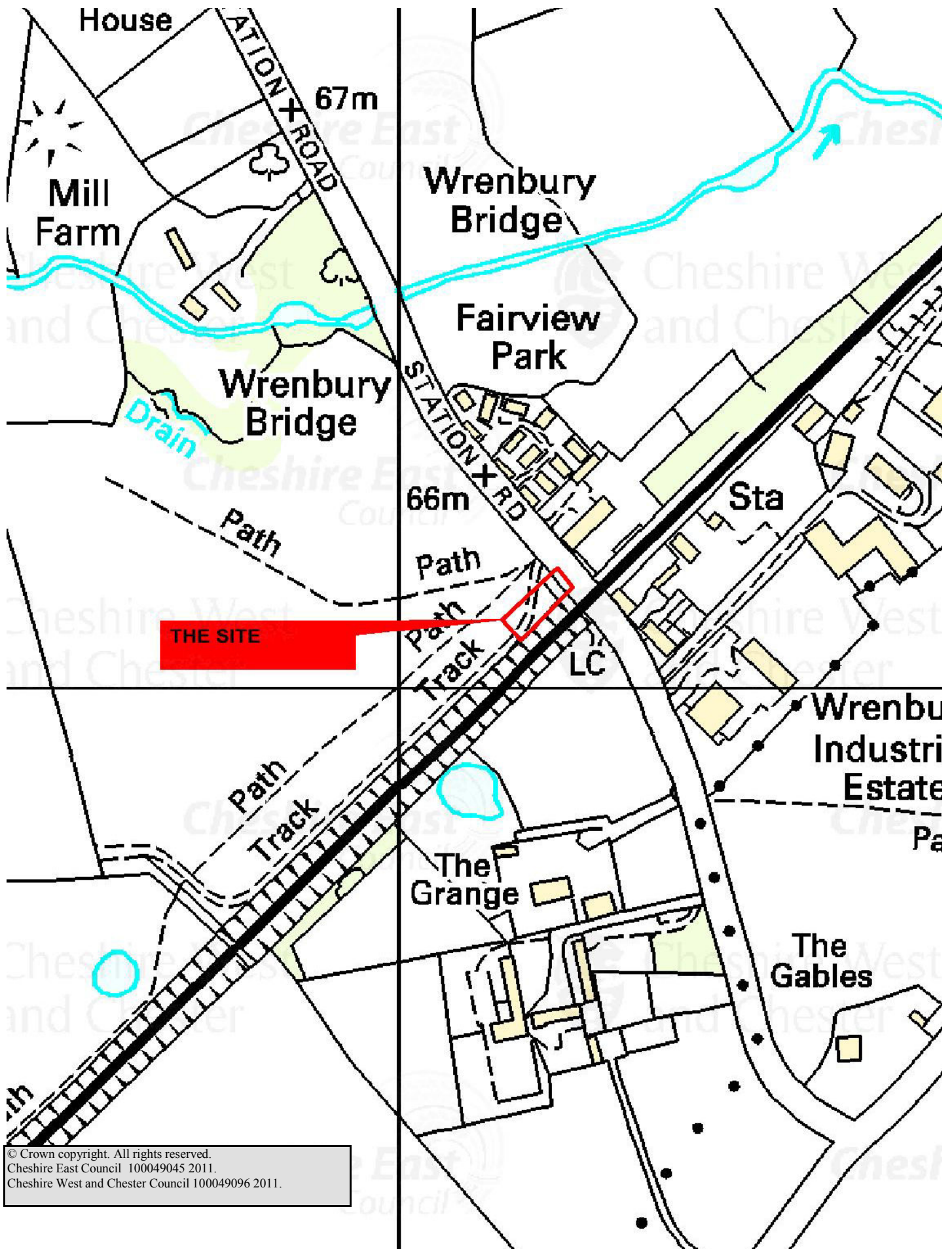
RECOMMENDATIONS

Refuse for following reasons:

- 1) The proposed development includes the creation of a dwelling, garage and curtilage in this Open Countryside. In Open Countryside locations new dwellings are only permitted where they form infilling development or are associated with agriculture. The development does not fall into either of these criteria. In addition the proposed dwelling and garage would be over 3 times greater in volume to the building it replaces. It is acknowledged that part of the site is brownfield, however, the dwelling, garage, and large curtilage will require**

the use of Greenfield land to accommodate the proposed development. It is therefore considered that the proposed development is unacceptable in principle and would cause significant harm to the character and appearance of the Open Countryside. The proposed development would therefore be contrary to Policies NE.2 (Open Countryside), BE.2 (Design Standards) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

- 2) Insufficient information has been submitted to determine the impact that the proposed development would have on protected species, namely bats, and any mitigation measures which may be required. The proposed development therefore has the potential to cause adverse harm on Protected Species. To allow the development, in the absence of this information, would be contrary to Policies NE.5 and NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS9.



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