

Southern Planning Committee

Agenda

Date:	Wednesday, 6th June, 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 9 May 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 or requests for further information
Speakingatplanning@cheshireeast.gov.uk 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. **12/0971C Land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach, Cheshire CW11 3QB: The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use for Martin Smith** (Pages 7 - 32)

To consider the above planning application.

6. **12/0316N Site of Bristol Street Motors, Macon Way, Crewe: Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure for Maconstone Ltd** (Pages 33 - 48)

To consider the above planning application.

7. **12/1073N Top End Farm, Barthomley Road, Barthomley, Cheshire CW2 5NT: Retention of Extensions to Agricultural Buildings for Mr Mark Abell** (Pages 49 - 58)

To consider the above planning application.

8. **11/4002C Land off Jersey Way, Middlewich, Cheshire: Construction of 77 No. Private Residential Dwellings together with Associated Works for c/o David Major (Stewart Milne Homes NW), Russell Homes & Stewart Milne Homes** (Pages 59 - 82)

To consider the above planning application.

9. **12/1310N South View Equestrian Centre, Winsford Road, Wettenhall, Cheshire CW7 4DL: Application for a Lawful Development Certificate for an Existing Use or Operation or Activity including Those In Breach of a Planning Condition for Mr Charles Britton** (Pages 83 - 88)

To consider the above planning application.

10. **12/0874C Firlands, 36, Black Firs Lane, Somerford, Congleton CW12 4QQ: Outline Application for the erection of 2No. Detached 2 - 2.5 storey residential dwellings with garages for G Jackson** (Pages 89 - 96)

To consider the above planning application.

11. **12/0864C Land Adj Barley Orchard, 42, Black Firs Lane, Somerford, Congleton CW12 4QQ: Proposed Detached House and Garage (Outline) for Daniel Taylor Limited** (Pages 97 - 104)

To consider the above planning application.

12. **12/1454N Land off Stoneley Road, Crewe: Proposed Telecommunications Base Station Comprising 15m High Slim Column, Associated Antennas, 2No. 300mm Diameter Dish Antennas, 1No. Equipment Cabinet and Associated Landscaping and Ancillary Development for Vodafone Ltd** (Pages 105 - 110)

To consider the above planning application.

13. **12/0763C Ivanhoe, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access for Bloor Homes (North West) Ltd** (Pages 111 - 130)

To consider the above planning application.

14. **11/4548N Land South of Newcastle Road, Hough: Outline Application for Development of Fourteen 3 & 4 Bed Semi-Detached Affordable Houses for Mr T Bartlam** (Pages 131 - 146)

To consider the above planning application.

15. **12/1488N Land off Marsh Lane, Nantwich, Cheshire CW5 5LD: Reserved Matter Planning Application Relating to Outline Permission P05/0121 for the Erection of 13no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Childrens Playground for Elan Real Estate Ltd & British Waterways** (Pages 147 - 158)

To consider the above planning application.

16. **12/1201N 26, Welsh Row, Nantwich, Cheshire CW5 5ED: Application for Extension to Time on P07/0463 for Eleven Hotel Bedroom Suites and Car Parking for P Schofield, Schofield Brothers** (Pages 159 - 164)

To consider the above planning application.

17. **Proposed Deed of Variation to the Section 106 Agreement in respect of Application 09/4240C** (Pages 165 - 168)

To consider a proposed Deed of Variation to the Section 106 Agreement in respect of application 09/4240C, to allow for a reduction in the number of affordable units at Marsh Farm, Newcastle Road, Congleton.

18. **Tree Preservation Order at Manor Lodge, Manor Court Crewe CW2 6PG**
(Pages 169 - 176)

To consider a report regarding the Tree Preservation Order at Manor Lodge, Manor Court Crewe, which was made on 1 February 2012.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 9th May, 2012 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, P Groves, A Kolker,
D Marren, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBER IN ATTENDANCE

Councillor D Brickhill

OFFICERS PRESENT

Nigel Curtis	Principal Development Officer (Highways)
Daniel Evans	Planning Officer
Rachel Goddard	Senior Lawyer
Diane Moulson	Democratic Services Officer

Apologies

Councillors M Jones, S McGrory and M Sherratt

194 **DECLARATIONS OF INTEREST**

Councillor Kolker declared an interest in item 5 (11/0381C). He confirmed that he intended to take no part in consideration of the item, save to speak to the meeting in accordance with the Council's Public Speaking Rules as the local Ward Member, as he believed he had predetermined the application.

Councillor Butterill declared a personal interest in item 9 (12/0593N) by virtue of being a member of Nantwich Town Council and Nantwich Civic Society. In accordance with the Code of Conduct, she remained in the meeting during consideration of this item.

Councillor Groves declared a personal interest in item 10 (12/0908N) on the grounds that the applicant was known to him but was not a personal friend. 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 from residents regarding item 5, application number 11/0381C.

The Senior Lawyer, Mrs R Goddard declared a personal and prejudicial interest in item 7 (12/1073N) on the grounds that she knew the applicant. In accordance with the Code of Conduct she withdrew from the meeting during consideration of this item.

195 **MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the Minutes of the meeting held on 18th April 2012 be approved as a correct record and signed by the Chairman.

196 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

197 **11/0381C BARNs, SWANWICK HALL, BOOTH BED LANE, GOOSTREY: CHANGE OF USE OF REDUNDANT BARNs TO LIVE WORK UNIT FOR MR JOHN LIP TROTT**

In accordance with the Code of Conduct, Councillor Kolker (local Ward Member) addressed the Committee on the application before removing himself from the Committee table and taking no part in the debate or vote which followed.

Mr R Bennett (Goostrey Parish Council), Mr D Johnson (Goostrey Parents & Residents and Booth Bed Lane Action Group), Ms C Wharfe (Supporter) and Mrs Liptrott (Applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED: That authority be DELEGATED to the Head of Development Management and Building Control to approve the application, subject to i) negotiations with the applicant to seek Section 106 contributions towards local traffic management and the relocation of the gate to the play area; and ii) the following conditions

- 1 Commence development within three years
- 2 Development to be carried out in accordance with amended drawings
- 3 Permission relates only to the conversion of the barn indicated on the approved drawing and does not grant consent for demolition/reconstruction except where indicated on plans/structural reports
- 4 Submission of details/samples of external materials
- 5 Rainwater goods to be cast metal painted black
- 6 Submission of details on fenestration
- 7 Windows and doors to be timber and set behind a 100mm reveal
- 8 External doors to be timber vertically boarded
- 9 Roof lights to be conservation style
- 10 Removal of permitted development rights for extensions, outbuildings and gates, walls and fences
- 11 Submission of details of positions, design, materials and types of boundary treatments

- 12 Submission of detailed design plan for the junction arrangement, visibility splays and vehicular crossing
- 13 Submission of contaminated land assessment/remediation if required
- 14 Limits on hours of construction including delivery vehicles
- 15 Limits on hours of piling
- 16 Submission of details for the incorporation of features for roosting bats
- 17 Domestic curtilage for residential unit restricted to area shown on plans
- 18 Existing dovecotes retained and filled with recessed brick and dyed mortar
- 19 Prior to the commencement of development, a scheme to provide 2 inter-visible passing places along the driveway shall be submitted to the Local Planning Authority for approval in writing (the scheme shall include a longer southern passing place which should extend from the position shown to the approved plan to the boundary with the curtilage of 5 Swanwick Close). The approved passing places shall be implemented before the commencement of development and thereafter retained
- 20 Swimming Pool – private use only
- 21 Scheme for incorporation of electromagnetic screening measures (Jodrell Bank)
- 22 Submission of details of drainage for proposed swimming pool
- 23 Restrict the occupancy of the business aspect so that it is not occupied separately to the residential barn or Swanwick Hall
- 24 A scheme of waste management for the excavation of the swimming pool
- 25 The business shall be limited to a renewable energy business and no other use within class B1
- 26 Nesting bird mitigation
- 27 Construction Management Plan
- 28 Provision of Public Rights of Way signage

Note: At the conclusion of the item, Councillor Kolker rejoined Members at the Committee Table.

- 198 **12/0717N 61, ROPE LANE, SHAVINGTON, CW2 5DA: TO MAKE PERMANENT THE TEMPORARY PLANS GRANTED IN PLANNING APPLICATION 10/4412N TO ERECT TWO PARTITION WALLS IN ORDER TO TRANSFORM ONE QUARTER OF AN EXISTING GARAGE INTO A DOG GROOMING SALON, NO EXTERNAL ALTERATIONS TO BE MADE FOR MRS A VENABLES**

Councillor D Brickhill (local Ward Member), Mrs G McIntyre (Shavington-cum-Gresty Parish Council), Mr I Roley (Objector) and Ms N Kerr (Applicant's representative) attended the meeting and addressed the Committee on this matter.

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

RESOLVED: That, for the reasons set out in the report, the application be APPROVED subject to the following conditions

- 1 Temporary permission for one year until 1 May 2013
- 2 Approved plans
- 3 Hours of operation to be 9.00am to 6.00pm Monday to Friday and 9.00am to 1.00pm Saturdays
- 4 Details of noise attenuation to be submitted
- 5 Dog grooming to be restricted to detached garage only
- 6 Number of dogs per working day restricted to 10
- 7 No more than 4 dogs associated with the business on site at any one time
- 8 Dogs shall be kept within the garage at all times other than when entering and egressing from the site
- 9 A plan to show the layout of the parking shall be submitted to the Local Planning Authority for approval in writing before commencement
- 10 Details of ventilation shall be submitted to the Local Planning Authority for approval in writing before commencement

and the following informative

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

199 **12/1073N TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE CW2 5NT: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS FOR MR MARK ABELL**

Note: In accordance with the Code of Conduct, Mrs Goddard withdrew from the meeting prior to consideration of the item.

The Planning Officer, in his introductory remarks, reported to the Committee that additional information had been received from the applicants prior to the meeting which could affect the officer's recommendation and which the local residents had not been consulted on. For these reasons, the Committee was invited to defer the item.

RESOLVED: That, for the reasons set out above, the application be DEFERRED to allow the consideration of additional information and for re-consultation with local residents.

Note: Mrs Goddard rejoined the meeting at this point in the proceedings.

200 **12/0336N CHERRY ORCHARD FARM, WETTENHALL ROAD, POOLE CW5 6AL: PROPOSED GRAIN STORE BUILDING FOR MR M J THOMASSON**

The Committee considered a report regarding the above planning application.

RESOLVED: That, for the reasons set out in the report, the application be APPROVED subject to the following conditions

- 1 Standard time
- 2 Approved plans
- 3 Materials as application

201 **12/0593N MIDDLEWICH ROAD, NANTWICH, CHESHIRE CW5 6PD: PROVISION OF GREENWAY FROM CREWE TO NANTWICH AND SECTIONS FROM WISTASTON GREEN ROAD TO A51/NANTWICH BYPASS. THE PROPOSAL INCLUDES A 3 METRE WIDE SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING AND LANDSCAPING WORKS FOR MR KEVIN MELLING, CHESHIRE EAST COUNCIL**

Mr G Roberts (representing Wistaston Parish Council) attended the meeting and addressed the Committee on this matter.

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

RESOLVED: That, for the reasons set out in the report, the application be APPROVED subject to the following conditions –

- 1 Commencement of development
- 2 Plans
- 3 The greenway shall be surfaced with a bituminous surfacing material unless otherwise agreed in writing with the Local Planning Authority
- 4 Scheme of landscaping to be submitted and approved – including fencing
- 5 Scheme of landscaping to be implemented
- 6 Survey to be submitted and approved if works carried out between 1 March and 31 August
- 7 Prior to the commencement of development a full arboricultural survey and constraints report shall be submitted to the Local Planning Authority for approval in writing
- 8 Prior to commencement of development where the proposed cycleway passes through the Root Protection Area of any retained tree, full details of special construction techniques with a no dig specification shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details
- 9 Prior to the installation of any lighting, a lighting scheme, including the detailed design and position of all means of lighting, lux levels and light spillage shall be submitted to the Local Planning Authority and approved in writing

202 **12/0908N HAUGHTON HALL FARM, HALL LANE, HAUGHTON,
TARPORLEY CW6 9RH: THE ERECTION OF A NEW CUBICLE
BUILDING FOR PHILLIP POSNETT**

The Committee considered a report regarding the above planning application.

RESOLVED: That, for the reasons set out in the report, the application be APPROVED subject to the following conditions –

- 1 Standard time limit
- 2 Approved plans
- 3 Materials as submitted

The meeting commenced at 2.00 pm and concluded at 4.35 pm

Councillor G Merry (Chairman)

Application No: 12/0971C

Location: Land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach, Cheshire, CW11 3QB

Proposal: The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

Applicant: Martin Smith

Expiry Date: 07-May-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site History;
- Procedural Matters;
- Main Issues;
- Principle of Development;
- Assessment Against Policy;
- Sustainability;
- Impact on the Character and Appearance of the Open Countryside;
- Amenity;
- Demonstrable Need;
- Human Rights and Race Relations;
- Precedent;
- Highways
- Gas Pipeline;
- Drainage;
- Other Matters

REFFERAL

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) *Adverse effect on amenity of adjoining land and impact on surrounding area;*
- (2) *Unsustainable location;*
- (3) *Previous similar application on adjoining land recently refused; and*
- (4) *Considerable public and resident's interest.*

DESCRIPTION OF SITE AND CONTEXT

The application site lies in an area of open countryside approximately 4.8km northwest of Sandbach. The application site is located on the south side of Dragon Lane which forms its northern boundary. The site is bounded in all other directions by open fields. The application site has an area of 0.64 hectares in an ownership of 1.66 hectares. The northern site boundary is demarcated by mature native hedgerows. The remainder of the site adjoins open fields. Located immediately to the west of the site is a static caravan and pergola. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for the use of land for the stationing of caravans for residential purposes for 4no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use at land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach.

RELEVANT HISTORY

No relevant site history

POLICIES

National Policy

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

National Planning Policy Framework
Planning Policy for Traveller Sites

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the 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)

Structure Plan

HOU6 (Gypsy Caravan Sites)

CONSIDERATIONS (External to Planning)

Highways: No objections subject to conditions relating to the access being constructed prior to occupation and under a section 184 licence, the access is constructed according to the submitted drawings and any gates are set back 5.5m and open inwards.

Contaminated Land: No objections subject to the following informative

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 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.

United Utilities: No objection

National Grid: No objections subject to the following comments/informatives

- No buildings should encroach within the Easement strip of the pipeline – Feeder 21 Elworth to Mickie Trafford and Feeder 21 Warburton to Audley
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- A National Grid representative will be available to monitor the works to ensure they comply with our specification T/SP/SSW/22.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.

- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Indemnity is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- CP (Cathodic Protection) Interference Testing may be required, both pre and post energisation of the wind turbine generators. Any mitigation measures must be implemented immediately in accordance with:

British Standards

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures

Environmental Health: No objection subject to conditions relating to hours of construction and details of external lighting to be submitted and approved.

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

1. **Site boundaries**, should be clearly marked i.e. with fences or hedges.
2. **Roads, gateways and footpaths** must be of suitable material/construction, be of a minimum width of 3.7 metres, be 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.

3. **Drainage sanitation and washing facilities.** There must be provision of a foul drainage system made. Prior to its installation details of the foul waste package plant shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Each caravan standing should be capable of being connected to foul drainage. Where this provision is for a mobile home/chalet type then this connection **MUST** be made. Each caravan standing should have it's own water supply, W.C, W.H.B, shower or bath (hot & cold water). Where the WC and related WHB facilities are not present, or there is a cultural aversion to these facilities being provided with in a caravan/mobile home they should be provided in an building that meets building regulations, thus giving it suitable insulation and frost protection. Each hard standing should have adequate surface water drainage.
4. **Hard-standing.** Every caravan should stand on a concrete or other suitable 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.

5. **Miscellaneous**

The four pitches will remain under one ownership for the lifetime of the site.

There should be a minimum distance of 3 metres from the siting of a caravan/mobile home to the boundary of the site.

Clarification that the amenity space is included within the application area is required and this will be maintained as and when necessary.

VIEWS OF THE PARISH / TOWN COUNCIL

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

- The site is not sustainable due to the distance from local services and facilities contrary to Policies GR1 (new development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006. The site is over 1 mile (1.6km) from schools, shops and other local services;
- Heavy vehicles will be using country lanes which will cause damage to the infrastructure;
- There are high pressure gas pipes running across this land that could present a significant health and safety risk; and
- We trust this Planning Application will be refused as was the Plan for Thimswarra Farm (11/3548C) which was in the same field. That proposed development was outside the Local Plan.

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

- These applications should not be viewed in isolation (11/3548C and 12/0971C) - they are for adjoining land and the impact of both should be considered jointly as well as independently;

- Application 12/0971C is an expanded iteration of the original proposal, 11/3548C, which illustrates the intention to expand the developments across the site off Dragons Lane at any opportunity;
- Application 11/3548C was refused on the basis of sustainability and application 12/0971C has failed to address or improve on any of those criteria and therefore it should also be refused on the same grounds;
- The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006.

The following objections apply to both applications.

- This development is in contradiction to the following aspects of the new Government Planning Policy for Travellers' sites.

'The government's overarching aim is to ensure fair and equal treatment for travellers.....whilst respecting the interests of the settled community.'

- The development does not provide fair and equal treatment for travelling and settled communities. The random development of housing for the settled community on agricultural land would not be permitted. The interests of the settled community will be adversely affected by the extra traffic generated by large vehicles travelling along rural lanes not suitable for caravans and large vans.

The Government's aims in respect of travellers' sites include:

'to reduce tensions between settled and traveller communities in plan-making and planning decisions'

- Warmingham already has 7 permitted gypsy and traveller sites within 3 miles of the village. Further provision would be seen as unduly targeting the parishes of Warmingham and Moston and lead to increasing tensions. The fact that some current sites ignore conditions set as part of the planning permission does not help in promoting good relations between travellers and their neighbours.

'for local planning authorities to have due regard to the protection of local amenity and local environment'

- This area of Cheshire is essentially an agricultural one and should be protected as open countryside.

Government policy states that local planning authorities should:

'use a robust evidence base to establish accommodations needs' and 'consider the existing level of local provision and need for sites'

- Cheshire East has not made an up-to-date assessment of current needs and provision

of sites over the whole borough to inform the local planning process. As far as we are aware, the evidence base rests on a survey by the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment in 2007 and one by North West Regional Gypsy and Traveller Accommodation and Related Services Assessment also in 2007, at which time there were 74 authorised pitches in Congleton borough, 27 in Crewe and Nantwich and 0 in Macclesfield.

- The former Congleton Borough, and now the Brereton Rural Ward, has a high level of existing provision, including planning permission for an extra 16 pitches at Three Oakes site in Middlewich.

Government policy states that local planning authorities should:

‘ensure that traveller sites are sustainable economically, socially and environmentally’

- This site does not offer any economic sustainability unless it becomes a mixed use site in direct contradiction to the policy on rural exception sites.
- It does not offer environmental sustainability as it would increase emissions from vehicles as all journeys would need to be undertaken by van or car. It is not on a bus route and increased pedestrians on the road would be a safety hazard.

This development fails to comply with the following saved policies from the former Congleton Local Plan:

H8 Planning permission for proposals for temporary or permanent gypsy caravan sites will be granted provided they comply with ALL the following criteria:

i) Avoids unacceptable consequences for the amenity of nearby residents

Increased traffic of goods vehicles, increased litter, noise and light pollution are all potential consequences.

v) Provides satisfactory ...access from a public highway

The local lanes are unsuitable for caravans and the large vans which are always associated with these sites.

viii) Does not conflict with utility company or agricultural interests

There are two gas pipelines directly crossing close to the proposed development. National Grid have stated *‘The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.’*

In the light of previous experience, planning conditions on travellers’ sites are frequently flouted and unauthorised hardstanding etc. laid. We consider the proximity of these high pressure pipelines to be a serious safety hazard.

We would question whether these conditions could be enforced, given the precedent of Horseshoe Farm where unauthorised expansion of the original site took place and a number of enforcement proceedings have failed to restore the site to its permitted development.

As it is at present agricultural land, this development would conflict with agricultural interests.

ix) Avoids wherever possible encroachment on the open countryside

This is clearly an encroachment on the open countryside.

Policy NE.2 of the Local Plan seeks to safeguard the countryside for its own sake and keep development to a minimum in order to protect its character and amenity.

Notwithstanding the detrimental visual impact of static mobile homes and touring caravans, the proposed development off Dragons Lane incorporates four brick built day rooms which will undeniably impact on the openness of the countryside, contrary to the retained policy. As such policy has been used locally to limit settled community developments it should be applied consistently to applications for traveller and gypsy site developments.

x) Is, wherever possible, within 1.6 km (1 mile) of existing local shops, community facilities, primary school and public transport facilities

The proposed development would put added pressure on local limited facilities, especially oversubscribed primary schools. Public buses are infrequent and do not travel past the site. Two previous applications on this site have been refused on lack of sustainability and distance from local services.

Section 7.34 also states that ‘there are at present several such sites already within the Borough and, therefore, it will need to be demonstrated that there is a justifiable need for further provision’.

Until this planning application was made in the last decade there were no incidents of gypsy caravans parking on local verges, but in recent weeks some roadsides have seen groups of caravans causing environmental damage in what may be an attempt to imply need. These actions should not inform Cheshire East’s decision.

If further gypsy sites in Cheshire East are a need, founded on a robust evidence base, then sites should be allocated throughout Cheshire East.

Non Policy Related Comments

The proposed inclusion of permanent, brick built ‘day rooms’ incorporating cooking, washing, toilet and open (day) areas, represents residential development and, as such, the submitted application (12/0971C) is materially incorrect at Question 17.

Application 12/0971C is intended to accommodate four families but the inclusion of additional hard-standing for touring caravans enables twice that number to occupy the site.

As only part of the whole site off Dragons Lane is being used in his application there is further scope for further development (approved and/or unapproved), which has been the case at other similar development sites.

The fact that application 11/3548C (subject to appeal) and application 12/0971C are adjacent to each other they cannot be considered in isolation.

With regards to application 12/0971C, the access road is positioned in such a way to allow further development on the rest of the site and if not amended it is likely to encourage further development due to minimal costs involved.

Further material comments:

- An environmental survey and a traffic impact assessment should have been carried out by the applicant as part of the application;
- The public notice displayed at the proposed area of development was removed within at most 3 hours of its posting and, though CEC was notified of this, the notice was not replaced.

OTHER REPRESENTATIONS

34 Letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- The proposal would detract from the essentially agricultural nature of the area;
- The application requires the fundamental change of use of a field from agriculture to developed residential occupancy;
- An adjacent area of the same field has already been refused planning permission twice. Refusal of the 1st application was upheld by the Planning Inspectorate in June 2011. The 2nd application was refused unanimously by the Southern Planning Committee in February 2012. The reason for these refusals were: unsustainable location due to distance from facilities, contrary to Local and National Policy;
- The current application should be refused on the same grounds. Furthermore, due to the materials, scale and design make the proposal even more unacceptable in the open countryside. The proposal is not in keeping with the local environment;
- The proposed caravans and buildings will appear as alien and inappropriate development out of keeping with the local environment;
- The site will be enclosed by close boarded timber fencing of unspecified height and will have a detrimental impact on the character and appearance of the area;
- The proposed access involves the removal of large swathe of native hedgerow and the bridging of an established roadside ditch of at least 1m. This would require major construction work and involve the destruction of established field lines and habitats;
- The application site is located in a wholly unsustainable location and is contrary to both local and national policy;
- The claim in the applicant's Design & Access statement that there is a recognized need for this type of development in the area must be rejected. The Parish of Moston has within or close by a disproportionate number of gypsy/traveller pitches in relation to other areas of Cheshire East.
- If the previous application (11/3548C) for planning was deemed an inappropriate and unsustainable residential development in open countryside, then surely this application, which is far larger, should also be rejected on the same grounds;

- The development would have a negative impact on the surrounding countryside and there is an abundance of unoccupied caravan pitches on well equipped and well managed traveller caravan sites within a distance of less than two kilometres of Dragons lane;
- I believe if we allow 4 caravans to use this land it will just escalate out of control and more and more caravans will take up residence as they have done in other areas of Cheshire
- Amenities such as electricity, water, and waste would need to be supplied and the collection of refuse. The utility/day rooms are these to be paid for by the council or by the applicants including council tax;
- I believe there is a Gas pipeline running across this area which if disturbed could become a hazard;
- The Gypsy community is already being well catered for in the area and there are several sites which currently operate close to the land proposed in this application. These sites most certainly do not seem to be over crowded and any potential residents would find space. Moston is one of the few areas around which still holds a vested agricultural interest and the land surrounding should be encouraged to continue in this vain as opposed to granting planning applications of these sorts which inevitably have a snowball effect.
- I believe consultees should know the address of the Applicant. In the Application the Applicant states via the Agent that he is the owner of the proposed development site. If this is his address then I would like to know if he is living there legally. There is currently a caravan and building adjacent to the proposed development;
- The existing caravan and building are not shown on the Site Layout.
- Section 17 of the Application Form answers "No" to the gain of residential units. This cannot be true. In addition to the existing caravan and building, there are 8 caravans proposed and a further 4 permanent buildings to 'facilitate' the residence of the caravan occupants. Further, Section 2.04 of the Design and Access Statement clearly states that safety and hygiene would be untenable without these permanent buildings which are in fact bungalows minus the bedrooms. I find it very difficult not to view this as a residential development gain and thus inappropriate for the area;
- The previous application number 11/3548C was declined on this site as it is unsustainable for the following reasons. The bus stop is over a km away, there are no schools close to the proposed site or shops. There are no footpaths or street lighting on Dragons Lane. Most of the above I would deem necessary for the proposed Gypsy site. I therefore think the new application for a larger site is still unsustainable for the same reasons. Further considerations should also be given to the access position as it is within a short distance of a sharp bend when turning eastwards on Dragons Lane. Dragon Lane is also used as a cut through for traffic travelling from A530 Leighton Hospital road through to the main Middlewich/Sanbach road;
- The application site is located within the open countryside. Policy NE.2 of the Local Plan seeks to safeguard the countryside for its own sake and keep development to a minimum in order to protect its character and amenity. The establishment of permanent, brick built day rooms and the siting of mobile homes will diminish from the openness and character of the area;
- In accordance with the Planning Policy for Traveller Sites issued by Central government in 2012 Cheshire East is required to "use a robust evidence base to establish accommodation needs [to inform the preparation of local plans and] make planning decisions". There is no supporting evidence that there is a need other than the

applicants own wishes. Until such time that all available traveller sites in the council area are fully occupied (with residents), no new sites should be approved;

- Moston already has 7 Gypsy sites within 3 miles of the village. Any further additions to this would only further add tensions and have a negative impact on the relationship between the residents and the Gypsy's. The ratio of Gypsy's in the area is very high in comparison to other areas of the Cheshire East Council and as part of the Government's plans to reduce tensions surely this would be more beneficial to be spread out as opposed to be concentrated in an area.
- Moston is a very small rural village with no amenities what so ever. Further planning application of any description should be seriously considered for their viability let alone an application for up to 8 families/homes. The roads are already in a poor state of repair and have to withstand a surprisingly high volume of traffic from people taking short cuts to HGV's in the area;
- There are already over 3 gypsy caravan sites within 2 miles of the proposed new open countryside site and these existing sites have adequate empty pitches so there is no need for any additional sites;
- The great no of gypsy sites in the area is causing local unrest and further destruction of Cheshire open countryside is undesirable;
- For waste products a large Water Treatment Plant is proposed. The volume of waste from a site with potentially 20+ inhabitants a soakaway would be inadequate to manage the resultant effluent due to the high water table and heavy clay soils. This could potentially be a health hazard;
- As the police will no doubt inform you the crime rate has soared in the vicinity. We ourselves have been victims of theft;
- We understand that the Council are going to give permission for a site at Coppenhall, which is not far hence we will be surrounded by the gypsy community;
- There are 4 brick built 8 x 5 m buildings which are totally unsuitable for a countryside location. Coupled with the parking hard standing, refuse bays and roads on the site it will resemble a small housing estate – in open countryside & isolated from the village envelope. It will no doubt be a blot on the landscape;
- Approval of this application would lead to increased tensions between the Gypsy population and local residents who would feel aggrieved that the countryside had been spoilt by this development. It should also be noted that the Moston / Middlewich area already has more than its fair share of Gypsy sites – none of which appear to be near capacity;
- I have been unable to find a planning notice attached to the site during the consultation period.
- An Environmental survey would raise further issues that are as yet not apparent, however, by the very presence of such a compound and unsuitable use the natural habitat and wild life would be significantly affected;
- To allow or tolerate this development would open the flood gates to other parties that would see this as precedence for similar development opportunities if it is to continue without being formerly addressed.
- The lanes giving access to this site are unsuitable for the sort of traffic the development would generate;
- 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;
- 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 site is in an unsustainable location;
- 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;
- The proposal will have a significant detrimental impact on the enjoyment of residential amenities;

A letter from Fiona Bruce MP (Dated 24th April 2012)

- Planning application 11/3548C was previously refused permission by the Southern Planning Committee on the basis that the site was in an unsustainable location due to distances from facilities contrary to Policies GR1, H8, HOU6 and guidance in Circular 01/2006;
- This new application is on a larger scale and I hope, therefore, that it will be dismissed on the same basis;
- Other concerns which have been raised with me are that heavy vehicles will be using the country lanes which will cause damage to infrastructure and there are high pressure gas pipes running across this land that could present a significant health and safety risk.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

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

Appeal Decisions

The applicant has also submitted two Appeal Decisions to support their application:

Firstly, land at Canal View, Cathiron Lane, Harborough Parva, Warwickshire (APP/E3715/C/10/2140644) and was allowed on the 20th September 2011.

The application was 1no. gypsy site which was located within the Greenbelt and was located approximately 5.9km away from the nearest settlement. The Inspector concluded *'Weighing against the development is the harm by reason of inappropriateness which must be accorded substantial weight. Added to this are the actual harm to openness which I have found to be limited and the limited harm to the character and appearance of the area and the visual amenities of the Green Belt'*

'On the other side of the scale are those considerations in favour of the development including the significant unmet need for additional sites to accommodate gypsies and travellers, a matter that carries significant weight together with the Council's failure to address

the shortfall in provision within the timescales anticipated in Circular 01/2006 or in the GTAA. The Council is still some considerable time away from identifying sites. This is a matter afforded considerable weight. Considered in the round, the site offers a relatively sustainable and settled base for members of the gypsy and travelling community'

'The totality of the harm identified is clearly outweighed by these considerations which are applicable to gypsy and travellers generally'.

The second appeal statement was 1 no gypsy pitch at Summerlane Farm, Summer Lane, Teigngrace, Newton Abbott (APP/P1133/A/07/2034300) and was allowed on the 30th April 2007. The appeal site was approximately 3km away from the nearest settlements. The Inspector concluded *'In accordance with Circular 01/2006 the Council, when identifying sites through the LDF process, will consider sites within or on the edge of settlements first. However, as stated previously, a specific Area Action Plan that would identify suitable sites on a sequential basis has not been produced to date and is someway off at this stage. Overall, there is a clear and substantial need for gypsy and traveller sites both in Devon and Teignbridge. If the appeal were to fail, the Appellant would have no alternative but to move to another unauthorised site. The Council has been unable to suggest any alternative locations'.*

OFFICER APPRAISAL

Site History

Members may recall that a similar application (11/3548C) was submitted on the adjoining parcel of land. That application was for a 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 at Thimswarra Farm, Dragons Lane, Moston. This application was refused planning permission on the 23rd February 2012 by Members of the Southern Planning Committee for the following reason:

'The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within Circular 01/2006'.

The applicant is currently in the process of appealing the aforementioned decision and a Hearing date is scheduled for the 11th July 2012.

Procedural Matters

A number of objectors have stated the location and block plans submitted with the application are incorrect. They make specific reference that the caravan and other associated development, including the decked area and pergola on the adjoining parcel of land are not shown.

Whilst the location and block plans should wherever possible be accurate the application is submitted in relation to development located within the defined application area denoted by the red line. It is not a requirement of the Town and Country Planning Applications

Regulations 1988 or the Council's validation documents to ensure that all buildings/structures outside the application area are shown accurately and/or correctly named. Buildings around the site are shown to help locate the application site but the detailed relationship of individual buildings to the application site will need to be assessed by means of a site inspection.

Therefore, whilst it is acknowledged that the applicant has not shown the adjacent caravan on the location or block plans. It is not considered that local residents have been prejudiced and all their comments have been taken into account.

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 Planning Policy for Traveller Sites;
- (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 applicants 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 Planning Policy for Traveller 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, Planning Policy for Traveller Sites is an important material planning consideration. This document 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 showpeople or circus people travelling together as such'.

(Paragraph 1 Annex 1)

Sustainability

Planning Policy for Travellers Sites clearly enunciates that travellers sites should be sustainable economically, socially and environmentally and states that local authority planning policies should

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

It is clear that the key principals of national and local planning policies are 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 2.4km 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.

As previously stated the Planning Policy for Traveller Sites 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 document clearly acknowledges that '*Local Planning Authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan*' (paragraph 23). However, it does not state that gypsy/traveller sites cannot be located within the open countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

It is considered that the application site is within a reasonable walking/cycling distance of the services and facilities available in Elworth. 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 wholly 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

The application site is broadly rectangular in shape and is part of a much larger site, which is owned by the applicant. According to the submitted plans the proposal is for four pitches and each pitch will incorporate a mobile home, a touring caravan, a dayroom/utility room and a bin storage area. Each of the pitches will be enclosed by a post and rail fence. All of the pitches are located around the proposed access road, which is in the shape of a letter 'T'. The access road sweeps around to the north and a new access will be formed on the south side of Dragons Lane. The case officer noted that the application site is bounded by mature native hedgerows around the north facing boundary of the site, which fronts on to Dragon Lane. The plans show that there will be extensive areas of landscaping around the periphery of the site and this will help to assimilate the proposal into the local environment. Located to the west of the application site the applicant is proposing on installing a Klargest treatment plant.

The application site is located wholly within an area of open countryside and the area is generally characterised by agricultural fields bounded by native hedgerows. Local Plan policy makes it clear that gypsy sites are acceptable in principle in the countryside. However, the more recent document Planning Policy for Traveller Sites states that local planning authorities should strictly limit new traveller sites within the open countryside that is away from existing settlements. However, this policy does not state that gypsy/traveller sites cannot be located within the open countryside. 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 12 of Planning Policy for Traveller Sites states *'When assessing the suitability of sites in rural or semi rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest community'*. Paragraph 22 states when assessing planning applications local planning authorities should consider the following issues

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- That they should determine applications for sites from any travellers and not just those with local connections.

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 proposal is for the siting of 4no.static caravans, 4no. touring caravan, 4no. dayroom/utility blocks, 4 no. refuse bin stores and the associated hardstanding and boundary treatment. It is considered that the visual impact of the development to a large extent is reduced by the fact that the existing boundary treatment to the north of the application site will be screened by mature native hedgerow. The applicant is proposing on installing a new access to the site on the south side of Dragons Lane, which will necessitate the removal of a stretch of hedgerow.

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 utility blocks. 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 the National Planning Policy Framework and Planning Policy for Traveller Sites.

Dayrooms/Utility Blocks

According to the submitted plans each of the pitches will include a Dayroom/Utility block. The proposed dayroom will measure approximately 7.7m long by 4.9m wide and is 2.3m high to the eaves and 4.3m high to the apex of the ridge. The buildings will be constructed out facing brick under a slate roof, which will be conditioned, if planning permission is to be approved. It is considered that the use of these materials is similar to other similar types of structures e.g. garages within the locality and as such not of place.

The footprint of the proposed dayrooms are primarily rectangular in form and the total footprint of the buildings are approximately 38sqm. It is considered that the scale and massing of the proposed buildings are relatively modest and serve the purpose for which they are intended. Each of the dayrooms will incorporate a personnel door and window on the south facing elevation and similar sized windows on the north and east facing elevations. It is noted on the west facing elevation are two smaller apertures. Internally the buildings will comprise a kitchen, day room, wash room and bathroom. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, the case officer is satisfied that the proposal represents an acceptable design solution in the context of the proposed development.

Refuse Stores

Each pitch will also comprise a refuse store which will measure approximately 2.1m wide by 1.3m deep and is 1.2m high. The refuse stores will be enclosed with a close boarded timber enclosure. The bin enclosure is large enough to accommodate 3no. wheelie bins.

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 170m and 220m 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 for Traveller sites advocates that local planning authorities should ensure that their policies promote peaceful and integrated co-existence between the site and the local community and ensure that traveller sites are sustainable economically, socially and environmentally. 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 an important consideration.

A sequential approach to the identification of sites in Site Allocations Development Plan Document (DPD) is advocated, 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.

Additionally, Planning Policy for Traveller Sites clearly states in paragraph 9 criterion (a) that local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable site sufficient to provide five years worth of sites against their locally set targets. However, at present the Council does not have a five year supply of traveller sites. Furthermore, as previously stated, no sites have been identified as part of the forthcoming Local Plan.

This document goes on to state that if a *'local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision'* (paragraph 25). It is considered in light of the lack of availability of a five year supply of gypsy/traveller sites and given the factors already cited any permission which should be granted will be for a temporary five year period. This will allow the Council to see if any more sustainable and deliverable sites can be identified and brought forward.

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 application for 10 pitches at Parkers Road, Crewe was recently withdrawn and there are currently two applications for gypsy/traveller sites which are being assessed and these are land lying to north west of Moor Lane, Wilmslow (12/1144M) which is for one pitch and land of Spinks Lane, Pickmere (12/1113M) which is for 3 pitches. It is clearly evident that even if these two applications are approved there would still be a significant shortfall in the need for gypsy sites.

Furthermore, a recent appeal decision at land at Wynbunbury Lane, Stapeley (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'*. Furthermore, as can be seen from previous appeals cited earlier in the report the Inspector found that sites to be sustainable even though they were located 5.9km and 3km away from the nearest settlement. 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, even though the site is in a relatively remote location.

Human Rights and Race Relations

It is right and proper 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 site has not been laid out or is being occupied. Should the application be refused, the applicant has a right of appeal and 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.

Precedent

A number of objectors are concerned that if this application is approved a precedent will be set for other similar types of development in the immediate area. However, this is a hypothetical situation and all cases must be determined on their own merits and any future applications would need to be considered against the circumstances applicable at that time.

Highways

The application site will be 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. According to the submitted plans the proposed access gates will be set back approximately 16.5m from the edge of the highway, which will allow vehicles towing caravans to be parked clear of the public highway and will reduce the amount of queuing. It is considered that there are good views in either direction. The surface to the entrance will be formed out of tarmacadam. However, it is considered that the use of tarmacadam is an inappropriate surfacing material in this open countryside location and a condition relating to surfacing materials will be attached to any permission. Beyond the access gates the access road sweeps around to the east and terminates in turning head. There is sufficient space within the curtilage of the site for vehicles to be parked clear of the public highway and to maneuver so that they can enter/leave the site in a forward gear. A number of objectors are concerned that if planning permission is approved for the proposed development, it will lead to an intensification of large vehicles utilising the local highway network. Whilst the concerns of the objectors are noted, it is considered prudent to attach conditions relating to the size of vehicles entering/leaving the site and for no commercial activities to take place on the land. 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) and there is insufficient justification to warrant a refusal and sustain it at any future Appeal on highways grounds.

Gas Pipeline

There is a high pressure gas pipeline running through the land which is owned by the applicant. The applicant states that no operational development is proposed in the vicinity of the pipeline. The minimum distance is 60m from the development to the gas pipeline. Colleagues at the National Grid have been consulted and raise no objection subject to a number of informatives.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

A number of objectors are concerned about how the development will be drained. According to the submitted plans/application forms the proposed method for drainage would be via a package treatment plant. It is the Council's understanding that a drainage pipe will connect all of the static caravans and dayrooms/utility rooms. The drains will then connect up to a Klargester treatment plant. The case officer considers it prudent to attach a condition relating to drainage scheme, if planning permission is to be approved. Colleagues in United Utilities have been consulted and have raised no objections. Therefore, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Other Matters

The objectors have stated that the proposed application site will be enclosed by a close boarded timber fence of unspecified height and as such will have a detrimental impact on the character and appearance of the locality. The case officer acknowledges the concerns of the objector and a condition relating to boundary treatment will be attached to any permission.

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. Unfortunately, the planning system is not here to duplicate other legislation, for example, issues to do with crime can be dealt with by Police, littering and fly tipping can both be addressed via Environmental Health. The relevant material considerations with regards to this application have been fully addressed in the above report.

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 site in the future. If additional pitches are sought this will necessitate a new application and the proposal will be assessed on its merits.

Within the letters of objection it has been raised that public consultation has not been carried out. The application consultation process was dealt with in line with the Council's Publicity and Neighbour Notification procedure. This procedure is derived from the General Development Procedure Order 1995 (as amended) and Circular 15/92 – Publicity for planning applications, which outlines the statutory procedures for any applications for development. In this instance the proposed development is considered a minor development and the procedure requires either, neighbours which adjoin the development site to be consulted by letter or a site notice to be erected adjacent to the development site where there are no identifiable adjacent neighbours to the site (usually within rural locations). No neighbours immediately adjoin the application site. Therefore, a site notice was displayed on the 30th March 2012 and additional site notices were emailed to Moston Parish Council. Further, consultations were also sent to neighbours who made objections to 11/3548C. It is considered that the Local Planning Authority has sufficiently consulted on the proposed development.

An objector states that local residents should know the location of the applicant and the address should be completed on the application form. However, the applicant's agent is acting on behalf of the applicant and it is not considered that local residents have been prejudiced by not knowing where the applicant currently resides.

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 Local Plan process and 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 Planning Policy for Traveller Sites, 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.

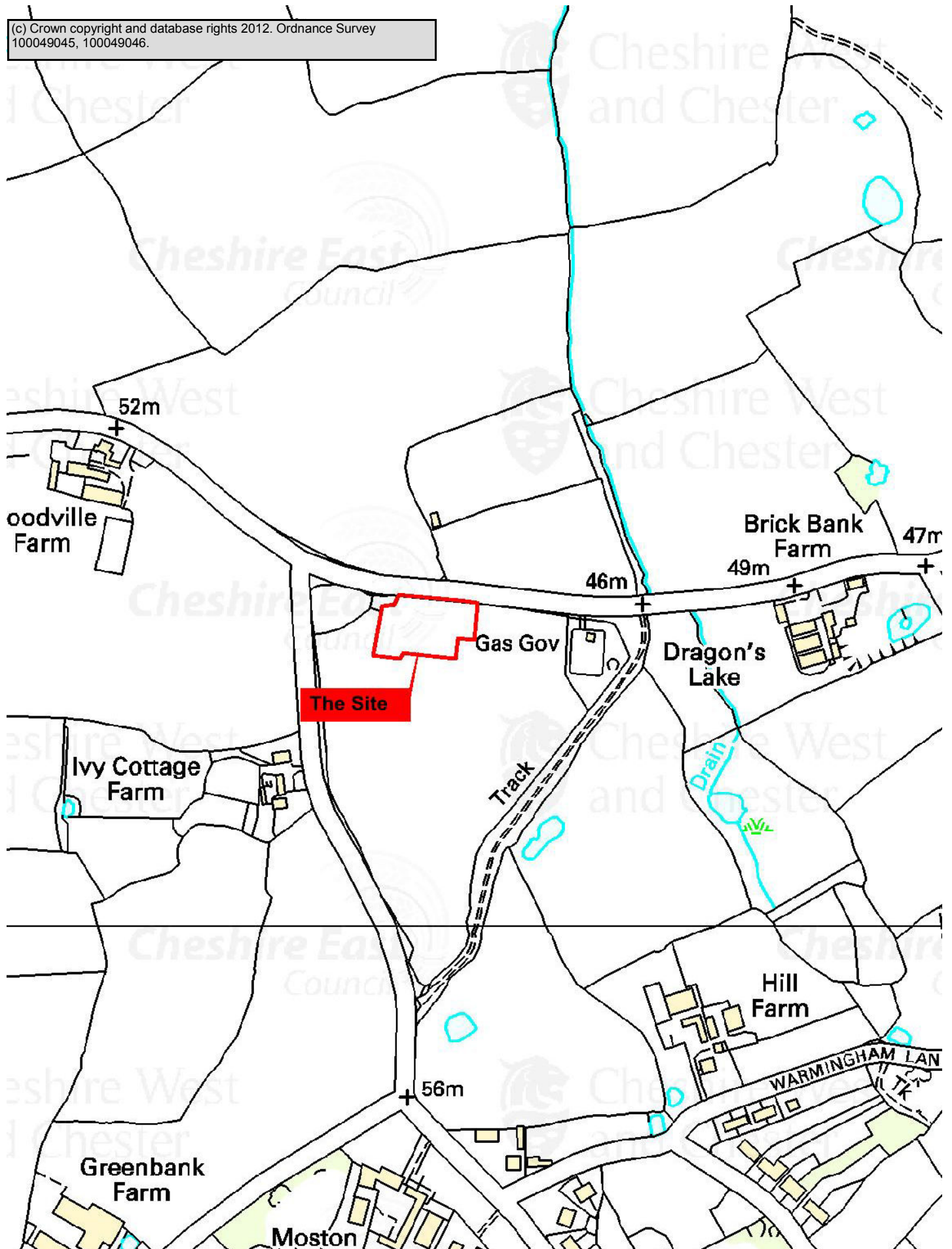
Therefore whilst there are elements of the application which would need addressing via conditions such as drainage and landscaping; on balance it is considered that the benefits of the application would outweigh any perceived harm and therefore it is found that the use of the site as a residential gypsy site accommodating 4 pitches would not conflict with Planning Policy for Traveller Sites 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. Temporary Permission for a five year period**
- 2. Plan References**
- 3. Materials for the Dayroom/Utility Block**
- 4. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 Annex 1 of Planning Policy for Traveller Sites**
- 5. There shall be no more than four pitches on the site and there shall be no more than eight caravans stationed at any time, of which only four caravans shall be a residential mobile home**
- 6. No External Lighting**
- 7. Details of a landscaping scheme to be submitted and approved in writing**
- 8. Landscaping scheme to be implemented**
- 9. Details of a drainage scheme to be submitted and approved in writing**
- 10. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site**
- 11. No commercial activities shall take place on the land, including the storage of materials**
- 12. Details of the porous surfacing materials to be submitted and approved in writing**
- 13. Details of Boundary Treatment to be submitted and approved in writing**
- 14. Details of the Materials used to construct the Dayroom/utility block to be submitted and approved in writing**
- 15. Details of Timber Stain for the Bin Enclosures to be submitted and approved in writing**
- 16. Hours of Construction**

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1400 hours
Sundays and Bank Holidays	Nil
- 17. Access to be constructed in accordance with the approved plans**
- 18. Gates to be set back a minimum of 5.5m and open inwards**
- 19. Personal to the applicant**
- 20. If the site is no longer required as a gypsy site all the structures shall be removed within 3 months and the land returned to its former use**

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/0316N

Location: SITE OF BRISTOL STREET MOTORS, MACON WAY, CREWE

Proposal: Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure.

Applicant: Maconstone Ltd

Expiry Date: 30-Apr-2012

SUMMARY RECOMMENDATION: Approve subject to the signing of a S.106 Agreement and conditions

MAIN ISSUES:

- Key Issues;
- Principle of Development;
- Employment Site;
- Sequential Test;
- Impact Assessment;
- Impact of the Town Centre Vitality and Viability;
- Design;
- Amenity;
- Highways;
- Sustainability;
- Contaminated Land;
- Drainage;
- Air Quality;
- Landscaping; and
- CIL Regulations

REFERRAL

This application is to be determined by the Southern Planning Committee as the proposed building exceeds 1000sqm.

DESCRIPTION OF SITE AND CONTEXT

The application site, extends to approximately 0.82 hectares and is located approximately 0.6km north of Crewe Railway Station (as the crow flies). The site is bordered by the national railway line to the west filtering into Crewe Railway Station. Located to the north and south of the application site are a number of commercial properties. Furthermore, a number of residential properties stand on the opposite side of Macon Way, which is located to the east.

The development site is presently derelict vacant land. The site used to be occupied by a car dealership, formerly known as Bristol Street Motors. The site is relatively flat with access on to the service road, which runs parallel to Macon Way.

The western perimeter of the site is clearly demarcated with an existing tree line approximately 2m to 3m high and beyond this is the railway line beyond. The remaining boundaries are all denoted with herras type fencing. There is a mix of residential and commercial properties within the immediate locality and the application site is located wholly within the Crewe Settlement boundary.

DETAILS OF PROPOSAL

This is an outline application with all matters reserved apart from access. The matters which are reserved for future consideration are appearance, landscaping, layout and scale. The proposal is for the erection of 1no. standalone retail unit (restricted use).

RELEVANT HISTORY

P07/1095 – Three Retail Units and Car Parking – Withdrawn – 15th October 2007
P07/1588 – Three Single Storey Retail Units (Two Incorporating Mezzanines) and Associated Car Parking (Resubmission of P07/1095) – Refused – 12th February 2008

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.7 (Existing Employment Sites)
NE.17 (Pollution Control)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)

S.10 (Major Shopping Proposals)

S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

E.7 (Existing Employment Sites)

Other Material Considerations

All Change for Crewe

CONSIDERATIONS (External to Planning)

Landscape: As an outline application with all matters except access reserved, it is only possible to make a general observation on the indicative site plan. Nevertheless, there do not appear to be any apparent landscape issues, subject to appropriate landscape conditions.

United Utilities: No objections subject to the following being conditioned

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway and or the public surface water sewer. If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be attenuated to a maximum discharge rate of 70 l/s as determined by United Utilities.

All surface water drains must have adequate oil interceptors.

Network Rail: No objections subject to a number of informatives.

Environmental Health: No objections subject to conditions relating to hours of construction, hours of pile foundations, floor floating, no external lighting, acoustic enclosures, hours of use and car park open times.

Air Quality: No objection subject to the following condition

The reserved matters / detailed application shall be accompanied with a detailed air quality impact assessment. The scope, and level of detail of the assessment shall be agreed with the Local Planning Authority before submission. The assessment shall identify any areas where exposure is predicted to increase as a result of the development and outline effective mitigation measures to reduce such exposure.

Contaminated Land

No objection, subject to a contaminated land condition

Highways: No objection subject to the following comments

For the highways authority to support this application a developer contribution of £40,000 should be provided to enable the completion of the cycleway link up to Earle Street and a 'scoot system' to be put in place linking the pedestrian crossing on Macon Way with the B&Q signalised roundabout.

Reason: These two improvements will make this development more sustainable by enabling easier pedestrian, vehicular and cycle movements from and too this site.

VIEWS OF THE PARISH / TOWN COUNCIL

Not Applicable

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers 10 Gresty Terrace, 34 Gresty Terrace and 132 London Road. The salient points raised in the letters of objection are:

- The area is already congested and the proposal will exacerbate the problems in the locality;
- The surrounding roads are gridlocked and the proposal will lead to road rage and other forms of anti social behaviour;
- The proposal should be constructed within the town centre, this site is not sustainable;
- The supporting documents with the application are full of factual inaccuracies;
- The applicants statement of community involvement was done too quickly and there was not enough consultation. The response to the SCI have not been updated and little weight can be attached to this document;
- An A1 use in the locality is inappropriate. A more appropriate use would be a builders merchant etc.;
- There is no bus service on Macon Way. The nearest bus stop to the site is 350m away on Hungerford Road.

One letter of representation has been received from Savills (an agent acting on behalf of the owner of Grand Junction Retail Park). The salient points are as follows:

- The site is located on the western side of Macon Way approximately 1km walking distance from Crewe town centre. It is therefore in an out of centre location;
- The applicant has not proposed any conditions to restrict the retail use of the proposed floorspace. The amount of unrestricted floorspace in an out of centre location is considered to be contrary to both local and national planning policies;
- The proposal will create a new retail destination within Crewe that would have a significant adverse impact on the town centre;
- The proposal is not in a sustainable location;
- The proposal will not generate linked trips as the site is completely separate from Grand Retail Park;
- The sequential test is not robust as a number of other sites have not been properly assessed;
- The proposal with an unrestricted use will compete directly with the town centre;
- There is little or no requirement for additional floorspace within the Crewe area and the proposal will just create a surplus and enjoy existing tenants within town centre to relocate.

One letter of support from 5 Blackacres Close. The salient points raised in the letter of support are:

- We consider the development will have no adverse impact on our ongoing business and will considerably improve Macon Way which has been blighted by this derelict site for a considerable period.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Planning and Retail Impact Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan

OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to retail policy, its impact on residential amenity, drainage, highway safety. Consideration must also be given to matters of design, layout, trees and landscaping.

Principle of Development

In terms of retail development the proposal is located within an out-of-centre location being approximately 1km from the defined town centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused.

The site lies outside the town centre boundary for Crewe, as defined in the Local Plan and as such the proposal will be assessed against Policy S.10 (Major Shopping Proposals) (over 2500sqm) requires major retail developments to meet all six criteria listed within the policy and this includes that;

- *There is a proven need for the development;*
- *A sequential approach to site identification has been followed, giving first preference to town centre sites, followed by edge of centre sites where suitable, viable and available opportunities exist and only then out of centre sites that are or can be made accessible by a choice of means of transport;*
- *The proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre;*

- *The proposal is of acceptable scale, materials and design and does not harm the urban or rural environment or residential amenity;*
- *The traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing will be provided on the site;*
- *The proposal is sited so as to reduce the number and length of car journeys and can serve not only carborne shopping but is also accessible to those on foot, bicycle or those who rely on public transport.*

Employment Site

The approved use of the site is currently as a car dealership and therefore considered to be in “employment use” and must therefore be considered in relation to Policy E7 of the Local Plan, which deals with loss of existing employment sites. However, given that the proposed retail use will generate a significant number of new jobs it is not considered that there would be any conflict with Policy E7.

Sequential Test

The sequential test is a key element of both the NPPF and Policy S.10 (Major Shopping Proposals). In support of this application a number of alternative sites within the town centre and edge of centre have been considered. The applicant has considered 61 sites and vacancies in Crewe with 3 sites over 0.41ha considered in more detail. The applicant has dismissed several sites for being too small i.e. below the 0.41ha.

A retail planning consultant appointed by the Council considers that some of these sites in a particular the former MFI unit and the Market Centre Extension on the corner of Vernon Way and West Street could be used in more flexible formats.

However, it is considered that the MFI site is unavailable due to an extant consent to develop a Sainsburys superstore on this site. Furthermore, the site on the corner of Vernon Way and West Street could be used, as there is an extant consent subject to a legal agreement to develop this 0.33ha town centre site for non-bulky goods retailing. However, taking a pragmatic view this site has been available for some considerable time and there have been no applications to develop it.

As previously stated 3 of the 61 sites assessed were over 0.41ha. The Victoria Community Technology School, Ludford Street has been vacant for a number of years. The applicant claims that there are a number of restrictive covenants on the title of the land which stipulates that any changes of use on the land must be approved by the Board of Education and this could create long delays. Furthermore, this site has been considered in the Cheshire East SHLAA (2011) which deems it suitable, available and deliverable for residential use for approximately 122 new dwellings.

The former Electricity Works and Warehouses, Electricity Street is identified as an edge of centre location, the site measures approximately 0.69ha and is roughly rectangular in shape. The applicant has dismissed this site as an application for 145 apartments was approved in 2009. It is considered that these apartments have not been constructed due to the current economic climate. Furthermore, the site was considered in the Councils latest SHLAA which identifies it as being suitable, available and deliverable for residential use. The Councils Retail

Consultant agrees with the applicant's conclusions and these two sites are not sequentially preferable.

The remaining site is located on Mill Street and was recently occupied by Tesco, whilst the new store was being constructed. It is considered that this site is not available due to an outline planning consent for a mixed use development which includes retail development.

Overall, it is considered that there are no sequentially preferable sites occupying in-centre, edge of centre or out of centre location within Crewe. It is accepted that there are no units available which would meet the applicant's needs. The National Planning Policy Framework document states that Councils should '*allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available*'. If planning permission is to be approved, in order to mitigate any impact on the town centre a condition will be attached to the decision notice restricting the types of goods sold.

Impact Assessment

The impact assessment is a key consideration and is referred to within Policy S.10. Greater detail on how to apply the impact assessment is given within the newly published NPPF as can be seen in the principal of development section above.

It is considered that the proposal and the town centre stores are competing for a different market opportunity. Whilst there is some bulky goods retailing in the town centre most of the comparison goods sold there are non bulky and the applicant has confirmed that they are willing to accept a 'bulky goods' condition on this development. However, an objection has been submitted on behalf of UBS Global Asset management (UK) owners of Grand Junction Retail Park, it is considered that many of their objections can be dealt with by a bulky goods condition.

The Councils Retail Planning Consultant concludes '*The impact of the proposal with bulky goods condition on existing investment in the town centre is at best neutral but at worst it will not be significantly adverse. The proposal therefore satisfies this particular Framework impact test*'.

In recent years a number of bulky goods retailers at Grand Junction Retail Park have been replaced by non-bulky operators such as Next, Soccer Sports, TK Maxx, and Boots. This has diminished the supply of units available to bulky goods operators. Therefore despite the quantitative shortfall in capacity, there may be a qualitative case for new bulky goods floorspace in Crewe.

Impact of the Town Centre Vitality and Viability

The applicant has not undertaken a health check for Crewe town centre but instead refers to the conclusion of the 2011 White Young Green study. This concluded:

'The centre has a strong proportion of convenience goods floorspace, and strong comparison goods provision, but service provision is below national average. Since 2000 the town centre has experienced a gradual increase in vacancies and since 2006 is above the national

average, this coupled with the level of comparison goods provision declining. The centre position in the hierarchy has remained constant with moderate growth levels in rents and stable yields showing the centres resilience to current economic conditions, however despite good performance indicators Crewe may become vulnerable if conditions worsen'.

It is clear that the town centre is not performing that well on some key indicators of vitality and viability. The centre is in need of investment that will be realised by the Delamere Place development although as indicated above it is considered this proposal retracted to the sale of bulky goods will discourage that investment.

Overall, it is considered provided the proposal is restricted to the sale of bulky goods it will not have a significant adverse impact on the vitality and viability of the Crewe town centre.

Design

Layout

According to the applicants Design and Access Statement the proposed layout of the application site has been principally influenced by the design constraints imposed by the road infrastructure and site boundary conditions. According to the illustrative plans the footprint of the proposed retail warehouse is roughly rectangular in shape and measures approximately 49m wide by 36m deep. The proposed retail shed will be located adjacent to the northern boundary of the application site.

According to the submitted plans there are two proposed access points. It is envisaged that the main customer entrance will be via the northern entrance and HGV access and egress will be via the southern vehicular access in to the site. The remainder of the site will comprise areas of landscaping, car parking for up to 165 vehicles (8 of the spaces will be for disabled people), cycle shelter and a service yard which is located west of the proposed retail shed.

According to the indicative site plan the proposed building is set well back from the service road running parallel to Macon Way. It is considered that this set back will help to reduce the overall impact that the proposal has on the streetscene.

It is considered the extent of hard surfacing to the side of the building fronting onto Macon Way would create a car dominated frontage and would do little to enhance this part of Macon Way. It is considered that improved landscaping will help to soften the proposal. However, as this is only an outline application and details regarding the design of the site will be submitted as part of the reserved matters application, there is insufficient justification to warrant refusal on design grounds and sustain it at any future appeal.

Retail Unit

The development will comprise of a single retail unit measuring approximately 3715 sqm accommodating the main shop floor with a separate storage/staff amenity block to the rear of the unit along with a full level mezzanine floor.

Whilst it is acknowledged that this application is an outline application with all matters reserved apart from Access. The applicant has stated that the elevational treatment will be

kept simple with two primary cladding types to produce a strong horizontal image. However, the overall scale, massing and elevational treatment of the unit will be determined by means of a subsequent reserved matters application. In any event, a condition relating to materials will be conditioned, in the event that planning permission is approved.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In view of the previous use of the site as a car-dealership, subject to appropriate controls relating to opening hours, illumination etc. It is not considered that the nature of the proposed use will adversely impact on residential amenity of neighbouring occupiers.

A distance of over 60m will be maintained between the proposed building (as shown on the illustrative plan) and the dwellings on the opposite side of the road. It is therefore considered that there will be no adverse effect on the living conditions of these properties as a result of overshadowing or loss of privacy.

Highways

The access to the proposed unit would be via two accesses off the Macon Way Service road. These accesses would be sited in the same locations as the existing accesses which previously served the car dealership use, i.e. at the southern boundary of the site's frontage opposite the service roads junction with Macon Way and 55m to the north of this access. These accesses would be improved to take the form of 6m wide accesses. As part of these improvements to the existing accesses, tactile paving would also be provided on the crossing points for pedestrians walking past the site frontage.

According to the indicative site plan there will be 165 car parking spaces (8 of which will be for disabled people). The application has been assessed against the Council's standards which are for the provision of a maximum of 1 space per 20sqm GFA, which equates to a maximum of 185 spaces. The applicant is proposing 165 spaces, which is 20 below the maximum. Colleagues in Highways have been consulted and raise no objection. It is considered that this number of parking spaces is sufficient for the proposed development and will not impact on off site provision. Furthermore, there is sufficient space within the car park for vehicles to access and egress the site in a forward gear.

The applicant's Transport Assessment states that the *'proposed development would have no significant impact on traffic conditions in the study area in the context of existing conditions and that the operation of the highway network would not be materially affected by the proposals'*.

The applicant has assessed the proposal against the previous use of the site, which was a car dealership. It is considered that the car dealership would have attracted a significant number of comings and goings. The applicant's Highways Engineers accept the proposed use

would generate more traffic than the previous use. The applicants Highway Engineer stresses that the majority of people accessing the site will make link trips and will be via passing trade. However, it is considered that the surrounding highway network is already at capacity and there is regular congestion in the locality. It is considered that the proposed development exacerbate congestion in the area. In order to help mitigate the proposal the Council Highway engineers are requesting a contribution of £40,000 for traffic management improvements. Subject to this contribution the Councils Highway Engineers do not have objections to the proposal. Overall, it is considered that the proposal is in accord with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

Sustainability

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes onto enunciate that

‘Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’. (paragraph 34).

It is noted that the application site is located wholly within the Crewe settlement and is approximately 1km away from the town centre. Furthermore, the application site is located adjacent to Macon Way, which is a main arterial road leading in and out of Crewe. Additionally, there are number of bus stops within close proximity of the site with an infrequent bus service. According to the indicative plans provision has been made on site for secured covered cycle parking and this will be required by condition. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plans stating:

‘All developments which generate significant amounts of movement should be required to provide a Travel Plan’ (para. 36).

Whilst it is acknowledged that there is pedestrian and cycle provision along the A532 Macon Way and the surrounding network. It is considered that the people using these modes of transport will be quite limited. It is noted that the provision of a secured cycle shelter may encourage people to cycle to the retail unit. However, it is considered that the number of people using this mode of transport will be quite limited. Furthermore, it is considered due to

the location of the site within an 'out of centre' location and its distance from the railway station amount of pedestrians accessing the site will be limited.

It is considered given the proposed use of the site and its location; it will be almost inevitable that the majority of people accessing the site will be via private motor car. The NPPF makes it clear that sustainability should not only be considered in terms of transport mode. But other factors such as economic and social considerations are important material considerations.

It is acknowledged that the proposal will regenerate a brownfield site that probably cannot be regenerated by other means due to contamination of the site and other constraints to development. Furthermore, the applicant states that the proposal will create 41 jobs. However, the full time equivalent posts will be around half the total number of jobs due to the part time nature of retail employment. In any event, it is considered these are all benefits to be considered in the round when considering issues of sustainability.

Contaminated Land

Although a retail use is not a sensitive end use, there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in NPPF. This can be secured by condition.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

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

Air Quality

As previously stated this application is an outline application for a non-food retail development. The application site is located approximately 230m south east of the Earle Street Air Quality Management Area declared with respect to breaches of the air quality standards for nitrogen dioxide, resulting from emissions from road vehicles.

Therefore, any development with potential to either increase transport emissions, or to significantly change traffic patterns (congestion or volumes) will require an assessment to

ensure that any increases in key pollutants are mitigated particularly with respect to the Air Quality Management Area.

Colleagues in Environmental Health have been consulted and raise no objection to the proposal subject to a air quality impact assessment being submitted with the reserved matters application. Therefore, it is considered that the proposal complies with policy NE.17 (Pollution Control)

Landscaping

As previously stated there are number of trees along the western boundary of the site adjacent to the railway. It is considered that none of these trees are of sufficient amenity value or maturity to warrant a TPO. Notwithstanding the above, this matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development. It is directly related to the development and is fair and reasonable. On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that there is sufficient space within the application site for the development to site comfortably in the area without causing significant harm to the character and appearance of the streetscene or the amenities of nearby residents.

It is accepted that there are no sequentially more preferable sites and the proposal will not have a significant detrimental impact on the vitality and viability of Crewe town centre.

The proposed development can be satisfactorily accessed without significant harm to highway safety.

There are no significant concerns relating to protected species or loss of trees.

The proposal is therefore in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.7 (Existing

Employment Sites), NE.9 (Protected Species), TRAN.9 (Car Parking Standards) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the National Planning Policy Framework.

(A) APPROVE subject to the following conditions and the satisfactory completion of a S106 Agreement comprising;

Heads of terms

- **Provision of £40,000 for traffic management improvements in the local area**

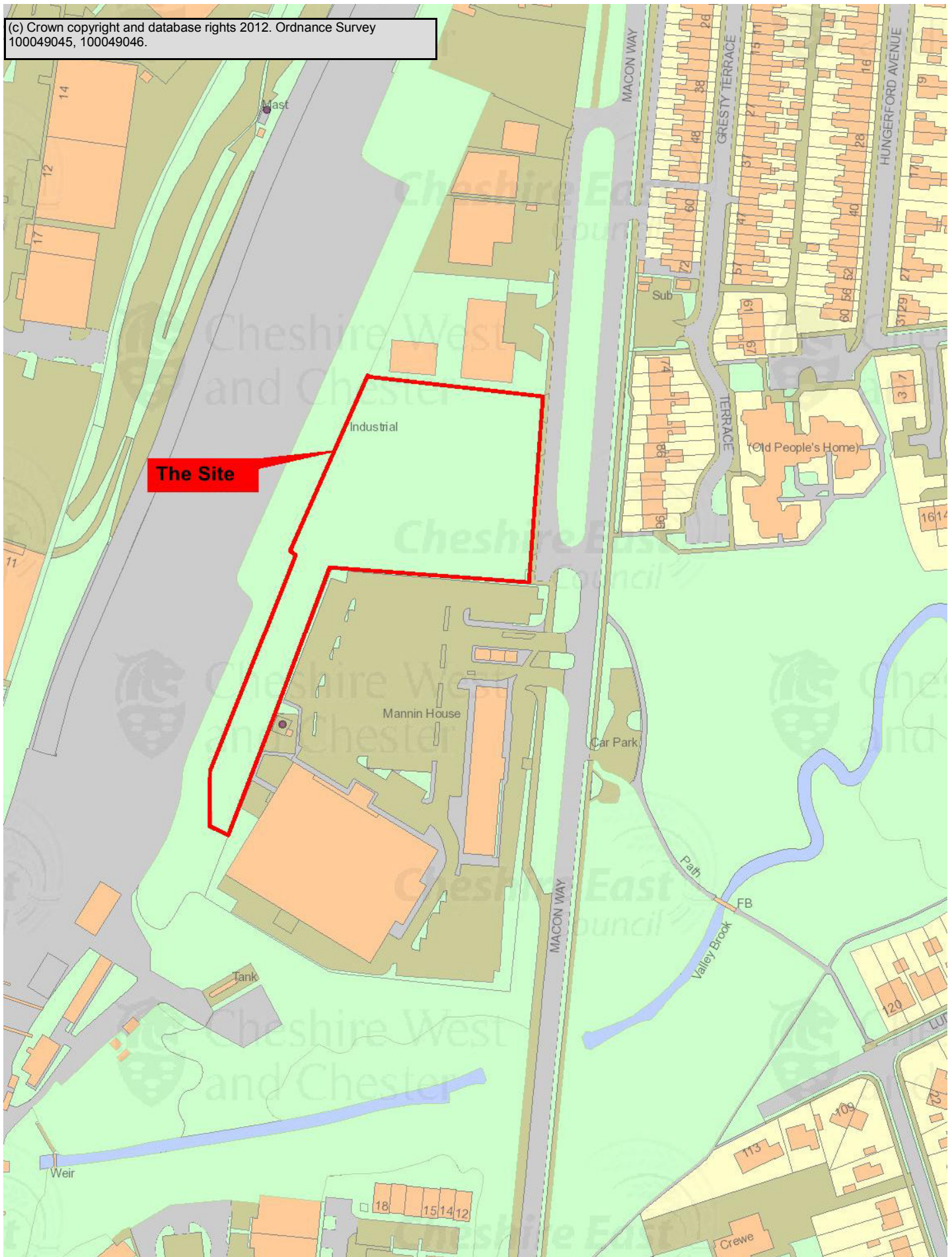
And the following conditions

- 1. Commencement of Development**
- 2. Reserved Matters**
- 3. Plans**
- 4. Details of Materials to be submitted and approved in writing**
- 5. Details of Surfacing Materials to be submitted and approved in writing**
- 6. Details of any external lighting to be submitted and approved in writing**
- 7. Landscaping to be submitted**
- 8. Landscaping Implemented**
- 9. Details of secured covered cycle parking to be submitted and approved in writing**
- 10. Details of bin storage areas to be submitted and approved in writing**
- 11. Details of boundary treatment to be submitted and approved in writing**
- 12. Restrict the Use of Unit to A1**
- 13. Restrict goods sold**
- 14. Access to be formed in accordance with the approved plans**
- 15. Car parking and turning areas to be constructed and made available prior to the unit being occupied**
- 16. No subdivision of the building**
- 17. Pile foundations**
- 18. Restrict Retail Floor Space to 3715sqm**
- 19. Contaminated Land Report**
- 20. Air Quality Assessment**
- 21. Noise Control – Hours of Construction**
- 22. Waste**
- 23. Floor Floating**
- 24. Hours of operation**
- 25. Travel Plan to be submitted and approved in writing**
- 26. Details of Car Park Opening Times to be submitted and approved**
- 27. Oil Interceptors**
- 28. Acoustic Enclosures**
- 29. Accesses to be constructed in accordance with the submitted plans**

(B) 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.

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/1073N

Location: TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE, CW2 5NT

Proposal: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS

Applicant: MR MARK ABELL

Expiry Date: 11-May-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of Development
- Impact on Character, Appearance and Openness of Green Belt
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee at the discretion of the Head of Development due to the sensitive issues surrounding the site. The application was deferred from the last meeting to allow consideration of additional information received in respect of the application and to allow consultation with nearby properties.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site comprises a mixture of traditional brick and more modern portal framed buildings. The site is accessed via a track from Barthomley Road which is also the route of a Public Right of Way along its length (Crewe Green Footpath 3). To the north of the farm complex is a railway line.

Several operations are being carried out at the site including a beef cattle farm, agricultural fertiliser spreading operation, and a concrete panel making process. Not all processes and buildings on the site are authorised.

3. DETAILS OF PROPOSAL

This application seeks the retention of unauthorised extensions to the buildings at Top End Farm. This application seeks retention of:

- An extension of two attached buildings to their eastern elevation comprising 12m x 42.6m with a total footprint of 511.2m² and volume of 4058.52m³
- An extension to the western elevation of one of the buildings comprising 18.2m x 6.5m with a total footprint of 118.3m² and a volume of 650.65m³

The unauthorised extensions represent a 38.5% increase above the size of the authorised buildings to which they are attached.

4. RELEVANT HISTORY

11/2209N – Certificate of Lawfulness Approved for Use of Farm for the Storage, Blending and Adaption of Fertilisers for Sale 13th January 2012.

10/4960N – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23rd December 2010.

P07/1104 – Planning permission approved for Agricultural Building for Storage and use as Workshop, open topped Crop Storage on 16th November 2007.

P06/0450 – Consent approved for Erection of Agricultural Silage Building Relocated from Limes Farm on 2nd June 2006.

P95/0052 – The Local Planning Authority did not object to the erection of an agricultural building subject to a landscaping scheme in 2005.

P94/0981 – The Local Planning Authority objected to the erection of an agricultural building in 2004.

5. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Local Plan Policy

NE.1 Development in the Green Belt

NE.14 Agricultural Buildings Requiring Planning Permission

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

6. CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to building only being used for purpose outlined in report

Environment Agency – No objection (falls outside remit)

7. VIEWS OF THE PARISH COUNCIL

None received at time of writing report

8. OTHER REPRESENTATIONS

Two Petitions each containing 15 names objecting to proposed scheme. The salient points being:

- Extensions not needed for farming activity as they are currently used for concrete manufacturing process,
- Huge expansion of buildings over the years and unauthorised activity,
- The farm has more space than it is reasonably expected to need,
- Unsightly buildings,
- Greenbelt land,
- Barthomley Lane is narrow and is unsuitable for largescale activities at Top End Farm,
- Grass verges have been destroyed,
- Risk of landslide and crack in railway bridge,
- Households impacted by noise, vibration and dust.
- Unauthorised extensions represent a 50% increase in buildings
- Previous buildings were not needed or required for agriculture as used for concrete panel making operation
- Land at Alsager, Noel End Farm, and Arclid in different ownership
- No field numbers for Mow Cop site
- Herd of 500 cattle would use 150 tons of gypsum and 200 tons of straw per annum. Balance is more likely to be associated with the business use of RMA Cattle Bedding Services
- Land for potato is sub let to a large producer who rents land in many locations, concern that Top End Farm is to become a regional storage centre which would have big impact on traffic
- 2000 tons of potatoes would require more than 100 acres. The maximum capacity at Top End Farm is 750 tons
- 1000 head herd would require 820 acres of pasture (re NVZ legislation). Maximum capacity, assuming 750 ton production of potatoes is 168 head of cattle.
- Feed would be 168 tons and this can be in the open crop storage site
- Proposed operations can be easily accommodated in existing buildings.

Objection received from neighbour citing e-mails from Cheshire East Council Highways. The Highways e-mails state that:

“Slow moving vehicles existing from the main access, as there is poor forward visibility for approaching vehicles, Congestion in terms of size of vehicles in relation to road widths, Mud and debris on highway, Verge Damage, Kerb Damage, Dust, Pollution, Operational hours,

Vehicle numbers. The road also has a weight restriction for access only, which means that any large vehicle gaining entry to Top End Farm (for a business without planning consent), will technically be breaking the weight restriction” and second e-mail reading,

“After reviewing the photographs on the CD you’ve provided, I agree that the intensification at Top End Farm in terms of vehicular movements in relation the fabrication business is causing major problems in and around this area and is detrimental in terms of highways safety.

For the highways authority to support an application for the fabrication of concrete panelling at this site, vehicle numbers in relation to the business would have to be set and the operational hours restricted. The access into the site would have to be constructed to an adoptable standard to reduce the amount of debris coming onto the adopted highway with passing bays provided along the lane.

Turning movements will need to be demonstrated at the junction of Barthomley Road and Butterton Lane as the pictures provided clearly show HGV’s having to cross the verge and kerbed junction when exiting right”

9. APPLICANT’S SUPPORTING INFORMATION

Design & Access Statement

Additional Information (dated May 2012)

10. OFFICER APPRAISAL

Principle of development

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy within the Local Plan.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development in its Core Principles through, inter alia, proactively driving and supporting sustainable economic development, while seeking good design and a good standard of amenity, and also protecting Green Belts and recognising the intrinsic character and beauty of the countryside.

In addition paragraph 28 states that support should be given to economic growth in rural areas by adopting a positive approach for sustainable new development to promote a strong rural economy. In particular by promoting the development and diversification of agricultural and other land based rural businesses.

Section 9 of the NPPF identifies that the aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt is its openness and permanence. The NPPF identifies that inappropriate development is harmful and should not be approved except in very special circumstances. Very special circumstances only exist where

the harm is outweighed by other considerations. New buildings in the Green Belt are inappropriate with the exception of, inter alia, buildings for agriculture and forestry.

Policy NE.1 also identifies that development in the Green Belt is inappropriate unless it is for agriculture and forestry, amongst others. This Policy is therefore in accordance with the NPPF in this respect. Policy NE.14 is supportive of the creation of agricultural buildings which are justified, designed appropriately, take into consideration the impact on the landscape and also do not adversely affect the amenity of surrounding uses. It is therefore considered that this Policy also conforms with the principle of sustainable development contained within the NPPF and should be afforded significant weight in the consideration of this application. An unjustified building which is not essential to the agricultural operation or the viability of the operation must be considered to be inappropriate development.

Justification for Development

The application seeks the retention of unauthorised extensions to buildings at the Top End Farm complex. The existing operations at the farm are said to be cattle farming and an ancillary agricultural fertiliser business. However, also included at the site is an unauthorised operation of concrete panel making. The original buildings, of which the extensions are the subject of this application, were constructed as agricultural buildings however in the main have not been used for those authorised purposes and have also been extended. Enforcement action has been taken against the unauthorised concrete panel making facility and extensions; it is understood that an agreement is in place for this operation to vacate the premises by the end of September 2012. However, the retention of the extensions requires regularisation through the approval of a planning application. When this application was initially taken to Southern Planning Committee the justification for the retention of the extensions was extremely limited.

It appears that there was no agricultural demand for the use of the buildings for their lawful purpose following their construction, hence the introduction of an unauthorised industrial use. Consideration needs to be given to the existing and proposed business operations to justify the retention of these extensions as being essential development to the agricultural operation. The unauthorised extensions that are the subject of this application represent a 38.5% increase in footprint to the existing buildings (not the 11% asserted by the applicant) and represent a significant increase over the existing building.

The additional information now submitted outlines a business plan for the site following the removal of the unauthorised activities at the site.

The existing business operations at the farm comprise a mixed operation of rearing beef cattle, the growing of crops for animal feed and bedding, and the growing of potatoes. In more detail this comprises:

- A cattle herd on the farm ranges of 350 to 650 head, with space within the existing sheds for 140 head of cattle.
- Growing of grass for hay, barley, fodder beet, turnip and waste potatoes. Further feed is bought at harvest and stored in the buildings. Further dry feed is also brought in and stored at the site.
- Storage is also required for bedding of 300tonnes of straw and 1000 tonnes of gypsum

- Potatoes are grown on the farm but stored and marketed off site. 2000 tonnes are grown annually.
- One building on the site is also used for agricultural fertiliser, this, at its current level is ancillary to the primary agricultural operation.

It is the applicant's intention to increase the beef operations on the site. Calves will be bought and reared from an earlier age and fed in the farm buildings. Calves can then be put on the farm fields before finally being brought into the buildings for fattening in the last few months, as at present. The handling of additional younger stock will require additional building space. This will take place within one of the extended building which are the subject of this application for the rearing of up to 300 younger calves. There is insufficient space within the existing buildings to do this and there are general health and welfare issues. In addition this would require additional space for feed and bedding.

The extended buildings would also be used for the storage of potatoes which are also grown on the farm. Further to the additional feed and bedding demands of the operation the farm also requires workshop space and storage space for equipment and machinery. It was for these reasons that the extended buildings were permitted initially.

The submitted information identifies that the farm comprises some 250 acres. Further to this, there is an additional 114 acres of land which is owned or rented and helps support the farming enterprise at the site. All of this land is subject to a claim for the single farm payment.

The submitted information identifies that the unauthorised extensions would be used for the purposes of agriculture, which is the lawful use of the site. The proposed extensions would accommodate the additional housing required for an extended beef farming operation, while also provide for storage space required for feed and bedding, along with potatoes which are not stored at the site. The NPPF encourages the promotion of the development of agricultural businesses.

Questions have been raised through representations received about the figures used to support the application. It is stated that the level of gypsum and straw suggested is greater than what would actually be required for the proposed herd and therefore would be used in association with a business use at the site. It is also stated that the maximum potato production at the farm is approximately 750 tonnes. Finally it is also stated that a herd of 1000 head would require 820 acres of pasture and the maximum capacity for the beef operation would be 168 head of cattle (assuming 750 tonnes of potatoes). It is also stated that some of the other land referred to is not part of the enterprise.

While there may be some questions raised over the figures submitted it should be acknowledged that the existing buildings have consent for agricultural operations for storage and workshop purposes. An increase in agricultural operations at the farm, through an increase in head of cattle, storage for potatoes, storage for the additional bedding and feed, along with the necessary storage of machinery and workshop space would require additional floorspace. In addition, the application has been supported by a letter from a vet which states that the older buildings are not suitable for the housing of younger animals. The newer buildings are more suitable as the ventilation and air space available per calf is much greater and more efficient. The letter also identifies that the extra space available will allow for the expansion of the beef

unit and facilitate better all round welfare and productivity of the animals. In the light of this it is considered that there is justification for the retention of the buildings for agricultural purposes.

With regard to expansion of business operations a condition can be attached to any approval that these extensions are used strictly for the purposes of agricultural activities at Top End Farm and for no other commercial operation.

It should be noted that the silage clamp has also been extended and this does not form part of this application. Regularisation of this is also required.

Impact on Character, Appearance and Openness of Green Belt

Agricultural operations within the Green Belt are appropriate. It is now considered that the retention of these extensions have been justified to support the expansion of the agricultural operations at the site.

In terms of their impact on the Green Belt, the two main extensions are sited on the courtyard side of the building. As such these would be seen in the context of the existing authorised buildings on the site. Their impact on the wider openness of the Green Belt is therefore limited.

A lean to extension is sited to the rear of the buildings. This is a much smaller and subservient addition to the building to which it is attached. The extension is also seen in the context of the farming complex, and again therefore its impact on the openness of the green belt is limited.

The external appearance of the extensions are agricultural in nature, with the larger extensions matching the appearance and design of the host building. The external appearance of the buildings is considered to be appropriate to its rural location and for the agricultural nature of the operation.

Impact on the Amenity of adjacent properties

The nearest non-farm residential property is sited 230m to the west of the farming complex opposite the access drive to the farm. This property is of sufficient distance away from the application proposals not to be affected by loss of daylight or overbearing. While there may be an increase of farm traffic to and from the site this is the established/authorised use of the complex which is appropriate to its rural location and it would be unreasonable to refuse the application on noise and disturbance grounds.

Concern has been raised with regards to dust generated from the site. It is not clear whether this is created from the authorised farm traffic or traffic relating to the unauthorised activities at the site. No objections have been received from Environmental Health with regard to the application proposals.

Impact on Highway Safety

There would be no alterations to the site access which is considered to be satisfactory for the existing authorised use.

It should also be noted that there could be a significant change in the nature of the agricultural operation which falls under the definition of agriculture which could change the frequency and type of vehicles visiting the site. In such circumstances the LPA would have no control over this.

Those comments made by Cheshire East Councils Highways Authority by way of e-mail and which have been used as objection to this agricultural operation are not relevant. Those comments relate to a business use and not authorised agricultural use of the site. While there may potentially be an increase in farming traffic to and from the site this would be related to the established use.

Formal comments from the Strategic Highways Manager are still outstanding and an update will be provided at Committee.

11. CONCLUSIONS

The application proposals are for the retention of unauthorised extensions to an agricultural building on a farming complex which is located within the Green Belt. A business plan has been submitted to demonstrate that the proposed buildings will be required to support the expansion of, and provide better livestock accommodation, at this rural enterprise. Therefore the proposed development is considered to be appropriate development within the Green Belt. The buildings are sited so that they would not cause undue harm on the openness of the Green Belt or the reasons for including the land within the Green Belt. In the light of this the proposal would represent an sustainable form of development. The proposals are therefore in compliance with Policies NE.1 and NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

12. RECOMMENDATIONS

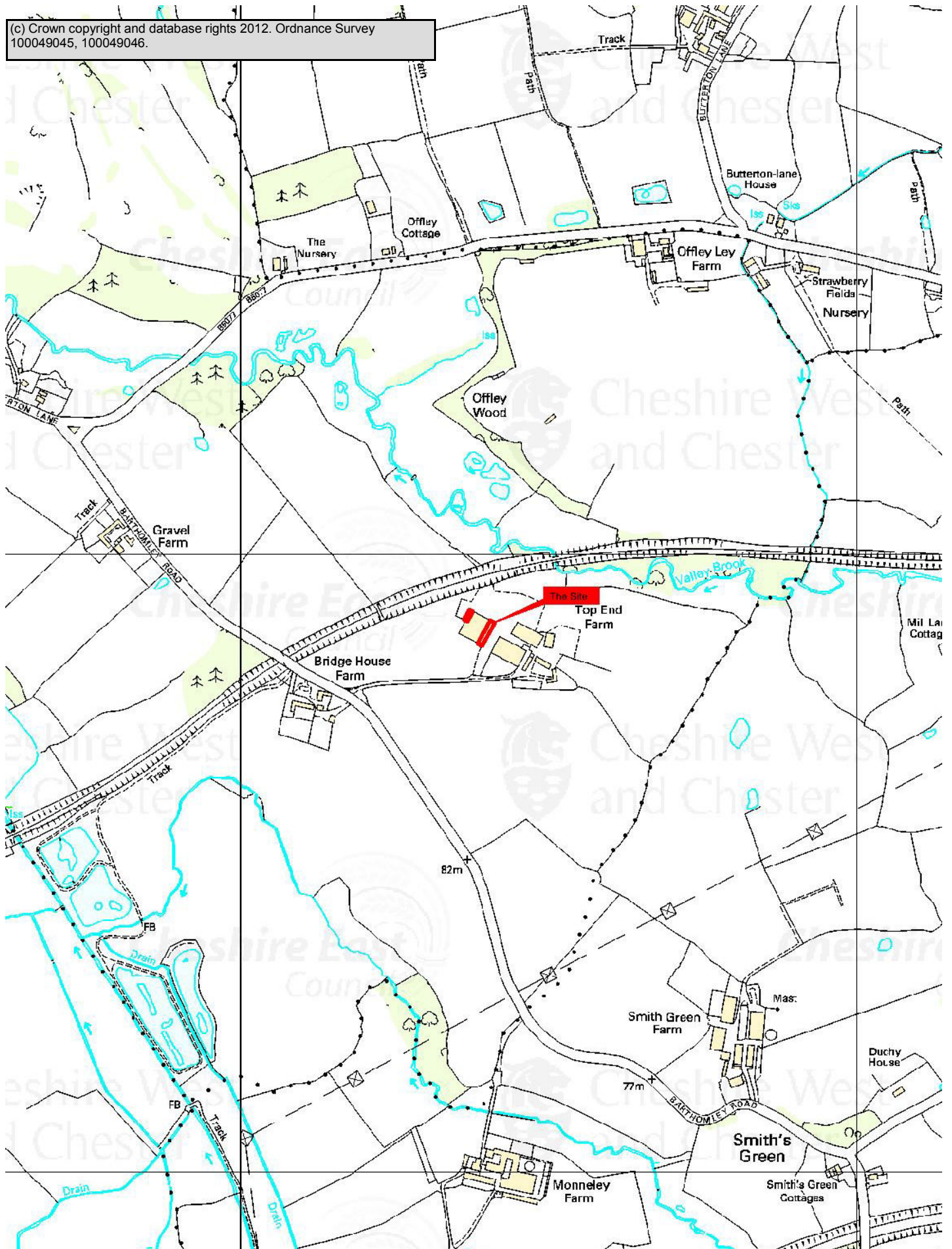
APPROVE with conditions

1) Plans

2) The extensions hereby permitted shall be used strictly for the purposes of agricultural operations at Top End Farm and shall not be used for any other non agricultural business operation.

3) Once buildings cease to be required for the purposes of agriculture the buildings shall be removed and land returned to previous condition

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 11/4002C

Location: LAND OFF, JERSEY WAY, MIDDLEWICH, CHESHIRE

Proposal: Construction of 77 No. Private Residential Dwellings together with Associated Works

Applicant: c/o David Major (Stewart Milne Homes NW), Russell Homes & Stewart Milne Homes

Expiry Date: 27-Jan-2012

SUMMARY RECOMMENDATION:

Approve subject to the signing of a S.106 Agreement and conditions

MAIN ISSUES:

- Principle of development;
- Design;
- Amenity;
- Affordable Housing;
- Noise;
- Ecology;
- Archaeology;
- Landscape;
- Drainage and Flooding;
- Open Space;
- Highway Safety;
- Education
- Other Issues; and
- CIL Regulations

Referral

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings. Members may recall that this application was discussed at a previous committee meeting (28th March 2012). However, it was deferred for additional information relating to greater provision of affordable housing, how the allotments will be managed and which bus stops will be upgraded. These matters are specifically addressed within the update below.

UPDATE**Affordable Housing**

Previously, Members of the Planning Committee were concerned about the amount of affordable housing being proposed as part of the current application and they requested that Officers speak to the Developer to ascertain whether a greater provision could be secured, taking into account the implications of the Welfare Reform Bill. The Developer has confirmed that it is possible to increase the affordable housing contribution by substituting the number of houses being proposed with apartments. It is noted that there will be an increase in density associated with apartments and this is mitigated by the reduced land area that is required.

The revised proposal is to substitute 6 terraced houses with a further 12no. two bedroom apartments which would increase the ratio from 19% affordable housing contribution to 23%.

This would result in an increase in the total number of units to 83 dwellings with 19 of the dwellings being affordable units. These affordable units would consist of 3 no. two bedroom houses (size: 753 ft sq / 70 m2), 4 no. three bedroom houses (size : 883 ft sq / 72 m2 and 12 no. two bedroom apartments (size : 592 ft sq / 55m2). The tenure split would be as follows:

- 12 no. two bedroom apartments for affordable rent
- 4 no. three bedroom houses for shared ownership
- 3 no. two bedroom houses for shared ownership

A total of 19 units will be provided on the site with 12 available for rent (63%) and 7 available for shared ownership (37%)

Notwithstanding the above there is an extant planning permission in place for this site which has a requirement for provision of 30% affordable housing, made up of 24x1 bedroom apartments.

Colleagues in Housing have been consulted and they confirm that all the Housing Associations who were contacted to establish if they were interested in the flats that make up the affordable housing. Not all have responded, but the ones that have had stated that although they still would not consider purchasing 24 x 1 bed flats in this location they would consider taking a mix of flats and houses, on the basis that the flats would be rented units and not shared ownership.

As previously stated the applicant has now offered 12 x 2 bed flats and 7 houses, which increases the affordable housing offer to 23%. Although this does not meet the requirement for 30% of the units to be affordable if it is accepted that there are genuine viability issues and Housing would support this mix of affordable housing as the information from the SHMA and Cheshire Homechoice shows that although there is some need for 1 bed units, there is a greater need for 2, 3 and 4 bed units including both houses and flats, so a provision of a mix of houses and flats would be acceptable for the affordable units.

The Affordable Housing IPS requires that the affordable units should also be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming

changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement states that

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)”

It also goes on to state

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”

It is therefore the preferred option that the developer undertakes to provide the rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

Design

The proposed apartment block will be constructed in between plots 53 (to the west) and 60 (to the east). According to the submitted plans the proposed three storey apartment block will measure approximately 22m wide by 17m deep (at the widest points) and is 8.5m high to the eaves and 11.5m high to the apex of the pitched roof. The apartment block will be constructed out of facing brick under a concrete tile roof, and a condition relating to materials will be conditioned, in the event that planning permission is approved.

The building will incorporate a hipped roof, which helps to reduce its overall scale and massing. Furthermore, located on the front/rear elevations of the building will be two projecting gable elements (one on each elevation) which also helps to break up the bulk and massing of the building and appear less stark and stolid.

The building will incorporate sill and lintel details and as such will harmonise with the proposed dwellings. Located on the front and rear of the building are a large number of apertures of various sizes and a number of these windows will incorporate Juliet balconies. It is considered that the design and proportions of the proposed apertures will not appear as alien or incongruous features. Additionally, according to the submitted plans there will be a number of secondary windows on the side elevation facing plot no. 60, it is considered that these windows will help with natural surveillance and help break up the massing of the wall.

Internally the apartment block will comprise of 4no. apartments on the ground, first and second floors, so there will be 12no. apartments in total. Each apartment will comprise 2no. bedrooms, bathroom, store room and kitchen/dining room.

Overall, it is considered that the scale, proportions and detailing of the proposed apartment block are similar to a number of other building within the locality and as such will not appear as alien or obtrusive development.

Amenity

It is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of plot no.60. The gable of this property (plot no.60) faces the side elevation of the proposed apartment block and separating the two buildings is an access road. Therefore, it is considered given the separation distances and the intervening road will help to mitigate any negative externalities associated with the proposed development.

Located to the west of the application site is plot no. 53. It is considered that the proposal will have a marginal impact on the residential amenities of the occupiers of this property. According to the submitted plans there are no windows on the side elevation of the apartment building facing plot no.53. Furthermore, separating the two buildings is an alley. Overall, it is considered given the design, orientation and juxtaposition of the proposed building will help to this alleviate any problems with the building.

Allotment Delivery and Maintenance

Members enquired as to what delivery, maintenance and management provisions would be in place for the allotments and if a more detailed explanation of how these would work could be provided to Members.

The applicant can confirm that the allotments will be made available to all local residents on completion of the scheme once the construction access has been closed and the residents are occupying the scheme. The allotments will be transferred to the Management Company who will be responsible for the maintenance and upkeep of the allotment area.

The Developer has stated that they will attach a method statement and Drawing to the Section 106 Agreement to ensure the allotments are built to a suitable standard. The case officer can confirm that the heads of terms will be altered taking into account the aforementioned method statement and drawings.

Upgrading Bus Stops

Another concern of Members was which Bus Stops would be upgraded as part of the proposal. Colleagues in Highways can confirm that there has been no specific identification of particular bus stops which need upgrading. However, it is generally policy to treat the nearest bus stops to the application site which have scope and room to accept the quality partnership bus stop upgrades. The Highways Engineer anticipates that the most local bus stops on the A54 would be likely to be selected by the Integrated Transport Unit once the money has been received.

DESCRIPTION OF SITE AND CONTEXT

The site lies wholly within the Settlement Zone Line for Middlewich and is not allocated in the Local Plan. The site is approximately 500m to the northeast of Middlewich town centre and bounded by Northwich rail freight line to the west, the rear boundaries of residential properties fronting Holmes Chapel Road to the south, Jersey Way and its wider environs to the east and King Street Industrial Park to the north.

The site measures approximately 2.4ha and is linear in shape running parallel with the railway line in a northwest to southeast direction with relatively even ground levels. A watercourse runs from the southwestern corner of the site along the western boundary into adjacent land which then cuts sharply back across the centre of the site to its eastern boundary and beyond.

DETAILS OF PROPOSAL

This is a full application for the construction of 77no. dwellinghouses and associated works at land adjacent to Jersey Way, Middlewich.

RELEVANT HISTORY

37596/3	Erection of 61 residential units, including 20 apartments, together with 16 office units totalling 1115sq.m B1 floorspace. Refused.
07/1452/FUL	Approved subject to conditions and S106 Agreement. 24 th February 2009.
08/1933/08/1934	Co-joined outline applications for residential development (up to 93 dwellings) proposing access from the A54 Holmes Chapel Road. Withdrawn 3 rd March 2009.
08/1430/OUT	Outline application for residential development up to 88 dwellings with associated public open space, highway and landscaping works. Withdrawn.
09/0809C	Outline application for the demolition of a dwelling house (numbers 3 & 5) and redevelopment of the site. Together with the adjoining haulage yard for up to 93 dwellings and the provision of public open space together with associated highway and landscaping works. The application seeks specific approval of the site access from Holmes Chapel Road, all other matters being reserved. Permission Granted at Appeal 19 th April 2010.
10/0924C	Planning application to extend the time limit for implementation of planning approval 07/1452/FUL (Development of 82 Dwellings, Public Open Space and Means of Access) – Approved – 30 th November 2011

POLICIES

National Policy

PPS1 'Delivering Sustainable Development '
PPS3 'Housing'

PPS9 'Planning and Biodiversity'
PPG13 'Transport'
PPG16 'Archaeology and Planning'
PPS23 'Planning and Pollution Control'
PPG24 'Planning and Noise'
PPS25 'Development and Flood Risk'
Design Manual for Roads and Bridges
Manual for Streets

Local Policy

E10 'Re-Use or Redevelopment of Existing Employment Sites'
GR1 'New Development'
GR2 'Design'
GR3 'New Residential Development'
GR4 & 5 'Landscaping'
GR6 & 7 'Amenity and Health'
GR9 & 10 'Accessibility, Servicing and Parking Provision'

GR21 'Flood Prevention'
GR22 'Open Space Provision'
PS4 Towns
H1 & H2 'Provision of New Housing Development'
H4 'Residential Development in Towns'
H9 'Additional Dwellings and Sub-divisions'
H13 'Affordable and Low Cost Housing'
NR1 'Trees and Woodlands'
NR2 'Statutory Sites'
RC1 'Recreation and Community Facilities – General'

SPG1 'Provision of Public Open Space in New Residential Developments'
SPG2 'Provision of Private Open Space in New Residential Developments'
SPD6 'Affordable Housing and Mixed Communities'

CONSIDERATIONS (External to Planning)

Sustrans:

No objections subject to the following:

- For a site of this size, we would like to see the council secure a contribution toward improving the local pedestrian/cycle network in the town including the canal network.;
- The pedestrian connection to Holmes Chapel Road is important for convenience; and
- The design of the smaller properties should include storage space for buggies/bikes.

Environmental Health:

Has the following comments to make:

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to:

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

- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

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

- A scheme of noise mitigation is required to be submitted to this Division in conjunction with the World Health Organisation guidelines.
- Contaminated land condition required.

Archaeology:

No objections subject to the following condition:

No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (to consist of excavation, recording, reporting, and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

United Utilities:

No response received at the time of writing this report.

Network Rail:

No objection in principle subject to the development. However, due to its close proximity to the operational railway, Network Rail has requested a number of issues be taken into consideration, and a number of conditions attached, if the application is recommended for approval.

Environment Agency:

No objection subject to a number of conditions relating to the proposal being carried out in accordance with the FRA and any contamination not previously identified then no further development unless agreed with the Local Planning Authority.

Highways:

No objections subject to the following:

- Prior to first development the developer will enter into and sign a Section 38 Agreement with the Highway Authority under the Highways Act 1980.
- The developer will provide a contributory sum to the upgrade of existing estate footway links and the approaches to the Puffin crossing on the A54 Holmes Chapel Road. The sum of money is estimated at £7,500.00 for the high friction surface and

approximately £10,000 for upgrades to connecting footways and provision of a small amount of footway lighting. The total sum therefore would be £17,500.00.

- The developer will provide a sum of £12,500 for the upgrade of two local bus stops to quality partnership facilities.
- The contributory sums will be subject to inclusion in a Section 106 Agreement under the Town and Country Planning Act 1990.

Greenscape:

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Landscape Proposals Sheets 1 and 2, Drawing No. 4081, dated November 2011) there would still be a deficit in the quantity of provision having regard to the local standards set out in the Council's Open Space Study.

An assessment of existing play provision within the 800m distance threshold of the proposed development site has identified that there is a requirement for an additional play facility to meet the future needs arising from the development. However, in line with the Council's policy a contribution to upgrade existing facilities would be preferred on this occasion.

A deficit in both quantity and quality has been identified in some of the existing open space accessible to the new development, and in order to meet the needs of the development, opportunities have been identified for the upgrading of the existing facilities. There are currently two sites that would benefit from upgrading and enhancement;

An opportunity has been identified for the enhancement of the Locally Equipped Area for Play (LEAP) facility on Angus Grove within 50 metres of the site to increase its capacity. As this play area is located within the largest area of Amenity Greenspace, is the most heavily used as identified in the 2005 Open Space Survey and also the most easily accessible for the residents of the proposed development in the event that planning permission is granted; an enhancement from a LEAP play facility to a Neighbourhood Equipped Area for Play (NEAP) with provision being made for DDA inclusive equipment would be desirable.

This would not just contribute to improving the quantity of equipment on site; it would also improve accessibility to the site in terms of DDA requirements, encouraging greater use of the facility.

Alternatively there are opportunities to upgrade the main park facility for Middlewich off Queens Street known as Fountain Fields.

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£36,600.15</u>
Maintenance:	<u>£76,117.50</u>

Amenity Greenspace

Following an assessment of the provision of Amenity Greenspace accessible to the proposed development, it has been identified that there will be a deficit in this type of provision in the event that planning permission is granted. Whilst it is acknowledged that the developer is providing an amount of Amenity Greenspace on site equating to 1,416 square metres there is still a shortfall of 1,134 square metres.

An opportunity has been identified on Harbutt's Field to make enhancements to the Open Space which, just outside the Accessibility Standard of 800m, is still considered reasonably accessible to the development. The upgrading of the infrastructure such as the access path around the perimeter of the Amenity Greenspace would expand the sites capacity further by improving links to pedestrian footways along the River Croco and the Canal tow path. It should be noted this would be subject to approval from English Heritage and Archaeology Planning Advisory Service as this is a Roman site.

Alternatively upgrading infrastructure at Fountain Fields would increase the capacity to benefit the new development.

Given that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's Guidance Note and its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£ 5,990 92 (based on shortfall only)</u>
Maintenance:	<u>£30,153.75 (based on shortfall and proposed new provision)</u>

It is acknowledged that 850 square metres is being proposed as Allotments which is welcomed for the Middlewich area. These could be self managed by an Association or possibilities could be explored through the Town Council.

VIEWS OF THE PARISH / TOWN COUNCIL

No objection subject to the following comments:

- That no development be commenced until a full archaeological survey has been undertaken and that it be requested that such survey be undertaken in consultation with Middlewich Town Council as a potential community archaeological dig; and
- That the developer be required to enter into a Section 106 agreement to provide for improved play provision in the locality.

OTHER REPRESENTATIONS

Letters of objection have been received off the occupiers of 12, 16 and 38 Jersey Way. The salient points raised in the letters of objection are as follows:

- The proposal will result in overlooking, loss of privacy and over shadowing to my gardens.

- Does the proposal comply with CCC Design Aid Guidance?
- The proposal will have a detrimental impact on the existing residents due to noise whilst the properties are being constructed and once they are occupied;
- Jersey Way is a narrow road where vehicles find it difficult to pass each other and it will be especially difficult for emergency vehicles, this is made worse when vehicles do not park correctly;
- The applicants preferred access option is via Holmes Chapel Road;
- A previous planning application in August 2008 again with access through Jersey Way received over 88 objections from residents on Jersey Way, Dexter Way, Ayrshire Close, White Park Close, Guernsey Close and Chillingham Close. Specifically they felt that access through Jersey Way was unsatisfactory as it gave too little regard to pedestrian safety or the amount of new traffic that would be utilising Jersey Way and Dexter Way. At our (88 residents) invitation, Russell Homes then submitted amended plans which provided access to the site from Holmes Chapel Road. This had far more benefits and was as such approved by the planners;
- The proposal will exacerbate congestion in the area and will have a detrimental impact highway safety;
- The site borders onto land reserved for the re-opening of Middlewich Railway Station;
- The neighbouring railway line is frequently used by trains;
- Flooding is likely to occur especially on the area marked as public open space;
- Planning permission was already refused for access through Jersey Way in September 2004;
- The developer has already breached the conditions attached to the 2008 application;
- Debris as vehicles leave the site will be detrimental to highway safety;
- The area is already congested and builders may block people driveways;
- Part of the site lies within an area designated as an area of archaeological importance;
- The proposal will reduce the value of properties within the area;
- The Council needs to consider, in supporting such an application, the associated local services, of which more are required in order to keep pace with and support the expansion of the towns housing population; and
- This junction is partly on a bend. When cars are parked on Dexter Way oncoming traffic is forced onto the wrong side of the road. Drivers exiting Jersey Way and turning left have to be alert that oncoming traffic maybe on the wrong side of the Dexter Way.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Flood Risk Assessment
- Protected Species Survey
- Landscape Report
- Transport Statement
- Geo Environmental Site Investigation Report
- Viability Report
- Noise Impact Assessment

OFFICER APPRAISAL

Principle of Development & Main Issues

The proposed scheme is a full application and the applicant is proposing on erecting 77no. dwellinghouses together with associated works. The site already benefits from planning permission for residential development following approval of planning applications 07/1452/FUL for 88 (renewed under 10/0924C and 09/0809C) and 93 dwellings respectively. Consequently, the principle of residential development has clearly been established and given that those consents remain extant, this application does not present an opportunity to revisit that issue. The main considerations in the determination of this application are, the acceptability of this scheme in terms of principle of development; design; amenity; affordable housing; noise; ecology; archaeology; landscape; drainage and flooding; open space; highway safety; education; other issues; and CIL regulations.

Design

Policy Context

PPS1 and PPS3 support a mix of housing types within new development. Whilst encouraging good design, PPS1 says that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, the case officer is satisfied that the proposal represents an acceptable design solution in the context of existing development.

Policy GR.2 (Design) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

With reference to the above policy context, in order to ensure that the proposal satisfactorily contributes to and improves the street scene, it needs to be reflective of and complementary to the local vernacular, which will mean modest sized properties which are simple in design terms with gardens.

Elevational Detail

The application proposes a mixture of two storey dwellings including detached, semi detached and terraced properties. According to the submitted plans, there will be 42no. detached, 18no. semi detached and 17no. terraced properties. Typically the dwellings will measure approximately 5.1m high to the eaves and 7.6m high to the ridge. According to the submitted plans and the Design and Access statement the dwellings will be constructed out of facing brick, under a concrete tile roof and some of the properties will incorporate a render finish, which will be conditioned, in the event that planning permission is approved. In addition to the above, the properties will incorporate sill and lintel details and some will have projecting gables, in order to make the dwellings appear less stolid and uniform. It is considered that the proposed mixture of house types would not be at odds with the pattern and design of development in the surrounding area.

The scale, proportions and detailing on the proposed dwellings are similar to those within the surroundings mimicking its context without creating a pastiche form of development. The dwellings are set back from the road frontage and respect the surroundings, providing a sympathetic and unobtrusive infill development.

Site Layout

The nature of the site, which is a linear plot somewhat constrains the way in which the site can be developed. The application site would be served by a single access point from Jersey Way, in between numbers no's 14 and 16 Jersey Way. According to the revised plans the public open space will be located immediately to the north of the site entrance. The access road serving the site is in the form of a letter 'T', with several cul-de-sacs off it.

A number of the proposed properties face the POS, which helps with natural surveillance. Located at the north end of the application site are the terraced properties, which are organised into 5no. blocks of 3 and 4 dwellinghouses. Located to the front of plots 51 to 53 and 60 to 63 are car parking spaces, which are broken up with hard and soft landscaping. Located to the rear of plots 51 to 59 is another area of car parking, a pumping station and allotments. Beyond these plots is a small industrial estate. The remainder of the site is a mix of detached and semi detached properties, which front onto the access road or the cul-de-sacs. It is noted that plot no. 24 fronts directly onto Holmes Chapel Road. Furthermore, separating plot no. 24 from no. 3 Holmes Chapel Road is a public footpath, which will serve the new development.

The street has been designed so that it bends (albeit slightly) and as there is a variation in property types this helps to provide more interest in the streetscene, for example, located on a number of corners are larger properties, which help to create focal points and draw the eye. Furthermore, properties at the end of the street have been designed so they face down the street and provide an end stop and vista to the street.

Overall, it is considered that the variety of designs of proposed dwellings and variations in the building line provides interest in the streetscene. Furthermore, the areas of open space also soften and provide interest. The proposal is therefore in accordance with policies GR.2 (Design) and advice advocated within PPS1.

Waste Management

All of the proposed dwellings have the ability/facility to store the requisite number of storage bins within rear garden areas for general refuse and recycling receptacles.

On bin collection day the receptacles can easily be moved to the public footpaths in close proximity of individual properties ready for collection and then returned to the rear gardens once emptied again. This will ensure that bins or other such containers are not visible on any day other than on collection day.

Over development and loss of buildings with character.

It is not considered that objection on the grounds of over development can be sustained. The proposed density is acceptable having regard to the existing character of the area and fully accords with the principles of PPS3. Similarly, it is not considered that the loss of any buildings on the site would harm the character of Middlewich. None of the buildings benefit from statutory protection and whilst a barn within the curtilage of no.3 has some features of

merit, it is in a very poor state of repair and could in effect be demolished without the need for planning permission.

Amenity

The site is bounded to the north by industrial buildings and to the west by a railway line. Existing residential development bounds the site on all other sides with residential properties fronting onto Holmes Chapel Road to the south and Jersey Way and Dexter Way to the east. The Councils Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

According to the submitted plans Plots no's 1, 14, and 19 are located with their gable facing the properties which front onto Jersey Way. The rear elevations of plots 15 to 18 face the rear elevations of no's 24 to 30 Jersey Way. All of the proposed dwellings are set well away from the boundaries and the proposals comply with the aforementioned separation distances. Consequently, it is not considered that the proposed dwellinghouses will have a significant impact on the residential amenities of no's 16 to 32 Jersey Way.

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases with the exception of the separation distance between the front elevation of plots 20 and 73 and the gable of plots no. 18 and 74, where there is a separation distance of approximately 10.5m. However, given the orientation and juxtaposition of these plots will not result in any overshadowing or loss of privacy and it is not considered that the standard of amenity afforded to the proposed properties would be compromised to such an extent as to warrant a refusal on amenity grounds. There is approximately 15m separating the properties on the west of the access road from those located on the east. In respect of separation distances to the front of dwellings, modern urban design principles encourage tightly defined streets and spaces. The reduction of separation distances between front elevations helps to achieve these requirements. Furthermore, those rooms which face onto the highway are always susceptible to some degree of overlooking from the public domain. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 15m between dwellings could be justified.

The proposed units all comply with the relevant separation distances and are sited sufficiently far from the site boundaries to avoid any adverse impact on the residential amenity of adjoining properties in the other roads listed above.

The Councils SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. The majority of plots will include significantly more than 65sq.m. However, the case officer notes that some of the plots have much smaller garden spaces. These plots are primarily the terraced units. The amount of garden space afforded to these units is commensurate with other properties of a similar size in the locality and as such it is not considered that there is sufficient justification to warrant a refusal.

Affordable Housing

This application is for 77 units and there is a requirement for Affordable Housing at this site. The Affordable Housing Interim Planning Statement states that the minimum percentage of Affordable housing that would normally be required is 30%. This would equate to 23 units.

There should be a tenure split of 65% rented affordable housing and 35% intermediate affordable housing.

The SHMA 2010 identifies that for Middlewich there is a requirement for 56 new affordable units per year, made up of a need for 13x1 bed, 8x2 bed, 30x3 bed and 6 x 1 or 2 bed older persons units. In addition to the information from the SHMA, Cheshire Homechoice, which is the choice based lettings system for allocation of social housing across Cheshire East, currently has 99 applicants who have indicated Middlewich as their first choice, the breakdown of the number of bedrooms these applicants require is 24x1 bed, 35x2 bed, 21x3 bed and 4x4 bed. There are currently 15 applicants who have not specified the number of bedrooms they require.

There is an extant planning permission in place for this site which has a requirement for provision of 30% affordable housing, made up of 24x1 bed apartments. The information from the SHMA and Cheshire Homechoice shows that although there is some need for 1 bed units, there is a greater need for 2, 3 and 4 bed units, so provision of houses as the affordable units is preferable as it would help to meet the greater housing need.

The applicant has offered 15 units of affordable housing which is 19% provision, which is not in line with the requirements from the Affordable Housing Interim Planning Statement.

The applicant has submitted a financial viability appraisal which demonstrates that the provision of 30% affordable housing would not be viable at this site. Officers have scrutinised the viability assessment submitted and found it to be sound. Therefore the provision of 15 units (19%), split as 8 intermediate and 7 affordable rent is accepted. Whilst this is less than the previous 30%, it is preferable in that it comprises houses as opposed to flats. Housing officers state that 'Russell Homes wrote to them advising them that they had contacted a number of Housing Associations who operate in the area to see if any were interested taking the 24no. 1 bedroom apartments that were required as per the extant planning permission. However, none of the Housing Associations contacted were willing to take on this number of 1 bed apartments. The Housing Associations contacted by Russell Homes were: -

- Muir Group
- Anchor Trust
- Plus Dane
- Harvest Housing Group
- Johnnie Johnson Housing
- Stonham Housing
- Equity Housing Group
- Great Places
- Guinness Northern Counties

The Affordable Housing IPS requires that the affordable units should also be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and

materials should be compatible with the open market homes on the development thus achieving full visual integration. The submitted plans show that this will be the case.

The Affordable Housing Interim Planning Statement states that “the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)” It also goes on to state “all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996” It is therefore the Housing Section’s preferred option that the developer undertakes to provide the rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing. This will be secured through the S106 agreement as set out in the Heads of Terms below.

Noise

The application site is bounded on western side by a railway line, on the northern side by a number of industrial units and on the southern side by Holmes Chapel Road. Colleagues in Environmental Health have been consulted on the application and have commented that the submitted noise report states that 2007 data was used to calculate the noise criteria of the site in this area, as the 2007 data represented the ‘worst case’. However the 2011 data has not been included in the report. The 2011 data therefore needs to be submitted so that Environmental Health can make their own assessment of the site based on all the monitoring information.

The noise report that has been submitted with this application clearly indicates that the noise levels at night are 69dB LAeq placing the proposed properties close to Holmes Chapel Road in category D (planning permission should normally be refused). Within the report there are a number of recommended schemes for acoustically attenuating the properties. However colleagues in Environmental Health are not satisfied with this vague response and would like to see further detail on what attenuation would be achieved by each proposed scheme and also details of the mitigation measures for the associated gardens.

The applicant has been made aware of the concerns raised by Environmental Health and they have submitted an updated noise assessment. At the time of writing this report the amended noise assessment was being considered by Environmental Health and a further update will be provided to Members prior to their meeting.

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

Ecology

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection.

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

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

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

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

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

Bats and Badgers

It is considered that the only protected species that are likely to be affected by the proposed development are roosting bats and badgers. Roosting bats were highlighted as potentially occurring within outbuildings associated with 3 Holmes Chapel Road. It was noted that the original survey was conducted and prepared in 2008 and as such is considerably out of date. Therefore, the applicant has submitted additional information. The Council Ecologist has examined this and commented that ‘no evidence of badgers was recorded during the survey’. Due to the time of the year that the survey was completed no bat activity survey could be undertaken. However, considering the nature of the buildings on site and the abundance of

alternative roosting opportunities offered by surrounding properties he is satisfied that neither bats nor badgers are likely to be present or affected by the proposed development.

Breeding Birds

The use of conditions in relation to the timing of the works and details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

Archaeology

The application site is located within Middlewich's Area of Archaeological Potential, as defined in the Congleton Borough Local Plan. In January 2008 the application area was subject to an extensive programme of pre-determination archaeological trial trenching. This work was carried out by Oxford Archaeology North in association with Wardell Armstrong on behalf of the applicants, Russell Homes, in response to an earlier application (Ref 07/1452/FUL) for the development of the site for housing.

The trial trenching demonstrated the survival of extensive and well-preserved archaeological deposits dating to the Roman period across much of the site.

Since that time, a number of revised planning applications have been submitted to the former Congleton Borough Council and the successor Cheshire East Council (Refs 08/1430, 08/1934/OUT, 09/0809C, and 10/0924C). Some of these applications included extensions to the original area but enough was known about the archaeological potential of these areas to specify the necessary archaeological mitigation, without further pre-determination field evaluation. With regard to the main area, the advice concerning the need for a programme of formal excavation, recording, and reporting in the areas referenced above was repeated together with the recommendation that this work should be secured by means of a suitably worded condition.

The Councils archeologist advises that the present application will also require a full programme of archaeological mitigation, whose scope will be the same as that outlined above, together with further mitigation at the southern end of the site which now extends up to the Holmes Chapel Road and this work will be conditioned accordingly.

Landscape

The site comprises a former depot and includes areas of hard standing, a few isolated trees, a mature hedgerow and watercourses. The majority of the trees which remain on the site are principally located adjacent to the railway boundary with one mature willow close to Jersey Way. None of these trees are of any great significance and they are not subject to any TPO protection. The Councils Landscape Officer has commented that the landscape proposals as shown on the site layout plan appear reasonable in principle. However, the submitted proposals do not provide any significant level of screening between plots to the north of the site and the adjacent industrial area. It is considered that the imposition of conditions relating to boundary treatment and landscaping will be able to help to soften the proposal and provide a better outlook.

Drainage and Flooding

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.

In terms of flooding, the Environment Agency have assessed the Flood Risk Assessment and raised no objections to the development subject to the imposition of planning conditions. It is therefore considered that the development would not raise any significant flooding implications that would warrant the refusal of this application.

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

Open Space

The Council's Greenspace Officer has examined the proposal and following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, states that if the development were to be granted planning permission there would still be a deficit in the quantity of provision having regard to the local standard set out in the Council's Open Space Study.

An assessment of existing play provision within the 800m distance threshold of the proposed development site has identified that there is a requirement for an additional play facility to meet the future needs arising from the development. However in line with the Council's policy a contribution to upgrade existing facilities would be preferred on this occasion.

A deficit in both quantity and quality has been identified in some of the existing play space accessible to the new development, and opportunities have been identified for the upgrading of the existing facilities. There are currently two sites that would benefit from upgrading and enhancement;

The Locally Equipped Area for Play (LEAP) facility on Angus Grove within 50 metres of the site would benefit from enhancement to increase its capacity. This play area is located within the largest area of Amenity Greenspace, is the most heavily used as identified in the 2005 Open Space Survey and also the most easily accessible for the residents of the proposed development in the event that planning permission is granted; an enhancement from a LEAP play facility to a Neighbourhood Equipped Area for Play (NEAP) with provision being made for DDA inclusive equipment would be desirable.

This would not just contribute to improving the quantity of equipment on site; it would also improve accessibility to the site in terms of DDA requirements, encouraging greater use of the

facility. Alternatively there are opportunities to upgrade the main park facility for Middlewich off Queens Street known as Fountain Fields.

The area of general amenity greenspace required by policy on this site would be 2550sq.m and this development would provide 1416sq.m. As a result there is an under provision on the site. However, an opportunity has been identified on Harbutts Field to make enhancements to the Open Space which whilst occurring outside the accessibility standard radius of 800m is still considered reasonably accessible to the development. The upgrading of the infrastructure such as the access path around the perimeter of the Amenity Greenspace would expand the site's capacity further by improving links to pedestrian footways along the River Croco and the Canal tow path. (It should be noted this would be subject to approval from English Heritage and Archaeology Planning Advisory Service as this is a Roman site.)

Alternatively upgrading infrastructure at Fountain Fields would increase its capacity to absorb demand from the new development.

It is acknowledged that 850 square metres of land on site is being proposed as Allotments which is welcomed for the Middlewich area. These could be self managed by an Association or possibilities could be explored through the Town Council.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposal is seeking to create a new access directly off Jersey Way and a pedestrian access will link Holmes Chapel Road with the proposed application site. It is noted that the application site was allocated for future development and the preceding development of Jersey Way was designed in such a way that allows connection to this land and this application utilises that road layout to provide access for the development.

In support of the application a Transport Assessment has been submitted by the Highway Consultants: Singleton Clamp & Partners which examines the traffic generation from the site and assesses the impact on the local highway junctions via the junction modelling programmes Arcady and Picady, whilst all trip rates for the development are taken from the national TRICS database.

The Highways Engineer has assessed the figures presented in the report and accepts the conclusions as a robust analysis of the likely impact of this development in traffic terms on the local highway infrastructure.

This current proposal is for 77 residential units and despite the use of more significant trip rates from the TRICS database the proposal has a traffic impact that is materially no different than either of the previous applications and therefore the related traffic impact on the local highway network remains acceptable.

It is considered that the current proposal has a number of benefits over the previous schemes, which include:

- The overall number of units is reduced and therefore traffic impact is acceptable.
- The scheme now offers a pedestrian link to the A54 Holmes Chapel Road and this is seen as a significant benefit to sustainable links. Indeed this was originally an aspiration for the development of this site.
- Property No 3, Holmes Chapel Road is to be retained but will now take its access from within the development site which will effectively remove one permanent access from the A54.

The Highways Engineer states that the proposed layout uses geometry and dimensions from the CCC 1996 Design Aid for housing roads and this is not seen as inappropriate given this design was used for the existing estate link. Within the site the design includes for feature tables and this aspect of the development layout acknowledges the design principles from Manual for Streets. The Highways Engineer confirms that this 'combined approach is acceptable where an existing residential estate is being extended and it does allow particularly good footpath links throughout the site'.

According to the submitted plans each of the proposed plots has sufficient space to provide off street parking in compliance with the Borough Councils adopted residential standards. Therefore, whilst the concerns of local residents are duly noted, in light of the above, and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained. It is considered that the proposal complies with policy GR9.

Education

The Education Officer's comments had not been received at the time of report preparation. However, in this instance, given that the previous approvals on the site, which were for a greater no. of dwellings, and could still be implemented, did not carry such a requirement. Also given the viability issues on the site, an education contribution would result in the other contributions being reduced accordingly or the scheme being rendered unviable. This would prevent the site from coming forward which would adversely affect housing land supply and would increase pressure to develop greenfield sites elsewhere.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the

development. As explained within above, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable. On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

Other Matters

Issues relating to the loss of property values are not material planning considerations and as such are not sufficient justification to warrant a refusal of the application.

Another concern of the objectors is builder's vehicles blocking local resident's drives and causing other problems in the locality for residents. Again, concerns of the objectors are noted and it is appreciated that it is not uncommon for such problems to occur during the construction periods although these tend to be for limited periods of time and are therefore not considered reasonable grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, this is a matter to be dealt with by the Police; the planning system is not intended to duplicate other legislation. The objector is also concerned about debris being left on the road as the properties are being constructed. It is considered given the nature and scale of the proposal and the constrained plot size any conditions relating to wheel wash facilities are unreasonable.

Conclusion

The proposed scheme is a full application and the applicant is proposing on erecting 83no. dwellinghouses together with associated works. The site already benefits from planning permission for residential development following approval of planning applications 07/1452/FUL for 88 (renewed under 10/0924C and 09/0809C) and 93 dwellings respectively. Consequently, the principle of residential development has clearly been established and given that those consents remain extant, this application does not present an opportunity to revisit that issue.

The proposed development would not have a detrimental impact upon highway safety or traffic congestion and the Strategic Highways Manager has secured a number of off-site highway works to ensure that this is the case.

The layout, design and scale of the proposed dwellings are considered to be appropriate. The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, and trees/landscape. Matters of noise and archaeology can be adequately dealt with through the use of appropriate conditions. Given the previous approvals and the viability issues on this site it is not considered to be reasonable to require an education contribution in this instance.

The development would now provide 23% affordable housing and will be split on the basis of 12no. apartments for affordable rent and 7no. dwellinghouses for shared ownership. Although this is below the policy requirement of 30% a robust viability assessment has been submitted to support this level of provision. Also, the proposal will provide family homes rather than 1no. bedroom flats as previously proposed as part of the approved scheme. This will better meet the demand locally and the needs of the RSL's operating in the area. It is acknowledged that there is a deficit in the provision of Public Open Space on the site. However, the upgrading of

the infrastructure at Fountain Fields via a financial contribution will increase the capacity to benefit the new development. The enhancement of the LEAP facility at Angus Grove will benefit the development and the local community.

Therefore in the light of the above, having due regard to all other matters raised it is concluded that the development complies with the relevant local plan policies and in the absence of any other material considerations to indicate otherwise it is recommended for approval subject to signing of a Section 106 agreement and conditions.

RECOMMENDATION: APPROVE subject to the following conditions and the satisfactory completion of a S106 Agreement comprising;

Heads of terms

- **Provision of 23% affordable housing (19 no. units comprising of 12no. two bedroom apartments, 4no. three bedroom houses and 3no. two bedroom) split on the basis of 63% social rent (12 units) and 37% intermediate tenure (7 units) as per requirements of the Interim Planning Statement;**
- **Provision for a management company to maintain the onsite amenity space;**
- **Submission of a method statement and drawing(s) to show how the allotments will be constructed and the provision of a management company to maintain them;**
- **The developer will provide a contributory sum to the upgrade of existing estate footway links and the approaches to the Puffin crossing on the A54 Holmes Chapel Road. The sum of money is estimated at £7500 for the high friction surface and £10000 for upgrades to connecting footways and provision of a small amount of lighting. The total sum will be £17500;**
- **The developer will provide a sum of £12,500 for the upgrade of two local bus stops to quality partnership facilities;**
- **A commuted sum payment of £112,717.65 to enhance and maintain the LEAP facility at Angus Grove; and**
- **A commuted sum payment of £36,144.67 to enhance and maintain the capacity of existing amenity greenspace.**

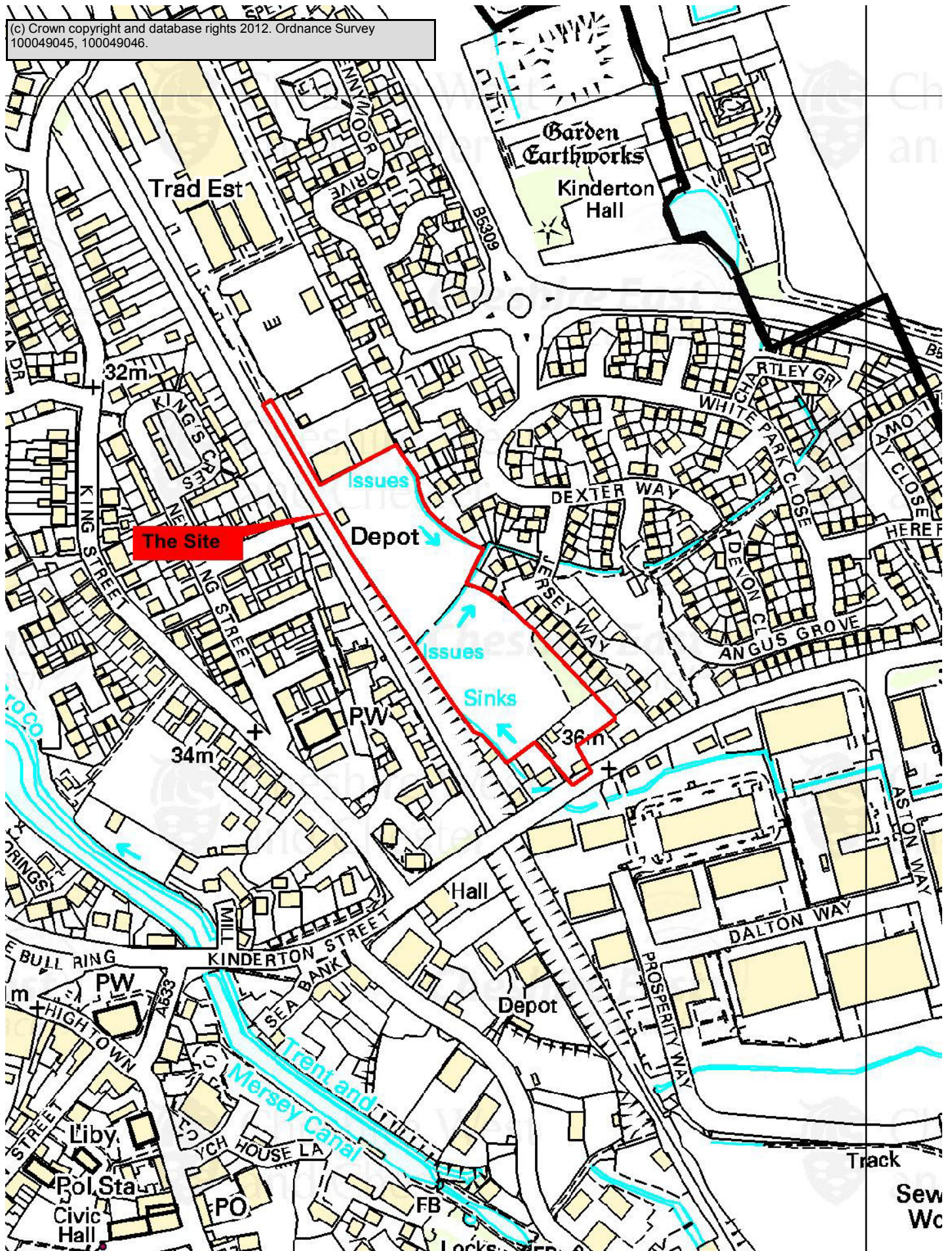
And the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials to be submitted and approved by the Local Planning Authority**
- 4. Details of the surfacing materials to be submitted and approved in writing by the Local Planning Authority**
- 5. Boundary treatment details to be submitted and approved in writing by the Local Planning Authority**
- 6. Details of a Landscaping scheme to be submitted and approved in writing by the Local Planning Authority**
- 7. The approved landscaping scheme to be implemented.**
- 8. Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year.**

9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including house sparrow and swifts. Such proposals to be agreed by the LPA.
10. Remove PD Rights for extensions and alterations to the approved dwellings
11. Drainage scheme to be submitted and approved in writing by the Local Planning Authority
12. All services to be located underground, unless otherwise agreed in writing with the Local Planning Authority
13. Parking to be made available prior to occupation
14. Construction management plan to be submitted and approved in writing prior to the commencement of development
15. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (to consist of excavation, recording, reporting, and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
16. Submission/approval/implementation of external Lighting
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Campbell Reith Hill
18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
19. Details of the Footpath connection to Holmes Chapel Road to be submitted and agreed in writing. Footpath to be constructed prior to the first occupation of the dwellings, unless otherwise agreed in writing
20. All Windows/Doors in the development hereby approved to be set behind a 55mm reveal
21. Scheme for Water Course Protection
22. Eco Homes 'Very Good Standard' or 2 Star Code for Sustainable Homes
23. Hours of construction:
Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1400 hours
Sundays and Bank Holidays Nil
24. Pile Foundations
Monday to Friday 0830 to 1730 hours
Saturday 0830 to 1300 hours
Sundays and Bank Holidays Nil

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.

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



Application No: 12/1310N

Location: SOUTH VIEW EQUESTRIAN CENTRE, WINSFORD ROAD,
WETTENHALL, CHESHIRE, CW7 4DL

Proposal: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR
AN EXISTING USE OR OPERATION OR ACTIVITY INCLUDING THOSE
IN BREACH OF A PLANNING CONDITION

Applicant: MR CHARLES BRITTON

Expiry Date: 28-May-2012

SUMMARY RECOMMENDATION: For Members to comment on the application

MAIN ISSUES:

- Purpose of the report;
- Decision Required;
- Site Description and Details of Proposal;
- The Proposal
- Conclusions

1.0 Purpose of Report

- 1.1 This application is to be determined under delegated powers. However, a call in request has been made by Cllr Michael Jones on the grounds that *'This is a controversial site with a clear alignment away from current planning permission. It is argued that the lawfulness is not continuous with the site history, in that members should be aware that highways issues, usage issues have all changed substantially since the new ownership, which is less than the claimed period'*.
- 1.2 The decision on these applications is taken purely on factual information, without any regard to suitability or whether or not planning permission would have been granted. The legal test of the evidence is on "the balance of probability". Therefore such applications are delegated to the Head of Development, however given the level of interest in this site, the Head of Development is seeking "**consultation**" with Southern Planning Committee to allow any views to be expressed.

2.0 Decision Required

- 2.1 To note the content of this report and to provide comment to the Planning Officer.

3.0 Site Description and Details of Proposal

- 3.1 The application relates to South View Equestrian Centre and comprises an indoor arena, 2 ménages, stables, ancillary residential accommodation and car parking. The application site is located wholly within the open countryside.
- 3.2 An application has been made for a Lawful Development Certificate for an Existing Use or Operation or activity including those in breach of condition. The applicant claims that the development is immune from enforcement action because no such action has been taken within the time limit specified under section 171B of the 1990 Act. In the case of breach of conditions the time limit to take enforcement action is 10 years. For the purposes of a CLEUD application this is the period of 10 years prior to the date of the application i.e. 2nd April 2012.
- 3.3 There are 3 no. conditions which were attached to permission 7/15644 (use as an equestrian centre) and the applicant claims that they have breached the following conditions over a continuous 10 year period.

Condition 7

The use shall be limited to the months of September to March Inclusive

Condition 8

The use shall not be open to the general public but by invitation

Condition 9

There shall be no more than 50 vehicles of any kind at any event

- 3.4 In addition to the above there are a number of other breaches of planning control, which the applicant has confirmed that they will be submitting a separate application or CLEUD.

4.0 Proposals

Evidence Submitted by the Applicant

- 4.1 In support of the application Statutory Declaration from Charles Britton provides detailed evidence and personal recollections of his use of the site from 1995 to date. This includes his use as a visitor to competitions and events between 1995 and 2005 prior to him purchasing the site. It also includes detailed evidence of the operation of the site. It also includes detailed evidence of the operation of the site since it was purchased by Mr. Britton (and his partner) in 2005
- 4.2 Since 2005 Mr. Britton confirms that the site has continued to operate all year including the months of April, May, June, July and August in breach of condition no. 7. He also confirms that every year since 2005 on many occasions there have been over 50 vehicles at events. Therefore, both between 1995 and 2005 to date Mr. Britton gives

first hand evidence of the continued operation of the site in breach of conditions 7, 8 and 9.

Additionally, further supporting documents include:

- A letter from Nantwich Riding Club confirming that they have used South View Equestrian Centres Facilities between October and April Annually since 1996;
- A letter from the Welsh Ponies and Cobs Society confirming that they had two shows a year up to 2010 (one on Easter Monday and one on the second week in May). They confirm they regularly had between 70 and 100 horse boxes and trailers. The writer confirms that as a judge and competitor they have attended the venue for over 20 years and therefore give first hand evidence to corroborate the Statutory Declaration of Mr. Britton;
- A letter from the former Chairman of East Cheshire Combined Training Group which confirms that she attended events over the summer and winter months between 1992 and 2001;
- A letter from Mr. Williams who confirms attendance at the site for over 20 years and that this included annual events held in the summer;
- A letter from the District Commissioner for the Cheshire Hunt South Branch of the Pony Club confirming high levels of attendance at annual events with reference to over 100 transporters/ponies plus cars;
- Letter from the owner of New Farm bed and breakfast confirming use both in winter and summer over the last 20 years;
- Letter from Michael Marren (Master Saddler) confirming attendance over 19 years at events in both summer and winter
- Letter from Pauline Woodward confirming use since 1992 and referring to events and training in the summer months;
- Letter from Mr. and Mrs Corke (immediate neighbours) confirming that they have lived there for 19 years. They confirm that over the 19 years they have been fully aware of events being run over the summer as well as winter months;
- Letter from Margaret Shaw (British Show Jumping Official/Judge/Freelance Reporter) who confirms she has attended South View Equestrian Centre every year, throughout the year since 1989. She also refers to year round activity;
- Letter from Caroline Hollinshead who confirms she attended the centre since 1989 and that events are held throughout the year and on numerous occasions the events car park had at least 60 vehicles.

Representations made through Consultation

4.3 The Cholmondeston and Wettenhall Parish Council have the following comments to make:

- There has been a considerable increase to the number of events held at Southview over the past 2 years, in particular. This has had a knock on effect to the level of heavy traffic (namely horseboxes) using the local roads in the Parish.
- Due the increased traffic volume, we are concerned about the rise in deterioration of the roads, which are local roads not meant for 7.5ton & HGV horseboxes.

- The increased number of events held at Southview is clearly a breach of the original planning application. There appears to be an event every weekend with in excess of the 50 vehicle limit using the car park.
- The noise created from the external tannoy system is a cause of considerable irritation to many of the local residents.

4.4 One letter of representation received from the occupier of The Oaklands. The salient points raised are as follows:

- My property is next door to the facility and I therefore observe and suffer from the increased noise, litter and loss of privacy. Since Mr. Britton acquired the property he has constructed several all weather surfaces on what were previously grassed paddocks. This has enabled him to commence to run shows outdoors, in all weather, which would have been impossible prior to their construction. He has now installed an outdoor public address system which has made the noise levels intolerable;
- When the events were limited to the winter months between September and March, and held indoors, the summer months were relatively quiet. Now, from early morning to late at night there are constant announcements and the ringing of bells every time a horse enters the ring or is eliminated. Whilst this is for the benefit of the travelling competitors who use the facility, it has greatly reduced the quality of life for the residents of what was previously a quiet, rural location;
- The recent May bank holiday has, in the past, and weather permitting, been a time spent outdoors with family and friends enjoying the surrounding in which I live. Since the increased activity at Southview more and more time is spent picking up litter.

4.5 A letter of representation received from Mr. Ellison (agent acting on behalf of Mr. and Mrs. Moss of Peacocks, Winsford Road, Wettenhall).

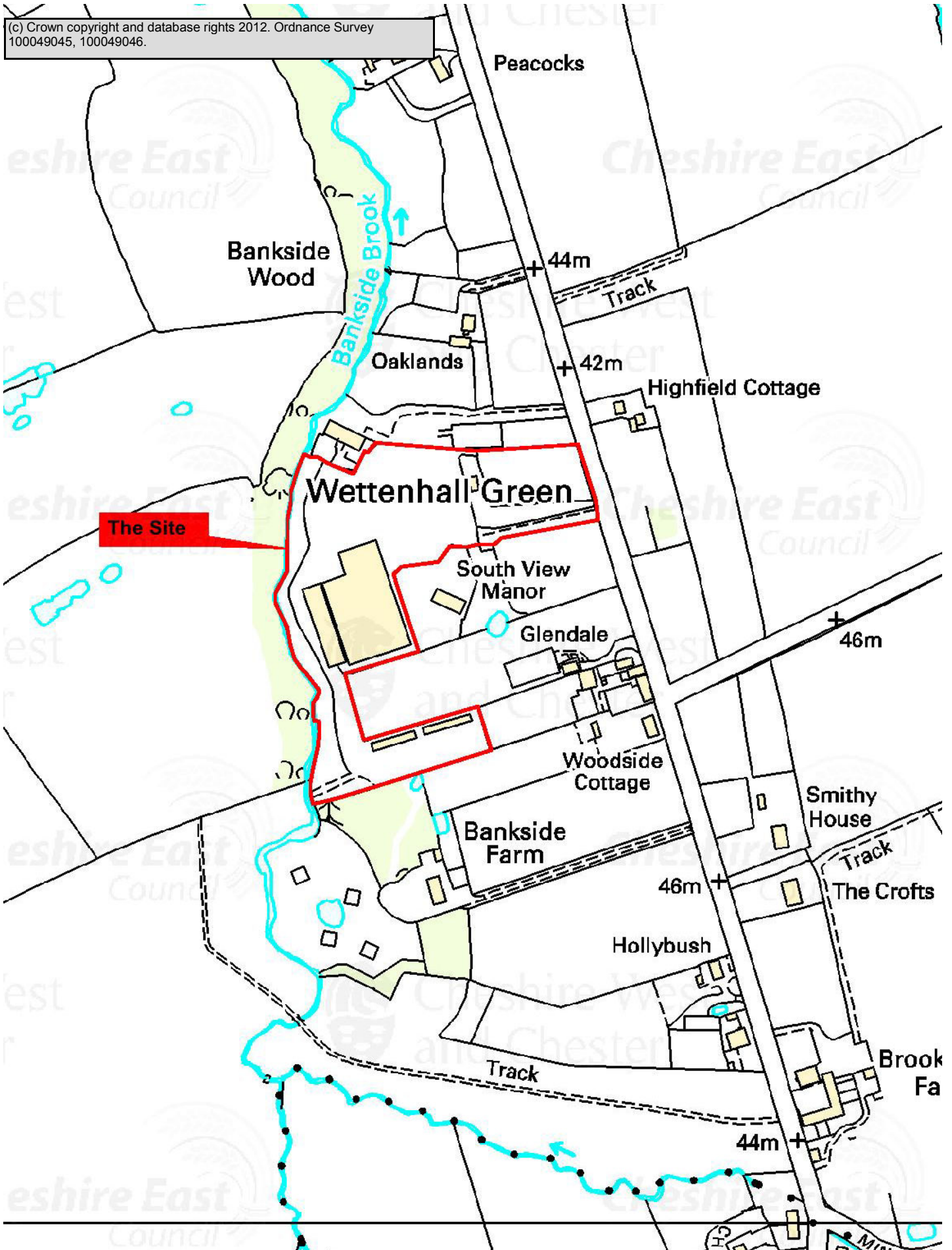
- This claims that every year since 2005 SVEC has been operated all year round including activity and events held in April, May June, July or August;
- Mr Britton also states that from 1995 to 2005 he competed and /or attended as a competition horse owner and spectator regularly and throughout the year at the centre at a number of events which were primarily show jumping events run under the rules of the BSJA. His family also took part in unaffiliated events, with him, his family and staff employed in the care of horse and ponies jumped at these events and pony club organise events and later in BS show jumping events. He cites Exhibit 1 in support of an event attendance at events.
- There is also a note regarding an event he attended in the summer months but it is undated and provides no evidence related to it.
- It is stated that since its inception the centre has run a full British Show jumping affiliated calendar throughout the year. He cites Exhibit 19 as a list of BS events and exhibit 20 from 1991 highlighting a leaflet with a high level of international events.
- The Statutory Declaration of Linda Wright. The first page is exactly the same as that of Mr C Britton and much of the rest of the document is very similar. It provides no new evidence. It relies on the records in exhibit 1 which as has already been stated do not confirm continuous use throughout the year.
- The Statutory Declaration of J A Maguire. The first page is very similar to that of the previous two Statutory Declarations. It provides no evidence at all to justify a

continuous breach of conditions 7, 8 and 9 but merely states that the breaches have been continuous. This document cannot be relied on at all and should be completely discounted.

- There are substantial gaps in the applicants records and as such it cannot be proved that there is a continuous breach of the aforementioned conditions
- A number of the letters/documents submitted are not signed and undated and the amount of weight which can be given to these documents must be significantly reduced;
- A number of people that stated they have competed at the various events or attended them have not provided any dates. Therefore, this evidence is unclear, ambiguous and imprecise;
- It is claimed that every year since 2005 SVEC has been offered for use by the general public, with events open and not by invitation in breach of condition 8. Mr Britton received no invitation to all the events he attended and which were generally advertised.
- "None of the events have been by invitation only but are published generally" in various locations, with general diary listings and detailed schedules of events around horse related locations and on horse event web sites.
- No such advertising material or copies of notices, flyers etc. have been submitted with the application so there must be some uncertainty over the promotion and marketing of such literature and what it actually said by way of advertising such events;
- Statutory Declaration of Linda Wright. Similar unsubstantiated claims are made in this document." I received no formal or personal invitation but the event was openly and generally advertised." No examples of distributed or on site advertising material are submitted which confirm that events are open to the general public, no copies of rules of Governing bodies included or their event listings.
- In none of the exhibits is the any reference to whether the events were open or by general invitation. It would be expected that due to the quality and significance of such events that competitors would be invited to attend as it would be unreasonable for a member of the general public to expect to take part in such events. In addition to ensure the viability of such events and make sure they are attended by quality participants, invitations would surely have been sent out by SVEC to guarantee that the event took place. Surely it would have been part of the requirements of the BSJA when tenders were submitted by SVEC especially if these were International or Olympic qualifying events to ensure the right competitors attended.
- There is no factual evidence to support the claims that over 50 vehicles were parked at the various events

5.0 Conclusion

- 5.1 The Committee is invited to *make comment* on the application, but should be aware that the planning merits of the activities being carried out at the site are not for consideration. Furthermore, the decision of whether a positive certificate should be issued shall ultimately be made by the Head of Development. Comments should be submitted by 22 June 2012.



Application No: 12/0874C

Location: Firlands, 36, BLACK FIRS LANE, SOMERFORD, CONGLETON, CW12 4QQ

Proposal: Outline Application for the erection of 2No. Detached 2 - 2.5 storey residential dwellings with garages.

Applicant: G Jackson

Expiry Date: 26-Apr-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:**Principle of Development**

- (i) National Policy
- (ii) Housing Land Supply
- (iii) Appeal Decision

Design Considerations**Trees****Highways****Residential Amenity****Neighbouring Amenity****1. REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Congleton.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.4 ha parcel of land, to the side of the garden associated with the property known as Firlands, which is located at the edge of development on the eastern side of Black Firs Lane in Congleton. It occupies a frontage to the road of some 60 metres which hosts a belt of mature trees and planting, which is afforded protection by the Blackfirs Lane, Congleton TPO 1990. Open fields reside to the east. The site lies outside of the Congleton Settlement Zone Line and just outside of the Infill Boundary Line for Somerford. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 2 detached dwellings on land associated with the property referred to as 'Firlands', 36 Black Firs Lane, Congleton. All matters relating to access, appearance, landscaping, layout and scale are reserved for consideration at a later stage. As such, this application seeks to establish the principle of 2 new units on the site.

4. RELEVANT HISTORY

11/0394C - Outline Application for the Erection of 2no. Detached 2-2.5 Storey Residential Dwellings with Garage – Refused and Allowed at Appeal 14.06.2011

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 – Design

GR6 – Amenity

GR9 - Accessibility, Servicing & Parking Provision

H1 & H2 - Housing Land Supply

H6 - Residential Development in the Open Countryside

NR1 – Trees and Woodland

NR2 - Wildlife & Nature Habitats

SPG2 - Private Open Space in New Residential Developments

SPD14 – Trees and Development

6. CONSIDERATIONS (External to Planning)

Highways:

No objection subject to conditions requiring submission of an amended plan which details visibility splays provided commensurate to the speed limit at this point on Black Firs Lane.

Environmental Health:

No objection subject to conditions and informative relating to construction hours (including piling) and land contamination.

Jodrell Bank:

No objection subject to a condition requiring inclusion of materials aimed at reducing electro-magnetic interference.

7. VIEWS OF THE SOMERFORD PARISH COUNCIL

No objection

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement
Planning Statement
Access Plan (Amended)
Tree Survey

10. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These include changes in national policy, housing land supply and a recent appeal decision for a similar development next to the site.

(i) National Policy

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

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

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

(ii) Housing Supply

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) identifies that, at 31st March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level (3.9 years). In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as well as other smaller towns provided they are small scale and appropriate and sustainable.

The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension. With respect to sustainability, the site is located on the extremities of Congleton, but is still within walking distance of local amenities and public transport and is thus considered sustainable.

(iii) Appeal Decision

The site is adjoined to the south by a similarly sized parcel of land associated with the property known as Oak House. Recently, the Council refused a similar outline application for the erection of 2 dwellings, as the principle of development was deemed to be at variance with local plan policy, the Interim Planning Policy on the Release of Housing Land and the Councils general spatial objectives to direct the majority of new development towards Crewe.

An appeal was subsequently lodged against this decision, and the appeal was allowed. The Inspector concluded that the small scale nature of the development and its relatively sustainable location would mean that approval of the development would not undermine the housing objectives and the spatial vision for the area. The inspector went on to say the proposal would make a small, but valuable contribution towards helping the authority reduce its undersupply of housing within the borough and would tie in with the existing pattern of development in the area. As such, having regard to ‘other material considerations i.e. national policy, housing supply and the cited appeal decision, it is considered that approval of this small scale development would be acceptable in principle.

Design Considerations

All matters are reserved for future consideration and therefore at this stage, full consideration cannot be given to the design of the scheme. In terms of character, to the south of the site, Blackfirs Lane is characterised by a linear form of development with properties of varying size and style. The proposal would continue this linear form of development.

The properties immediately to the south of the site are well-proportioned detached two-storey dwellings with some accommodation within the roof space. This proposal is supported by some indicative elevations, which would replicate the style and form of the adjacent dwelling known as 'Oak House' and those allowed at appeal under planning ref; 11/0394C. The proposals would be commensurate in terms of size and scale parameters, but this detail would be considered and controlled as part of a reserved matters application.

Trees

Trees to the south and west of the site lie within the Congleton Borough Council Blackfirs Lane TPO 1980. The submission includes a tree survey based on the indicative layout provided. It would be essential to ensure that comprehensive tree protection measures were employed, with the access retained on its present route and a no dig surfacing method utilised. Nonetheless, based on the layout provided and subject to comprehensive tree protection measures, it would be possible to accommodate 2 dwellings on the site without harming the health or amenity values of the trees comprising the TPO.

Highways

Although access is reserved for subsequent approval, the applicant has submitted an indicative layout proposing a single point of access in the far southwestern corner of the plot where there is already a vehicular access. A plan has been submitted detailing visibility splays in both directions. The Strategic Highways Manager has offered no objection to this proposal subject to a condition requiring an amended plan to be submitted in accordance with some specified junction requirements. Such junction requirements would be achievable without harm to the TPO trees on the site. The Strategic Highways Manager has offered no objection to this proposal. As such it is considered that an appropriate access could be achieved from the site at the reserved matters stage compliant with the aims of policy GR9.

Neighbouring Amenity

Given that the application has reserved layout and appearance for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the only property that could potentially be affected by the proposal would be the applicant's property to the north 'Firlands' and the properties approved at appeal to the south which have yet to be built.

The properties approved to the south were in outline form, and therefore the precise position of windows has yet to be agreed. Nonetheless, provided both proposals front Blackfirs Lane, their principal windows should not face one another and as such issues of overlooking, overshadowing and visual intrusion can be avoided. This will be controlled at the reserved matters stage.

According to the indicative layout, the applicant's property to the north (Firlands), would benefit from a separation greater than 21.8 metres, which is the minimum specified between principal main windows. As such, the amenity afforded to Firlands would not be unduly harmed. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

11. CONCLUSIONS AND REASONS TO APPROVE

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance. These include the recent changes in national policy, the council's under delivery of housing in the borough and the recent appeal decision on the site next door. The site is considered sustainable being sited on the edge of Congleton and the small scale nature of the proposals would not undermine the council's spatial vision. It is considered that the principle of development is acceptable.

The proposal would continue the linear form of development in the area and would not materially harm the amenity afforded to the neighbouring properties including those recently permitted. The proposal would not lead to or exacerbate existing traffic problems. Subject to conditions, the proposal would not prejudice trees protected under TPO. The proposal is deemed to be in compliance with relevant development plan policies and the adopted National Planning Policy Framework and as such is recommended for approval.

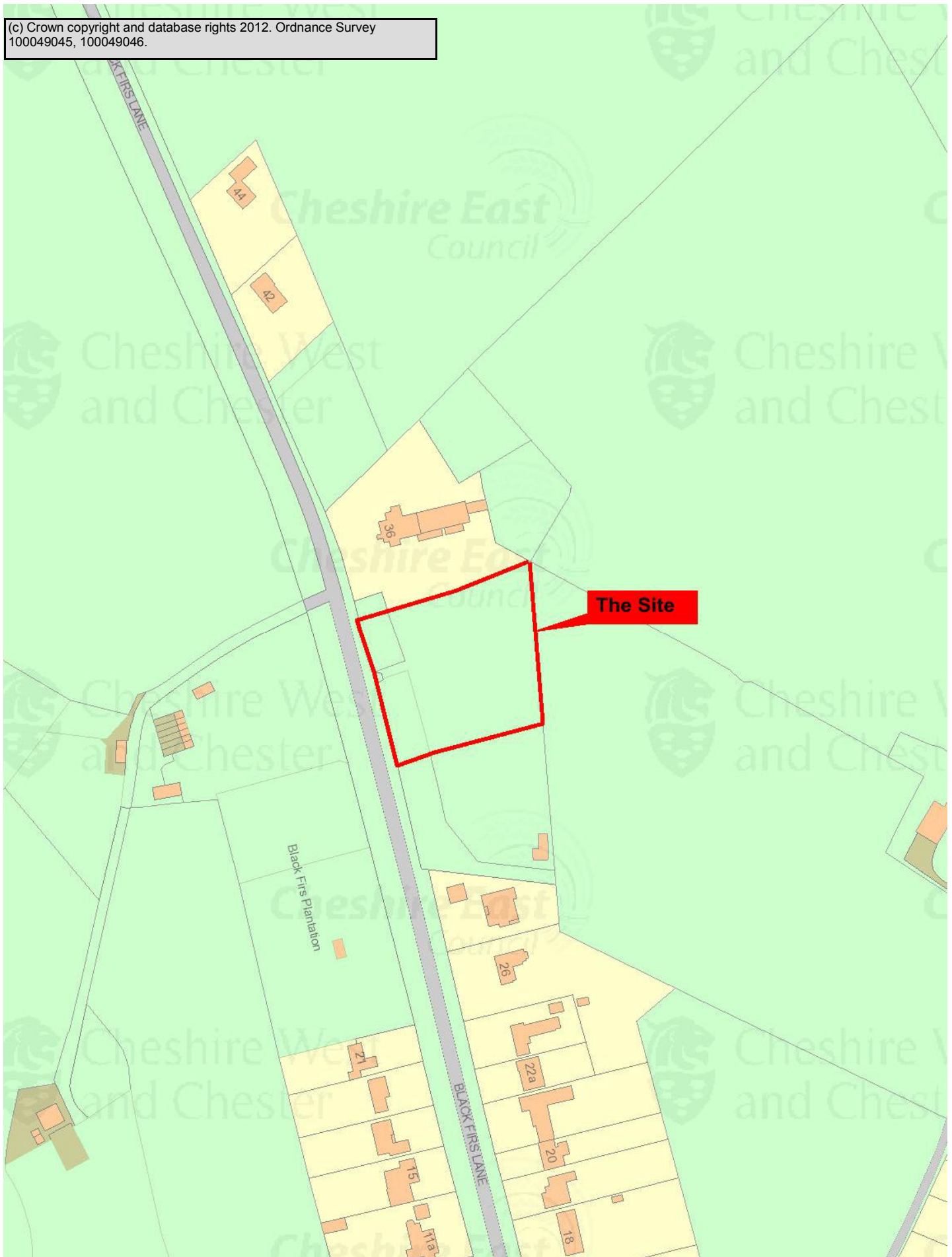
12.RECOMMENDATION:

APPROVE subject to the following conditions:

Conditions

- 1. The reserved matters shall be submitted prior to the commencement of development**
- 2. The reserved matters shall be submitted within 3 years**
- 3. Development shall commence within 2 years of approval of reserved matters**
- 4. The reserved matters shall include measures for retention of trees shown as protected and retained in accordance with submitted Tree Survey**
- 5. No tree works until approved tree protection measures are in place**
- 6. Tree Protection measures**
- 7. Development to be carried out in accordance with approved tree protection measures**
- 8. Construction hours limited (inc piling)**
- 9. Removal of Permitted Development for extensions and outbuildings (Classes A-E)**

(c) Crown copyright and database rights 2012. Ordnance Survey
100049045, 100049046.



This page is intentionally left blank

Application No: 12/0864C

Location: LAND ADJ BARLEY ORCHARD, 42, BLACK FIRS LANE, SOMERFORD, CONGLETON, CW12 4QQ

Proposal: Proposed Detached House and Garage (Outline)

Applicant: Daniel Taylor Limited

Expiry Date: 25-Apr-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:**Principle of Development**

- (i) National Policy
- (ii) Housing Land Supply
- (iii) Appeal Decision

Design Considerations**Highways****Residential Amenity****1. REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Congleton and outside of the limits of the Infill Boundary Line of Somerford.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.2 ha parcel of land, positioned to the southern side of the property known as Barley Orchard, which is located at the edge of development on the eastern side of Black Firs Lane in Congleton. It occupies a frontage to the road of some 55 metres which is lined with a mature hedge. To the south is the property known as 'Firlands', which is subject to the application which Members are also considering under planning ref, 12/0874C. Open fields reside to the east. The site lies outside of the Congleton Settlement Zone Line and just outside of the Infill Boundary Line for Somerford. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission, with access, is sought for the erection of a single detached dwelling and garage on land associated with the property referred to as 'Barley Orchard', 42 Black Firs Lane, Congleton. The proposal will be served by an existing vehicular access located in the southwest corner of the plot. Matters relating to appearance, landscaping, layout and scale are reserved for consideration at a later stage. As such, this application seeks to establish the principle of one new unit on the site.

4. RELEVANT HISTORY

11/0394C - Outline Application for the Erection of 2no. Detached 2-2.5 Storey Residential Dwellings with Garage – Refused and Allowed at Appeal 14.06.2011

28238/1 – Proposed Single Dwelling

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 – Design

GR6 – Amenity

GR9 - Accessibility, Servicing & Parking Provision

H1 & H2 - Housing Land Supply

H6 - Residential Development in the Open Countryside

NR2 - Wildlife & Nature Habitats

SPG2 - Private Open Space in New Residential Developments

6. CONSIDERATIONS (External to Planning)

Highways:

No comments received.

Environmental Health:

No objection subject to conditions and informative relating to construction hours (including piling) and land contamination.

Jodrell Bank:

No objection subject to a condition requiring inclusion of materials aimed at reducing electromagnetic interference.

7. VIEWS OF THE SOMERFORD PARISH COUNCIL

No objection

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement

9. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These include changes in national policy, housing land supply and a recent appeal decision for a development further along Black Firs Lane to the south.

(i) National Policy

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

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

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer

of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

(i) Housing Supply

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) identifies that, at 31st March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level (3.9 years). In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as well as other smaller towns provided they are small scale and appropriate and sustainable.

The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension. With respect to sustainability, the site is located on the extremities of Congleton, but is still within walking distance of local amenities and public transport and is thus considered sustainable.

(ii) Appeal Decision

The site is adjoined to the south by a large two-storey property referred to as ‘Firlands’. Beyond this is the site subject to application 12/0874C, also being considered by Members, and similarly sized site associated with the property known as Oak House. Recently, the Council refused an outline application for the erection of 2 dwellings on the Oak House site, as the principle of development was deemed to be at variance with local plan policy, the Interim Planning Policy on the Release of Housing Land and the Councils general spatial objectives to direct the majority of new development towards Crewe.

An appeal was subsequently lodged against this decision, and the appeal was allowed. The Inspector concluded that the small scale nature of the development and its relatively sustainable location would mean that approval of the development would not undermine the housing objectives and the spatial vision for the area. The inspector went on to say the proposal would make a small, but valuable contribution towards helping the authority reduce its undersupply of housing within the borough and would tie in with the existing pattern of development in the area. As such, having regard to ‘other material considerations’ i.e. national policy, housing supply and the cited appeal decision, it is considered that approval of this small scale development would be acceptable in principle.

Design Considerations

All matters relating to layout and appearance are reserved for future consideration and therefore at this stage, full consideration cannot be given to the design of the scheme. In terms of character, to the south of the site, Black Firs Lane is characterised by a linear form of development with properties of varying size and style. This linear form will be continued by the

appeal scheme mentioned earlier and the application being considered under planning ref; 12/0874C.

This site presents the last opportunity to infill the linear pattern of development; as beyond number 44, development terminates and open fields dominate. Thus, the proposal would continue and complete this linear form of development on the east side of Black Firs Lane.

The properties immediately to the south of the site are well-proportioned detached two-storey dwellings with some accommodation within the roof space. The indicative layout shows that the proposals would be commensurate with neighbouring developments in terms of size and scale parameters. Nonetheless, this detail would be considered and controlled as part of a reserved matters application.

Highways

This application proposes a single point of access in the far southwestern corner of the plot where there is already a vehicular access. The Strategic Highways Manager has not commented on this application. However, the proposal will only serve one dwelling, and there is sufficient distance between the edge of the highways and the position of the gate to improve visibility for emerging vehicles from the site. Nonetheless, confirmation will be sought from the Strategic Highways Manager, and this will be reported by way of an update.

Neighbouring Amenity

Given that the application has reserved layout and appearance for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the only properties that could potentially be affected by the proposal would be those either side i.e. Barley Orchard and Firlands to the north and south respectively.

The properties approved to the south were in outline form, and therefore the precise position of windows has yet to be agreed. Nonetheless, both the Firlands and Barley Orchard benefit from a decent separation with the boundaries to the site. Provided both dwelling fronts Black Firs Lane, its principal windows should not face these neighbouring properties and as such issues of overlooking, overshadowing and visual intrusion can be avoided. This will be controlled at the reserved matters stage. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

11. CONCLUSIONS AND REASONS TO APPROVE

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance. These include the recent changes in national policy, the council's under delivery of housing in the borough and the recent appeal decision nearby. The site is considered sustainable being sited on the edge of Congleton and the small scale nature of the proposals would not undermine the council's spatial vision. It is considered that the principle of development is acceptable.

The proposal would continue and terminate the linear form of development in the area and would not materially harm the amenity afforded to the neighbouring properties including those recently permitted. The proposal would not lead to or exacerbate existing traffic problems but the suitability of the access will be confirmed and updated to Members. The proposal is deemed to be in compliance with relevant development plan policies and the adopted National Planning Policy Framework and as such is recommended for approval.

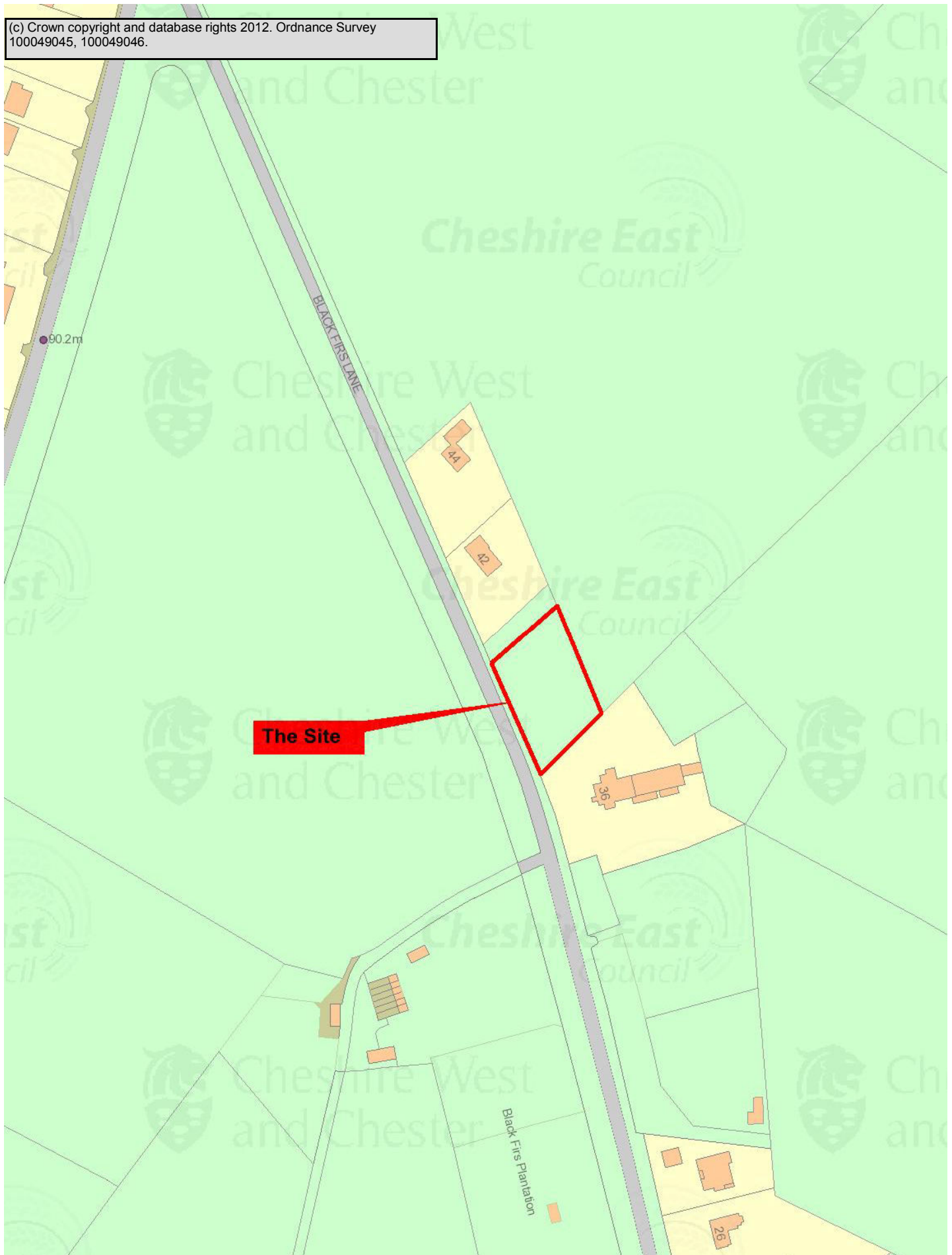
12.RECOMMENDATION:

APPROVE subject to the following conditions:

Conditions

- 1. The reserved matters shall be submitted prior to the commencement of development**
- 2 The reserved matters shall be submitted within 3 years**
- 3. Development shall commence within 2 years of approval of reserved matters**
- 4. Access plan to be submitted**
- 5. Construction hours limited (inc piling)**
- 6. Removal of Permitted Development for extensions and outbuildings (Classes A-E)**

(c) Crown copyright and database rights 2012. Ordnance Survey
100049045, 100049046.



This page is intentionally left blank

Application No: 12/1454N

Location: LAND OFF STONELEY ROAD, CREWE

Proposal: Proposed Telecommunications Base Station Comprising 15m High Slim Column, Associated Antennas, 2No. 300mm Diameter Dish Antennas, 1No. Equipment Cabinet and Associated Landscaping and Ancillary Development

Applicant: Vodafone Ltd

Expiry Date: 20-Jun-2012

SUMMARY RECOMMENDATION:

That details of siting design are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

MAIN ISSUES

- The design, siting and external appearance
- The exploration of alternative sites
- Health & Safety considerations

1. REASON FOR REFERRAL

This type of application is usually dealt with under delegated powers however this application has been called into Southern Planning Committee by Cllr David Newton on the grounds that the mast will represent a visual intrusion on the streetscene.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located some 40m back from the road frontage of Stoneley Road, within the Crewe Settlement Boundary. The proposal site is situated to the rear of 33 Stoneley Road on an area of grass land.

As part of the recently approved residential development to the rear of the proposal site the Cross Keys Public House is to be demolished which had a Vodafone base station on the roof. This will soon become decommissioned.

3. DETAILS OF PROPOSAL

This is an application for prior approval for the siting and appearance of a shared telecommunications base station on a monopole design with a shroud which measures 15m in total height. The proposal also includes 2no. 300mm diameter dish antennas, 1no. equipment cabinet and associated landscaping and ancillary development.

4. RELEVANT HISTORY

No relevant planning history

5. POLICIES

The relevant development plan policies are:

National Planning Policy Framework

Policies in the Local Plan

NE.18 – Telecommunications Development

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

6. CONSULTATIONS (External to Planning)

Environmental Health: No objections

Highways: No objections

7. VIEWS OF THE PARISH COUNCIL – N/A

8. OTHER REPRESENTATIONS:

A letter of objection has been received from the occupants of 33 Stoneley Road. The main issues raised are;

- Visual impact on home and life,
- Impact on views,
- Devaluation of property
- Health risks

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Technical Information

Site Specific Supplementary Information

General Background Information for Telecommunications Development

ICNIRP Declaration

10. OFFICER APPRAISAL

Principle of Development

This is an application for prior-approval under Part 24 of the General Permitted Development Order. The Local Planning Authority has 56 days beginning with the date on which it receives a valid application, in which to make and notify its determination on whether prior approval is required to siting and appearance and to notify the applicant of the decision to give or refuse such approval. There is no power to extend the 56 day period. If no decision is made, or the Local Authority fails to notify the developer of its decision within the 56 days, permission is deemed to have been granted.

Alternative Sites

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored.

The applicant states within the Supplementary Information document that 11 alternative sites have been considered as part of the selections process. These sites include the Horseshoe Hotel, Coppenhall Working Mens Club, Travis Perkins North Street, 55 – 57 Remer Street, Monks Coppenhall Primary School, North Street Methodist Church, The Bridge Inn, Stoneley Farm, Foden Farm, Land at Cross Keys, and Robert Eardley and Sons Coppenhall Garage. Largely

Most of the sites proposed have been discounted on lack of availability of the site from the site provider, on operation merit, and visual impact on a sensitive location. It is considered that suitable consideration has been given to alternative sites in the designated search area.

Siting, Design and Street Scene

The proposed installation has been designed as a slim line pole designed to mimic a telegraph pole. The pole would be set back from the road by 40 metres and positioned to the rear of existing dwellings. Being 15 metres in height which would make it taller than the surrounding lighting columns which are approximately 8 metres in height. Directly to the front of the proposed mast is a two storey dwelling with an approximate height of 9m. The proposal plans show the adjacent tree height to be 11.5m. Therefore the proposed mast will project 3.5m above the existing street frontages. The proposal will be most visible when viewed from the north on Stoneley Road when seen within the views of the single storey bungalows.

However, the proposed mast will be sited significantly back from the road frontage by 40m and therefore the overall impact of the height will be lessened when seen in views.

Paragraph 43 states that '*local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband*' and that '*equipment should be sympathetically designed and camouflaged where appropriate*'.

It is considered that in this case as the proposed mast is to be sited adjacent to an area of open countryside, albeit proposed for a housing development, some sympathetic camouflage could help to reduce the impact of the proposal. Camouflaging the mast in green or brown to help disguise it within the surrounding area may be more appropriate in this instance. A condition will be attached to any permission for details of a green and /or brown mast colours are submitted and approved in writing by the Local Planning Authority.

The proposed mast would sit taller than the existing telegraph poles and lighting columns in the vicinity, and the adjacent housing stock. The proposed mast will be most prominent when viewed from No.33 Stoneley Road however it is considered that the slim-line design of the mast will not have such a significant impact that it would create an overshadowing or overbearing impact on neighbouring amenity.

It is considered that the height would not have such a significant impact upon the character and appearance of the area or the street scene as to warrant the refusal of this application. The proposal would assimilate with existing street furniture as a result it would not appear as an alien or incongruous feature or out of scale within the locality.

Furthermore it is considered that the benefits of extending the telecommunications network in the area outweigh the limited visual impact of the proposed development upon the character and appearance of the area.

The proposed equipment cabinet is a minor form of development and would not raise any siting or design issues.

Health and Safety

In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines'. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Furthermore, the most recent guidance from the Government regarding mobile phone technology and health issues is outlines in the NPPF that '*Local planning authorities must determine applications on planning grounds.*' The paragraph then goes on to say, '(LPA's) should not... *Determine (applications on) health safeguards if the proposal meets International Commission guidelines for public exposure*' (para.46). It remains central government's responsibility to decide what measures are necessary to protect public health. In the Governments view, if a proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

It is noted that within the objections the perceived health risk to nearby residents has been raised however, given that the proposed installation clearly complies with the ICNIRP guidelines for public

exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

Highways

The Highway Officer has raised no objection to the proposed development. As a result it is not envisaged that the proposal would raise any highway safety implications.

Other issues

A letter of representation makes reference to the impact upon property prices. This issue is not a material planning consideration and cannot be considered as part of this planning application.

11. CONCLUSIONS

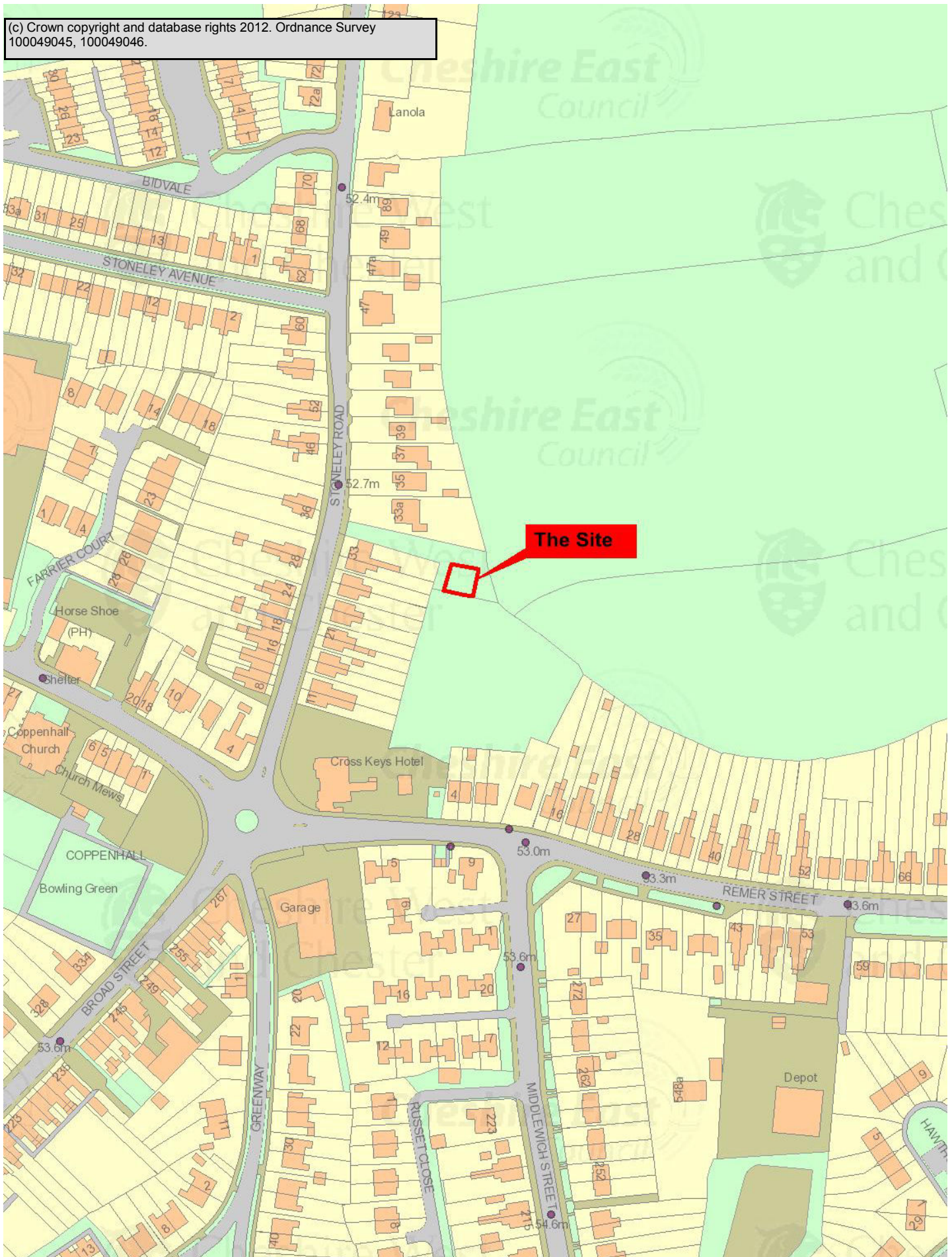
The siting of base stations is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for a number of reasons including technical coverage requirements, the proximity to residential properties and also the unwillingness of site owners to allow development on their land. Accordingly the proposal is not considered to appear as an alien or incongruous feature within the locality. It is considered that in this instance the proposed development is compliant with local and national policy.

12. RECOMMENDATIONS

RECOMMENDATION: That details of siting and design are required and that these details are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

1. Standard – 3 years
2. Monopole and antenna colour details to be submitted to and approved in writing by the LPA
3. Development to be completed in accordance with the approved plans

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



Application No: 12/0763C

Location: Ivanhoe, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access.

Applicant: Bloor Homes (North West) Ltd

Expiry Date: 05-Jun-2012

Summary Recommendation:-

- **Approve subject to Section 106 Agreement and Conditions**

Main Issues:-

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

REFERRAL

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

1. SITE DESCRIPTION

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

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

2. DETAILS OF PROPOSAL

Planning permission was granted in 2012 for the demolition of all the existing buildings on the site and the erection of 11 dwellings, including 3 affordable units. This is a revised application for the same number of dwellings, including the same level of affordable housing provision.

The proposed dwellings would be a mixture of two-storey detached and terraced properties. Five of the proposed dwellings, comprising a terrace of three units, and 2 detached properties, would front on to Holmes Chapel Road. Whilst the remainder, which are all detached houses, would be arranged around a either side of an access road / cul-de-sac to the rear.

3. RELEVANT PLANNING HISTORY

11/1498C	2012	Development of 11 dwellings inc. 3 affordable - Approved
36724/1	2004	Residential development – Refused
35428/1	2003	Residential development – Refused
23005/1	1991	One Bungalow Dwelling – Refused
13721/1	1981	One Dwelling – Refused

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

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

MCR4 – South Cheshire

Local Plan Policy

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTEES

United Utilities

- No comments received at the time of report preparation

Environment Agency

- No comments received at the time of report preparation

Highways

- This is a small infill, brownfield site which has an old existing use. The existing buildings would be demolished and the proposed development would be for 11 residential units, to include three affordable dwellings.
- The proposed access for this development is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale.
- The developer provided a revised Traffic Statement through their highway consultant which, which provides acceptable technical data and also includes a junction design of a scale and geometry that matches neighbouring and similar development.

- The traffic generation from a site of this small scale is low – even in a rural environment such as this one.
- It is clear that when compared with the adjacent and very similar development of Broomfield that this type of junction in this rural environment does operate safely.
- The revised traffic statement shows that there will only be a limited number of 7 two-way trips in the morning peak flow hour and 8 two-way trips in the evening peak hour.
- Clearly this level of traffic generation will have no material impact on the traffic capacity of the A54 and is acceptable to the Strategic Highways Manager as it is developed from robust trip rates.
- The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development.
- The Strategic Highways Manager finds the development proposal acceptable and recommends that the following conditions and informatives be attached to any permission which may be granted for this development proposal.
 1. Prior to first occupation the developer will construct and complete the proposed junction with the A54 Holmes Chapel Road in accordance with the requirements of the Highway Authority under a Section38 Agreement and in accordance with Savell Bird & Axson Drawing No: N01967/05 Rev A. This will form part of the off-site highway works.

Jodrell Bank

- No comment received at the time of report preparation.

Environmental Health

- The application area is adjacent to a former garage and as such there may have been migration of contamination to the application site from this former land use.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- Standard contaminated land condition recommended
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs, Saturday 08:30 – 13:00 hrs, Sunday and Public Holidays Nil

Greenspaces Officer

- No comments received at the time of report preparation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Somerford Parish Council

- Somerford Parish Council has no objection

Brereton Parish Council

- Brereton Parish Council strongly object to the application on the grounds of the site not being sustainable in line with the SHLAA. It also does not meet the current Revised Interim Planning Policy on the Release of Housing Land.
- The changes from the original planning application 11/1498c brings the proposed houses very close to the boundary line which in turn will affect the privacy of the Hollycroft residents.
- There is also concern regarding access onto the site, being accessed off the very busy A54 at a point which already has it's problems from both business and residents alike.
- They are also aware that the development may be a springboard for further development as Bloor homes already own a sizeable plot behind this land and this current application provides a road to this greenfield site.
- Whereas in June 2011 they had no comment on application 11/1498c and the use of infill land, this current application does not meet the criteria for those reasons stated above.

6. OTHER REPRESENTATIONS

Objections have been received from 14 addresses making the following comments:

Development as shown on Planning Application

- 11 houses is excessive for the size of plot
- Neighbouring developments of 'Hollycroft' and 'Broomfield' have between 5 and 7 dwellings on a similar site area.
- The resulting layout and density is not in keeping with neighbouring developments and will give the appearance of being 'shoe horned' between them.
- Proposed dwelling on Plot 1 will be only 2 metres from neighbouring garden boundaries. All of the other proposed houses will have gardens which back on to the existing gardens.
- If the houses stay in their current positions, the occupants of 8 and 10 Hollycroft will look onto a 2 storey brick wall, from all of their back windows
- The proposal will result in the loss of the screen of trees and shrubs on the southern boundary
- The application indicates that the existing hedging will be thinned, further reducing the limited privacy offered by the current hedgerow.
- These trees and shrubs are well established and 15-20 feet high.

- Neighbours require confirmation that the current screening of Privet and Hawthorn Trees (approx 15-20 feet high) will remain and not be destroyed
- If the development does go ahead and any of the trees are damaged or removed, they would want re-assurance that new planting will take place to the same height as is currently there,
- This area is also home to numerous birds and other wildlife and of course should not be destroyed.
- The lack of symmetry of the proposed development is clearly unfair, with 6 of the proposed houses overlooking Hollycroft and only 2 overlooking 'Broomfield'. How has this been decided as it seems very one sided?
- One of the proposed new houses is 3 storeys high, another 'eye-sore' like a tower above the roof-tops which will invade privacy.
- Neighbours will lose a serious amount of value from their property and may struggle to sell in the future.
- There would be disruption, noise and subsequent lower quality of living,
- Neighbours require a minimum payment of between £150,000 and £200,000 as compensation for the above issues, in particular with regards to the loss in value attributable to lack of privacy.
- Residents have total privacy from every aspect in their back gardens, and will lose this if the proposed development goes ahead and this will affect their current quality of living
- Residents selected their properties because they were not overlooked and an ideal spot to bring up a young family.
- The layout and density will provide limited parking and restrict service & delivery vehicles particularly as tandem rather than parallel parking is proposed for the driveways of Plot 6-9.
- No Visitor Parking Bays are provided adding further congestion at evenings & weekends.
- There is no objection to the removal of the large Sycamore tree sited on the boundary line at the rear of Hollycroft, in fact residents would welcome its removal as it is in an unsuitable position and is an unsightly tree which would also be detrimental to plot 1.
- Bloor Homes looked in to the feasibility to have mains gas piped to the development as opposed to the expensive LPG option as installed at the neighbouring Hollycroft and Broomfield sites. Residents would pay a contribution charge to have mains gas installed to the Brereton Heath area as an alternative to LPG.
- The immediate area already has a number of houses but there are no community facilities in the area. There are no shops and no community areas close by other than Davenport Church. The area lacks basic services. There is no gas supply, the electricity supply fails regularly and the telephone quality and bandwidth is appalling for this day and age. The very busy narrow A54 through the area restricts children being able to play and use bikes to visit friends. The Brereton Nature reserve is too far away and the road to it too narrow and heavily used to be considered to be a substitute for facilities near this site.
- Bearing in mind that there is a proposal in preparation, no doubt, for the agricultural field opposite Rose Cottages nearby, the area is in great danger of becoming overdeveloped for this quite rural setting.
- Residents have read the traffic safety report from the Strategic Highways function of Cheshire East Council. However, as regular users of the Broomfields junction with the

A54 they can not agree that this is a safe situation. It is very dangerous when moving out of Broomfields onto the A54 and the traffic generated by 11 more houses will make this even worse. Do we have to wait for someone to be killed before this issue is taken seriously?

- If development were to proceed at Ivanhoe then the noise restrictions proposed are inadequate. The area is a quiet rural one with many children and families wishing to exercise quiet enjoyment of their gardens. Both piling and construction should not be allowed on Saturdays as well as Sundays and Bank Holidays.

Potential Further Development on Adjoining Land

- Neither Bloor Homes nor the Council has informed residents of the full extent of the planning application.
- Concern that this development will lead to a domino effect of further development in the area to the North of this site (ie "behind" the site and next to the Brereton Heath Lane houses. What assurances can be given that this will not be allowed happen?
- Residents in Brereton Heath Lane were not informed of the development but are affected.
- Had residents on Brereton Heath Lane been informed, they would have had the opportunity to object to the Bloor Homes proposals given that they live to the west of the proposed development, their property backing onto the proposed extension of the current planned site.
- They do not feel that this matter has been handled in the appropriate manner by either the Council or by Bloor Homes and are disappointed not to have been given the opportunity to comment earlier in this process.
- The land around the area is a conservation site and the current planning application, if granted, will seriously affect the rural feel of the area and disrupt the natural wildlife which is abundant.
- Bloor Homes have purchased a significantly larger tract of land than suggested by the current planning application.
- The current application makes no reference to the extent of the land purchased by Bloor Homes, except in a single attached report (the Ecological Scoping Survey) which clearly shows a significantly larger site than is currently being sought to develop, which Bloor Homes obviously has in mind. If the potential for extended development to the west of the current application had been made clear, it would have been evident that many more properties in the vicinity stand to be affected if application 12/0763C is approved.
- In view of this residents along Brereton Heath Lane adjacent to the additionally purchased land should have been notified of the planning application, as in its current form, it will certainly pave the way for future development on land owned by the applicant, once the precedent has been set for access off the main road, and ease of extending this to the west.
- In-fill (even in its current limited form) would seriously diminish the rural feel of this area, and further over-burden local infrastructure. But the potential opened up for a much larger development than the 11 houses now proposed raises the real possibility of substantially greater damage to the neighbourhood.

- It is assumed that the applicants have not referred to their ownership of the adjacent land, in the hope of getting an incremental approach to substantial development of this rural area under the radar of proper planning scrutiny.
- The earlier application differs from that of Bloor Homes in one significant and important respect: the previous applicant's site layout terminated in gated access to the garage of a property, not in a dead end of a new road as now applied for, which would give direct access onto the open land to the west of the development.
- There has been considerable activity on the site already with huge bonfires directly behind the fence.
- The access on to the main road is at an already dangerous point. The amount of traffic would exacerbate this problem.
- Infrastructure in the surrounding area is not equipped to take a development: Brereton Heath Lane is a single track road for part of its length; school buses are full; there are few local facilities for families.
- Whilst it is understood that there is a need for low-cost housing to allow people to buy their own homes: this site is unsuitable as travel is a requirement for all facilities eg work, school, nurseries etc adding significantly to living costs. Costs which most families try to reduce when starting out.
- As it seems clear that Bloor Homes wants to ride rough shod over local opinion by failing to notify those who are directly affected
- The actions of Bloor Homes are in flagrant breach of the Town and Country Planning Act 1990 and the Council should not allow the planning application to proceed in its current format.
- More people will be affected by the building of more properties deeper into the development particularly those on Brereton Heath Lane
- Residents are requesting for the original plans to be re-instated that Cranfield Estates submitted in 2011. Whilst Cranfield Estates layout was better, as there were no 3 storey houses they still want planning permission to be refused, as the residents of Hollycroft would be the most affected by the development of the 11 houses than anywhere else. If more houses are built deeper into the development, more problems for all residents are going to arise as follows:-
 - Traffic Safety Concerns on the A54 due to more traffic turning onto this road
 - No Mains Gas
 - Broadband is already very poor
 - Further loss of value to houses, as the semi-rural feel will vanish as the area will turn into a housing development site
 - Loss of privacy
 - Noise and pollution
- All the houses at the back of the development would have an unrestricted view into gardens on Brereton Heath Lane. We would expect a developer to work with the current incumbents to minimise disruption during all parts of the planning and building of the properties.
- The wildlife will be affected. There are numerous badgers that come through the field where the building will take place. There is a pair of Buzzards that regularly use copse in the adjacent field for hunting. In addition there is a rabbit warren in the bottom of the field in which building is being planned. There is no mention in any of plans for any of these animals or any of the documents available to view.

- In addition the land adjacent to the site was refused planning permission due to the presence of a Great Crested Newt. Although the report suggests that the newts are present, it should be written in as a requisite of granting the planning permission, where the development is allowed to go to and what Bloor has to do to ensure that the newts are not disturbed.
- In the environmental and scoping survey, the land highlighted as owned by Bloor homes includes a large part of a neighbours back garden.
- As a responsible developer, Bloor should confirm their plans for the lands behind the development as well as the land they are expecting to develop. Residents would like to see a firm undertaking that there will be no extension of the current plans and commit to a plan for the open land that will be behind the development. They would be happy to work with Bloor to ensure that the wildlife is preserved and the open space is kept in keeping with the rural landscape, which will appeal to potential purchasers of the new development.
- In the light of the above there should be the following:
 - An extension of the current consultation period, with notification given to those properties that are adjacent to the additional purchased land.
 - Re-submission by Bloor Homes of plans that clearly show the extent of this purchased land.
 - A re-designed site layout of the current development to terminate in either a private house, or privately owned driveway that will not open up the site to extension of the development in future- i.e. to exactly match the previously approved site layout (11/1498C) which terminated in a private driveway to a garage.
 - A restriction on any approval given, making clear that further development to the west of the current site will not be approved to prevent future encroachment onto land which supports a huge variety of wildlife.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Transport Statement
- Great Crested Newt Survey
- Ecological Scoping Report

8. OFFICER APPRAISAL

Principle of Development

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

The previous planning permission has established the acceptability in principle of residential development for 11 dwellings on this site. Given that the previous permission remains

capable of implementation, this application does not present an opportunity to re-examine that principle.

The main issues in the consideration of this application are therefore, the acceptability of the revised proposals in terms of their impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, Affordable Housing, Design and Layout and Open Space

Jodrell Bank

No comment had been received from the University of Manchester at the time of report preparation. However, they examined the previous proposals and raised no objection. Given that this proposal involves an identical number of dwellings, arranged in a similar layout; it is not considered that a refusal on the grounds of impact on Jodrell Bank could be sustained.

Residential Amenity

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

Distances in excess of those recommended in the SPG will be achieved between plots 1, 3, 4, 5 and 6 and the adjoining dwellings in Hollycroft to the South. The proposed dwellings are also located immediate to the north of the houses at Hollycroft, which will further reduce the potential for any impact on amenity resulting from loss of sunlight. The flank elevation to Plot 1 includes a first floor en-suite bathroom window and a ground floor utility room door. Appropriate boundary treatment, which can be secured by condition, will ensure that there is no overlooking of neighbouring dwellings from the proposed ground floor windows, whilst an obscured glazing condition will be sufficient to avoid any loss of privacy from the first floor window.

To turn to the relationship with the properties at Broomfield, the dwelling on plot 7 is orientated so that the principal windows overlook the open countryside to the west of the site, and the flank elevation faces towards the existing properties in Broomfield. Plot 7 does include 3 ground floor secondary windows, and a door and a single first floor secondary window in the flank elevation. However any overlooking of Broomfield from these windows could be avoided through appropriate boundary treatment and obscured glazing conditions respectively. Distances in excess of 21.3m will be achieved between the principal windows in the rear elevation of Plot 8 and the existing houses in Broomfield. The dwelling on plot 11 would be orientated with its gable elevation, facing the flank elevation of the adjoining property at no.1 Broomfield. The Supplementary Planning Guidance does not include a minimum distance standard between 2 flank elevations, but given that no windows are proposed in the side elevation of plot 11, no privacy issues will be raised. There is a ground floor secondary window in the gable elevation of no.1 Broomfield, but given that the proposed dwellings on plots 9 to 11, are in an identical position to those shown on the approved scheme, it is not considered that any greater loss of light to this window would result.

To turn to the levels of residential amenity to be provided within the development, distances of 21.3m would not be achieved between the front of Plot 8 and Plots 4 & 3. The same problem occurs between the bedroom windows over the garage on Plot 7 and the front of Plot 5. These concerns have been raised with the developer and an amended plan has been requested. A response was awaited at the time of report preparation and a further update on this issue will be provided to Members prior to their meeting.

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

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be exceeded in respect of distances to existing properties and, although they would not be achieved within the site, it is considered that this could be addressed through the submission of amended plans. As a result, it is not considered that a refusal on amenity grounds could be sustained.

Ecology

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

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

and provided that there is

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

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

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

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

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

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

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

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

In this case, the Council's Ecologist has examined the application and commented that Great Crested Newts have been recorded breeding at a pond approximately 130m from the proposed development. The population appears small and it appears likely that the poor quality of the pond is the limiting factor for the population rather than the availability of terrestrial habitat. The proposed development will result in the loss of approximately 0.59ha of terrestrial habitat and would also pose the risk of killing any newts present on site when the works were undertaken. Considering the extensive terrestrial habitat available and the small size of the newt population present the proposed development is likely to have a low impact on great crested newts.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case the need to provide a 5 year supply of housing land is considered to be of overriding public interest and taking into account the available alternative sites, the Council will still fail to meet this requirement. Furthermore, this is one of a small number of locations where housing supply can be provided for within an infill boundary of an existing settlement and on a previously developed site.

To mitigate the potential risks of newts being killed or injured during the construction works the applicant has proposed the trapping and exclusion of newts from the footprint of the development. Additionally to compensate for the loss of habitat to the proposed development the creation of an artificial hibernacula and the provision of 300 square meters of rough grassland habitat is proposed. The Council's ecologist has advised that the proposed mitigation/compensation is proportional to the impacts of the proposed development.

If planning consent is granted he recommends that a condition requiring the proposed development to proceed in accordance with the recommendation made in the submitted 'Evaluation of impacts arising from site development and mitigation in relation to Great Crested Newt' document dated 29th July 2011 be imposed. Also conditions should secure a 10 year management plan for the Great Crested Newt mitigation area is to be submitted and agreed with the LPA. The management plan is to clearly show the boundary of the mitigation area to be fenced and include proposals for the maintenance and management of the mitigation area.

Given that the proposed mitigation area is outside the application site boundary these requirements will need to be secured via a section 106 agreement rather than a condition. Subject to these recommendations being carried out the favorable conservation status of the species will be maintained.

Conditions are also required to ensure that breeding bird surveys are carried out prior to any work taking place during bird nesting season, submission, approval and implementation of details of proposals for the incorporation of features into the scheme suitable for use by breeding birds should also be conditioned.

Other protected species are known to occur on this site however there is no evidence of them being present on site currently. Therefore the Council's ecologist is satisfied that the proposed development is unlikely to have an adverse impact upon them. However, the circumstances on site can change rapidly and, if planning consent is granted it is recommended that a condition is attached requiring a further survey to be undertaken prior to the commencement of development. This is simply a precautionary measure in case any species move on to the site between the granting of consent and the commencement of development.

Contaminated Land

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

Trees and Landscape.

The Senior Landscape Officer has examined the proposals and commented that there is existing vegetation on this site although nothing of significant public amenity value. Taking into account the proposals deemed acceptable under application 11/1498C, she has no

objection in principle to the current proposals. She comments that boundary treatment will need further consideration, including, for example the side boundary of plot 9 facing the access should be a wall. The existing hedgerow on the southern boundary is shown for retention and therefore tree protection and boundary treatment conditions should be imposed in the event of an approval. In addition conditions requiring the submission, approval implementation and maintenance of a scheme of proposed landscaping for the site will be required. The scheme of landscaping should also make provision for the gapping up with native species of the hedge on the southern boundary..

Access and Highway Safety.

The Council's Highways Engineer has examined the application and commented that the proposed access for this development is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale. The development of Broomfield has demonstrated that this type of junction in this rural environment does operate safely.

The developer provided a revised Traffic Statement through their highway consultant which, which provides acceptable technical data and concludes that traffic generation from the site will be low, even when taking into account its rural location,. Traffic generation will equate a limited number of 7 two-way trips in the morning peak flow hour and 8 two-way trips in the evening peak hour. Clearly this level of traffic generation will have no material impact on the traffic capacity of the A54 and is acceptable to the Strategic Highways Manager as it is developed from robust trip rates.

The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development. There is a minimum off-road parking provision of 2 spaces per dwelling, with most plots benefiting from 4 spaces. In the light of the above, and in the absence of any objection from the Strategic Highways Manager the development is considered to be acceptable in highways terms, subject to the imposition of a condition, requiring the junction and parking provision to be constructed in accordance with the approved details prior to occupation of the site.

Affordable Housing

This application proposes the same number of dwellings overall, including the same number of affordable dwellings as the previous application for this site (11/1498C). In respect of the previous application it was concluded that, although the proposal was for 11 units and consequently, there would not normally be any affordable housing requirement it is a rural windfall site in Brereton, where there is a population of less than 3,000.

According to the Affordable Housing Interim Planning Statement, monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision

will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

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

The SHMA carried out in 2010 also stated that targets need to support a better mix of housing types in all locations and that in Cheshire East the largest proportion of additional affordable units are needed as social rent.

Therefore, the affordable housing requirements secured through the Section 106 Agreement attached to the previous consent were that 3 of the units must be provided as affordable housing, with a tenure mix of 2 social rented units and 1 intermediate tenure unit. It is considered that these requirements should also apply to this application and that the affordable housing should be provided no later than occupation of 50% of the market units. This should also be secured through the Section 106 Agreement as per the previous permission.

Design and Layout

The dwellings on plots 1, 2, 9, 10 and 11, provide an active frontage to Holmes Chapel Road, with pedestrian access out onto the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominated frontage. The corner property on plot 2 also includes a bay window to the side elevation to create a dual aspect, to break up the mass of the gable and “turn the corner” into the proposed development.

The dwellings to the rear are laid out in two rows, facing each other across a central, parking and turning area. This cul-de-sac layout is typical of other recent developments in the locality and layout helps to create a sense of enclosure and community as well as natural surveillance of the parking and turning areas. This sense of enclosure is enhanced by the fact that a gateway feature is to be constructed between plots 3 and 8 which will create sense of transition between the frontage development and the courtyard to the rear, which make up the two parts of the site and have differing and distinct characters.

The proposed dwellings are predominantly 2 stories in height which reflects the surrounding developments to either side, although the proposed Rangemore house type on plot 4 includes accommodation within the roof space. This has resulted in an overall ridge height of 10m, which is over 1m taller than other proposed dwellings within the development and significantly higher than other properties on adjoining developments. This aspect is not considered to be acceptable in street scene terms and an amended plan showing a reduction in the ridge height of this dwelling has been requested from the

developer. A response was awaited at the time of report preparation so a further update on this issue will be provided to Members prior to the meeting.

Overall, however, the proposed development will help to knit together the two recent developments at Broomfield and Hollycroft, to create a continuous frontage to Holmes Chapel road and to help to consolidate the nucleus of the settlement which has developed over recent years around the junction of Brereton Heath Lane and Holmes Chapel Road.

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

Open Space

The previously approved scheme did not make any provision for on-site public open space. Instead, the Section 106 Agreement, attached to the approval, secured a financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath. In lieu of the children and young person's provision, a sum of £14,822.66 was secured towards the improvement of an existing community area at School Lane, Brereton.

Although the Greenspaces Officer had not commented at the time of report preparation, given that the site area, and the number of dwellings are identical to the previously approved scheme, it is considered to be reasonable to require the same contributions in respect of this revised scheme.

Other Matters

A number of other matters have been raised by local residents. They comment that the developer has acquired further land adjoining the application site to the west, implying further development is proposed on that land. They also comment that the application as now proposed differs from the approved layout in that previously the development terminated in gated access to the garage of a property, and not a cul-de-sac head, adjoining a field boundary which would give direct access onto the open land to the west of the development. Residents believe that this is designed to increase the potential for development on farm land beyond the application site

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 omission of the private drive referred to above, shown on the approved drawings. However, even under the approved scheme, there would be nothing to prevent a future developer of land beyond from retaining a right of access over that drive or applying to modify this arrangement as part of a proposal to develop further land to the west. 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.

A number of residents have expressed concerns regarding loss of value of their properties and have stated that they will be requesting compensation from the developer. The impact of development on property value is not a material consideration of planning applications and any claim for compensation is a civil legal matter between adjoining land owners. Similarly loss of a view over another landowners private property is not a material planning consideration.

Concerns have been raised regarding lack of consultation over the proposals. The Council has consulted directly with those properties which share a boundary with the site, posted a site notice, advertised the proposal in the local press and on its website. In so doing, it has complied both with Statutory requirements and it's own adopted protocol. It is acknowledged that a number of properties in Brereton Heath Lane, that have stated that they believe they should have been consulted do share a boundary with the additional land to the west, referred to above. However, as set out above, this land does not form part of the current planning application proposal.

9. CONCLUSION

In summary, given the previous approval on the site, the proposal is considered to be acceptable in principle, The proposal is also acceptable in terms of its impact on Jodrell Bank, Ecology, Highway Safety and Trees and Landscape. The scheme includes adequate affordable housing provision, matters of contaminated land can be dealt with through the use of conditions and public open space requirements can be met through off-site contributions as per the previous approval.

There are a number of issues outstanding, in respect of residential amenity within the scheme and the scale and design of one of the plots, but it is not expected that any of these could not be overcome through the submission of amended plans. Therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to

- **Receipt of amended plans to address concerns over the ridge height of the proposed dwelling on Plot 4 and to improve separation distances between Plot 5 and Plot7 and Plot 4 and Plot 8.**

Signing of a Section 106 agreement making provision for:

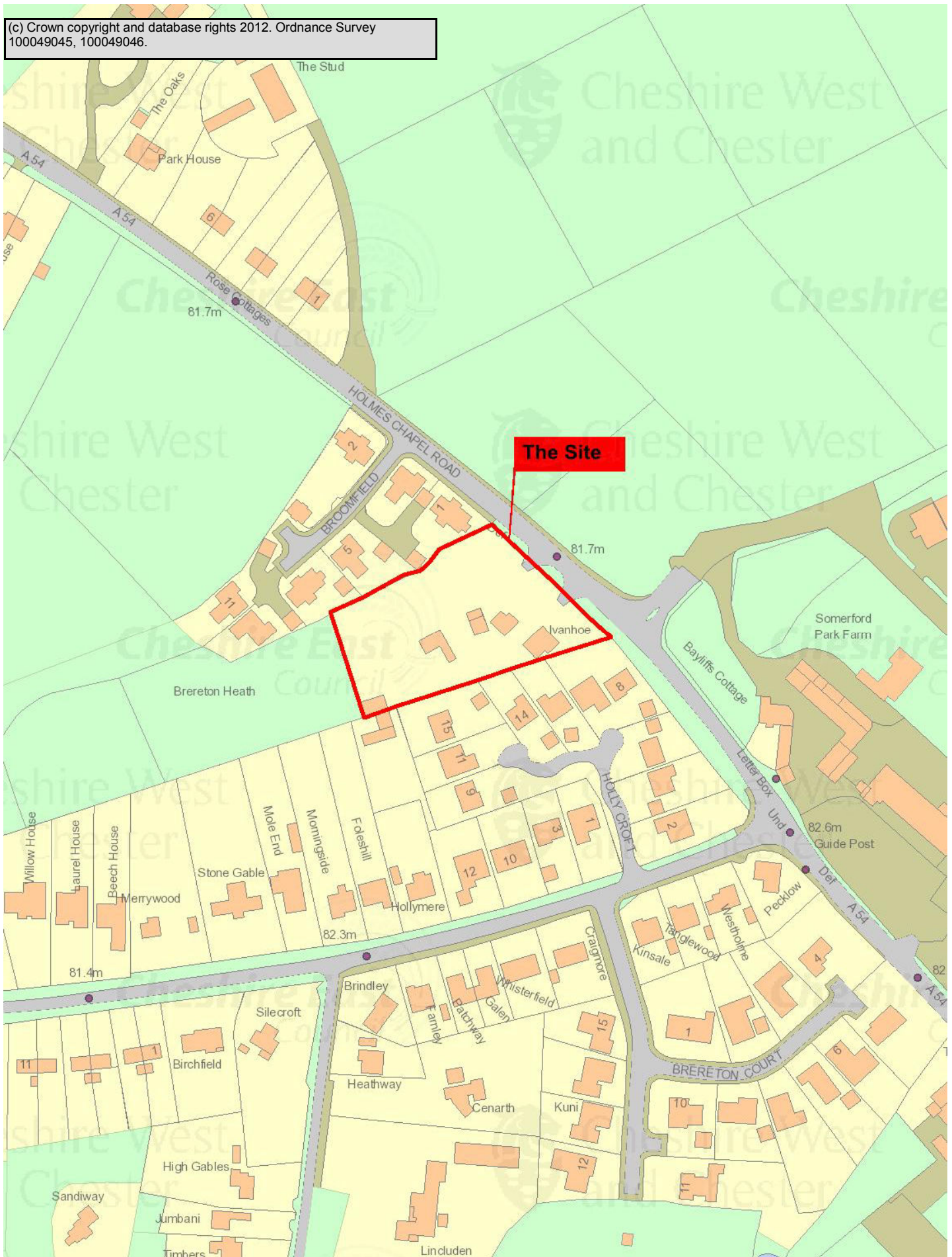
- **Affordable Housing comprising 2 social rented units and 1 shared ownership unit.**

- financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath
- financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green

And the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted and approved**
- 4. Obscured glazing to first floor windows in flank elevations of Plot 1 and Plot 7**
- 5. Submission of contaminated land investigation**
- 6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 7. Details of the method, timing and duration of any pile driving operations to be submitted and approved**
- 8. Landscaping to be submitted and approved (including provision for the gapping up with native species of the hedge on the southern boundary)**
- 9. Implementation of landscaping**
- 10. Implementation of boundary treatment**
- 11. Provision of carparking**
- 12. Construction of access**
- 13. Scheme of tree / hedge protection**
- 14. No works within protected area**
- 15. Updated protected species survey to be undertaken prior to the commencement of development**
- 16. Protection of breeding birds.**
- 17. Provision of features for use by nesting birds.**

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 11/4548N

Location: LAND SOUTH OF NEWCASTLE ROAD, HOUGH

Proposal: Outline Application for Development of Fourteen 3 & 4 Bed Semi-Detached Affordable Houses

Applicant: Mr T Bartlam

Expiry Date: 15-Jun-2012

MAIN ISSUES

- Principle of Development
- Housing Need
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Renewable Energy Provision
- Trees
- Ecology

SUMMARY RECOMMENDATION

Refuse

REFERRAL

The application is referred to the Southern Planning Committee as the application relates to a residential development of more than 10 dwellings.

There has also been a call-in request from Cllr Clowes for the following reason;

'The Hough and Chorlton Parish Council and local residents have contacted me to express deep concerns regarding this application which they believe are worthy of material consideration.

Their material concerns are as follows:-

- 1 No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey (2011 – 2030)*
- 2 It contravenes current planning guidelines and policies (as stated and identified above).*
- 3 Potential Brownfield sites have been by-passed in preference to opportunistic development of Green Field land.*
- 4 This proposal is situated outside the established settlement boundaries of Hough Village.*

5 This proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village.

6 In the light of very limited village amenities, this application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the Village or surrounding Parish Area.

7 In a small village such as Hough, this development, situated beyond the settlement boundaries will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

It is also felt that this application fails, in any particular, to adhere to the principles of economic, social or ecological sustainable development as described in the new National Planning Policy Framework (March 2012)'

1. SITE DESCRIPTION

This application relates to a parcel of land to the southern side of Newcastle Road within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Immediately to the west of the site is the settlement of Hough.

The application is currently undeveloped land which is currently in agricultural use. To the west of the site is the detached residential property and barn which form Corner Farm, to the south of the site is agricultural land and to the west of the site is a wooded area which is subject to a Tree Preservation Order.

To the front of the site is four large Poplar trees, there is an existing field gate to north-west corner of the site.

2. DETAILS OF PROPOSAL

This is an outline application for the erection of 14 dwellings. Access is to be determined at this stage with all other matters reserved.

3. PREVIOUS RELEVANT DECISIONS

The site has no planning history.

4. PLANNING POLICIES

National Policy

The National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
RDF2 – Rural Areas
L5 – Affordable Housing
EM18 – Decentralised Energy Supply

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTÉES

United Utilities: No objection; the site must be drained on a separate system with only foul drainage connected to the foul sewer.

Highways Authority: Subject to a safety audit and some minor amendments, in principal there are no highways objections. The safety audit will be covered under a section 38 agreement and after reviewing the design the Highways Authority are happy that in design terms, the access, visibility and crossing facilities are all designed in accordance with CEC specification.

Environmental Health: Conditions suggested in relation to construction hours and pile driving. An advisory note is suggested in relation to contaminated land.

Cheshire Wildlife Trust: The Cheshire Wildlife Trust has the following comments to make;

- Agree with Natural England that the development will not have an impact upon the Wybunbury Moss SSSI.
- It would have been useful to view the bird surveys carried out by the Hough Residents Action Group. However the number of breeding birds on site is at odds with the available site habitat.
- There are some inconsistencies relating to the assessment of ponds and their connectivity to the site.
- The Natural England standing advice suggests that GCN Surveys are required prior to determination.
- The indicative layout is likely to place undue stress on the existing TPO trees to the west of the site. There is likely to be damage to the canopies of the trees, the root spread and future pressures to reduce tree canopies.

Natural England: This application is in close proximity to Wybunbury Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. In terms of protected species reference should be made to Natural England's Standing Advice.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 164 households in the area raising the following points;

Principal of Development

- There is no great demand for housing in Hough
- The Parish Councils assessment does not find any need for affordable housing
- The site is outside the settlement boundary
- The site is within the Green Gap
- Contrary to local plan policies
- Brownfield sites should be developed first
- The site is not sustainable
- Impact upon the Green Belt
- Unfinished developments within Crewe
- The proposal is contrary to the NPPF
- The proposal does not comply with the interim planning policy on the release of housing land
- There should be no social housing in Hough

Infrastructure

- There is no infrastructure within Hough
- There is no employment within the village
- There are no local schools, shops or doctors
- The schools within Shavington are at capacity
- Leighton Hospital is full to capacity
- There is no public transport within Hough
- There is no provision for pedestrians

Design

- The development does not respect the character of the area
- Loss of rural character
- The proposal is high density and is not appropriate

Green issues

- Impact upon wildlife
- Loss of trees onto the site frontage
- Impact upon Wybunbury Moss SSSI
- Impact upon the TPO trees
- Impact upon protected species

Highways

- Road safety
- The site is located on a blind bend
- Poor visibility at the site access point
- Rope Lane should be widened
- The existing highway network is in a poor condition
- Increased traffic congestion

Other issues

- The sewer serving the site cannot cope with any more houses
- The Localism Bill requires the consideration of the views of the local community
- Lack of pre-application consultation
- Impact upon the setting of Hough Hall
- Allowing this development will make it harder to resist other schemes
- Poor internet connection in the area
- Drainage issues in the area
- There are more suitable sites within Shavington
- This is the first phase of a larger scheme
- Loss of agricultural land
- Increased flooding
- Increased pollution

A petition signed by 11 local residents has been received opposing the development.

An objection has been received from Cllr Brickhill raising the following points;

- Strongly object to planning application 11/4548 for 14 houses at Newcastle Rd /Pit Lane Hough
- The road junction is suicidal already without any additional traffic. Traffic on the main road does not slow down sufficiently for the bend and cannot see round it. Traffic turning right into Pit Lane from the Shavington direction cannot see oncoming traffic which can hit it from the front and also get rammed in the boot by following traffic that fails to slow down. Sometimes both happens. Minor RTCs are commonplace.
- There are quite enough applications for housing in Shavington (currently 250+ and likely to be 500+) with affordable 33%. With the policy of using industrial sites for housing there is likely to another thousand houses on the two Basford estates within a mile of this site. So there is no requirement for these houses providing in total 650 affordable homes
- Hough is a village of D E and F band houses. Affordable A or B band housing will be out of keeping with the remainder of the village.
- The site is outside the settlement boundary and within the green gap between Hough and Shavington
- The site is a green agricultural field providing interesting flora and fauna and protected trees.
- There is not sufficient infrastructure to support these extra houses. The village already suffers from power outages and reduced voltages. The water pressure often reduces to a trickle. The sewers overflow when it rains heavily. There is no school, no shops, no doctors just a gastro pub which wont interest affordable housing dwellers.
- There are no employment opportunities in Hough. No work time buses either.
- There is thus NO basis for any exception to any of the planning policies preventing development on this site.

- This essentially urban development is totally out of keeping with the rural nature of the village e.g. the scale character and appearance of the village. It will be totally out of place and ruin a quiet peaceful neighbourhood.

An objection has been received from Hough Residents Action Group raising the following points;

- The application should be refused this is based on a recent and extensive housing needs survey undertaken by the Hough & Chorlton Parish Council of all of the residents of Hough, as part of the 2011 LDF Place Shaping consultation exercise and also on the current planning policies.

- An extensive Housing Needs survey has been conducted by Hough & Chorlton Parish Council in which the overwhelming priority identified by respondents is that there is no need for any more housing in Hough and that providing more affordable housing is viewed by respondents as the lowest housing priority.

- The applicant base their case on an extrapolation of the Strategic Housing Market Assessment (SHMA) data that the Cheshire East Council produced in 2010, relating to the Shavington, Wybunbury and Stapeley wards and support it with an inadequate housing needs survey. The applicants Housing survey draws conclusions from 37 responses, only 6 of which were from Hough residents and a majority of which were from Shavington, which with a population in excess of over 3,000, would not form part of a rural housing needs survey.

- There are potential brownfield sites where there are empty properties in the Parish that could be brought back into use.

- In response to the Cheshire East Council 2011 Local Development Framework process, the Hough & Chorlton Parish Council's Parish Shaping Plan explicitly concluded that there was ample provision of housing within the Village of Hough and its surrounding areas, with no pressing need for new, mixed or affordable housing for the foreseeable future.

- The SHLAA completed by Cheshire East in 2010 contains at least 37 developable sites within 3.5 miles of this site being assessed for housing development, with a site capacity ranging from 670 houses to under 10 and all of those approved will have the requisite proportion of affordable housing within their planning conditions.

- There is no desire to support development that encroaches onto green space.

- Hough Village has no school, no retail presence, no bus service that would allow residents without access to a vehicle to attend regular full time work or local schools. As a result this is not sustainable development.

- It is questionable how the economics of such a build will be feasible.

- It is proposed that the foul water outflow would connect into the Pit Lane Sewer and use soakaways for rainwater. This sewer is already notoriously over used and has constant problems of flooding.

- Taking into account the amount of surface water generated from the proposed development and the current surrounding watercourses, this may cause flooding issues in the area.

- The proposal is contrary to PPS3

- The developer plans to remove hedgerow

- The number of homes on a proposed rural exception site such as this should be based on the housing need for this Parish. The type of tenure proposed is also inappropriate as a basis for a rural exception site.

- Damage to the adjacent TPO

- Of the 56 species of birds recorded in the area of the site, 9 are on the Birds of Conservation Concern 3 (BoCC3) Red List and 5 of these species are also categorised as Species of European Conservation Concern. A further 14 species are on the BoCC3 Amber List and 5 of these are also categorised as Species of European Conservation Concern.
- Several species of insects, amphibians and mammals populate this area, including potentially the great crested newt.
- There is no doubt that if the development of this site goes ahead this would result in significant loss of wildlife, including areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of the protected wood and lake would be greatly diminished once they were surrounded by houses.
- Increased traffic would be a road safety hazard
- The access to the site is adjacent to a blind corner
- The area is not well served by public transport
- Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes. Residents will have to rely on private cars.
- The Village has no school and the current school population across the area is almost at capacity, with very few places left at the local Primary and Junior Schools.
- There is no grocery store or retail facilities in the Village, the nearest being a garage in Shavington, which sells a very limited range of emergency provisions.
- There is a lack of any outdoor sports facilities and no designated equipped outdoor children's play area in the Village.
- The haste and overall lack of consultation implies a desperate attempt to utilise a disappearing Policy

7. PARISH COUNCIL

Hough and Chorlton Parish Council: In summary Hough & Chorlton Parish Council urge Cheshire East Council to refuse this application on the following grounds;

- No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey (2011-2030)
- It contravenes current planning guidelines and policies, namely Policy NE.2.
- Potential brownfield sites have been by-passed in preference to opportunistic development of Greenfield land
- The proposal is outside the Hough Settlement Boundary
- The proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village
- In light of the very limited village amenities, the application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the village or the surrounding parish area
- In a small village such as Hough, this development situated beyond the settlement boundary will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

Although the Parish Council are strongly against the application and will continue to oppose it vigorously, should the plans be approved, the Parish Council would like to make the following representations on any Heads of Agreement and ask that the Council take note and that these will form part of the planning report before the Planning Committee.

- To ensure that the Heads of Agreement submitted as part of the Applicant's submission includes a requirement for a sum of money from the sale proceeds of the land to be lodged in escrow, (i.e. a monetary bond) until the development is completely finalised, so if there is any failure on the part of the developer this sum can be used towards completing the development. We feel that this is critical to ensuring that the economics of the scheme do stack up and that it prevents a half finished development being left in the middle of our rural village.
- Furthermore, we would request that there be an obligation on the developer to develop in blocks of two or three houses and a restriction to move on to the next block until such time as the previous block has been physically completed. This would at least ensure that houses are more likely to be completed in full rather than a whole number of partly finished houses be left, if there are insufficient funds to complete the development.

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Oligra Town planning and dated November 2011)

Phase 1 Habitat and Protected Species Survey (Produced by EVR Ecology and dated February 2012)

Planning Statement (Produced by Oligra Town planning and dated November 2011)

Localised Housing Needs Survey (Produced by Oligra Town planning and dated November 2011)

Addendum to Planning Statement Tenure (Produced by Oligra Town planning and dated December 2011)

These documents are available to view on the Councils website.

9. OFFICER APPRAISAL

Principle of Development

On 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means;

'Where a development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted'*

In relation to rural exception sites the NPPF at paragraph 54 states that;

'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'

The site is located outside the Hough Settlement Boundary and within the Open Countryside, where Policy NE.2 carries a general presumption against new residential development.

Policy RES.8 of the Replacement Local Plan makes an exception to the general policy of restraint for affordable housing, subject to compliance with three criteria which states that:

- the housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;
- the site is in a sustainable location immediately adjacent to an existing settlement boundary
- the scale, layout and design of the scheme are appropriate to the character of the settlement.

In relation to the rural exception sites the Interim Planning Policy on Affordable Housing requires that a local housing needs survey is carried out before submitting a planning application in order to determine the extent of any need. Subject to need being identified the IPP identifies that *'Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport'*.

Housing Need

The Strategic Housing Market Assessment 2010 (SHMA) shows that for the sub-area of Wybunbury & Shavington which is where Hough is located, there is a requirement for 155 new affordable homes between 2009/10 – 2013/14, this equates to 31 new affordable units per year, made up of a need for 5 x 1 bed units, 10 x 2 bed units, 4 x 3 bed units, 7 x 4/5 bed units and 4 x 1/2 bed older persons units. However, this information on its own is insufficient to identify the need in Hough and does not provide justification for a rural exceptions site in this parish.

The Interim Planning Statement on Affordable Housing states that *'In respect of rural housing schemes, the council will require that a local housing needs survey is carried out before submitting a planning application in order to establish the extent of any need'*. The IPS also states that *'Unless the survey indicates a need for such provision, planning permission will not be granted'*.

In support of the application a Rural Housing Needs Survey (RHNS) has been carried out by the applicant. However the focus of the survey was not in Hough where the proposed development is located. The RHNS carried out by the applicant was a sample survey of 150 households in the wider area of Shavington, Wybunbury and Hough.

Only 25 of the 150 households surveyed were from the Hough Parish. The response rate of the RHNS was 25% which is 37 households, split as 18 households from Shavington, 13 households from Wybunbury and 6 households from Hough.

The report gives the following concluding points;

- The 25% response rate identifies two key factors: demand for affordable housing from young adult dependents who will shortly seek to leave home and support for the provision of affordable housing
- Some young adults are expected to settle elsewhere in Cheshire East with those living in Hough and Wybunbury expected to leave within the next 2 to 3 years, whilst those living in Shavington are expected to leave within the next 3 to 5 years
- Affordability is a critical issue for those young adults about to enter the job market and for those already in employment
- 39% of all respondents were in favour of affordable housing being provided within their settlements

The response rate of 6 households from Hough does not give an accurate enough picture of affordable housing need in the area as the results will have to have been extrapolated. The developer has not provided the results for the 6 responses that he obtained from Hough but relied on the results from the other parishes. In particular he relies on the results from Shavington which has a population well in excess of 3000 and is therefore not rural. The Affordable Housing IPS states that in relation to Rural Exception sites *'The first stage will be a rigorous assessment of local housing needs by means of a survey of all households in the Parish'* which has not been done. Also point 4.8 of Oligra's Housing Needs Survey is not accurate; the reference in the Affordable Housing IPS to adjoining parishes is in relation to occupancy criteria.

Due to the limited nature of the evidence base of affordable housing need for Hough it is not possible to support the proposal as it is unclear if there is a need for 14 dwellings, or a need for 3 and 4 bed semi-detached units. In addition the proposal that all the units are provided as discounted for sale housing may not meet the affordable housing need for the area and does not meet the tenure mix that we would normally require which is 65% rented affordable housing and 35% intermediate affordable housing.

As there has not been a rigorous assessment of local housing need of all households within Hough, it is not possible to identify the need for such provision and this issue will form a reason for refusal.

It should be noted that a housing need survey has been conducted by Hough Parish Council. This questionnaire is based on opinions rather than facts and some results are not provided. Therefore it is considered that little weight can be given to this document.

Sustainability of the site

Letters of objection refer to Hough not being a sustainable settlement. However the proposal would meet the second point of Policy RES.8, which states that the site is;

'in a sustainable location, immediately adjacent to an existing settlement boundary (with reference to Policy RES.4)'

In this case the site is immediately adjacent to the settlement boundary of Hough which is listed as a settlement within Policy RES.4.

In this case Hough has facilities in the form of a Public House, Village Hall, public open space and outdoor sports pitches. There is also a petrol station and small shop located 625 metres to the west of the site which can be accessed via an existing footpath. Given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Hough is a sustainable settlement.

Amenity

The application is outline with only access to be determined at this stage. The indicative plan shows that a development can be achieved on this site without having a detrimental impact upon the adjoin property at Corner Farm.

Due to the large separation distances the development would not have a detrimental impact upon the residential amenities of any other property.

Design

The development would consist of two-storey dwellings at a density of 23 dwellings per hectare which is acceptable in this location. The indicative plan does have weaknesses in that it is car dominated in parts of the site and it would include an over-engineered internal highway layout. However as this is an outline application the appearance, scale, layout and landscaping will be determined at a later date.

It is considered that an appropriate design can be achieved as part of the reserved matters applications.

Flood Prevention/Drainage

A number of the letters of objection refer to drainage and flooding in the area. In this case the application is outline and such details would be agreed at a later date. As part of this application United Utilities have been consulted and raised no objection to the development subject to foul drainage being connected to the foul sewer. In terms of surface water run-off there would be opportunities to secure SUDS Drainage as part of the reserved matters applications.

Highways

The application is outline with access to be determined at this stage. A single vehicular access point is proposed and this would be positioned towards the western boundary of the site. Newcastle Road at this point has a 40mph speed limit and the access point would have visibility splays of 120m to the east and 120m to the west. The traffic generation from this site would be minimal given the number of dwellings proposed and would have no significant impact upon the highway network. The access arrangements are considered to be acceptable and no objection has been raised by the Highways Officer subject to a safety audit as part of a Section 38 Agreement.

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'*. This will be controlled through the imposition of a planning condition.

Trees

The Planning Statement includes a letter reporting on the survey of the four Poplar trees to the front of the site which are not covered by a TPO. The letter dates from 2005 and suggests that one of the trees required urgent removal and that the remainder would present a major hazard if allowed to remain (the shelter and root firmness of the groups being mutually dependent). This survey is clearly out of date however; the Poplar trees have also been inspected more recently by a Cheshire East Tree Officer who did not consider them to be suitable for long term retention. There is evidence of branch break out in several specimens and one tree has extensive basal decay.

To the west of the site there is woodland subject of TPO protection with several trees overhanging the site. The proposed site plan suggested that this overhanging canopy is to be cut back with agreement with Hough Hall. Under the TPO, the consent of the LPA would also be required and it is considered that there is not sufficient information in respect to the impact upon these trees. There is no tree survey in relation to these trees and there are concerns that the extent of reduction required in order to accommodate the indicative layout provided would be potentially harmful to the trees in question. Further, even if crown reduction was permitted, the proposed plot 14 would have very poor private amenity resulting from over-dominance by trees located to the south and west. This situation is likely to result in pressure to prune or even fell protected trees in the longer term.

The submission is considered to be inadequate in respect of tree survey data and it appears there could be threat to protected trees in the longer term. This issue will form a reason for refusal.

Ecology

Habitats

The habitat survey completed as part of the ecological assessment was undertaken in February a poor time of year to complete botanical surveys. However, the Council's Ecologist has visited the site (on 3rd May) and is satisfied that the habitats present on site are of limited ecological value.

Protected Species

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations. In this case Bats and Great Crested Newts are European Protected Species and need to be considered in line with the above.

Great Crested Newts

A number of ponds are present within 500m of the proposed development. The application site however, has relatively limited value as terrestrial habitat for Great Crested Newt and is relatively small. Therefore the Councils Ecologist advises that it is reasonable to only consider those ponds within 250m of the proposed development of which there are two.

Pond 1 is located adjacent to the development and was not subject to a detailed inspection as part of the submitted ecological assessment. The Councils Ecologist has inspected the pond and whilst it has some limited potential to support GCN the pond is shaded and there is a total lack of aquatic vegetation. The Councils Ecologist does not consider that GCN are likely to be present at this pond due to the suboptimal habitat offered.

Pond 2 has been assessed as being of average potential for GCN and it is possible that this pond may be used by breeding GCN. The terrestrial habitat offered by the site is however limited and there are no strong habitat linkages between this pond and the application site. Therefore it is not reasonable likely that even if GCN are present at pond 2 that they would be significantly affected by the proposed development.

Bats

Within the Phase 1 Habitat Survey a Tree (tree 1) has been identified as having potential to support roosting bats and this tree would be removed as part of the proposed development. No detailed survey of this tree for roosting bats has been provided and as a result it is not possible to assess the impact upon bats and this issue will form a reason for refusal.

Other Protected Species

Evidence of other protected species has been recorded on this site; however no setts were recorded as being present within the application boundary. The survey however appears to have been limited to the land ownership of the applicant and no survey effort appears to have been undertaken within the wooded area to the west of the application site.

A further protected species survey should be carried out and extended to include all land within 30m of the application boundary. This further survey has not been provided and as a result it is not possible to fully assess the impact of the development upon other protected species and this issue will form a reason for refusal.

Breeding Birds

If planning consent is granted standard conditions could be attached to safeguard breeding birds.

10. CONCLUSIONS

The proposed development relates to the provision of affordable housing outside the settlement boundary of Hough. This type of development is appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. In this case a rigorous assessment of local housing need of all households within Hough has not been produced and it is not possible to identify the need for such provision. This is a requirement of Policy RES.8, the Interim Planning Statement on Affordable Housing and paragraph 54 of the NPPF which states that LPA's should be '*responsive to local circumstances and plan housing development to reflect local needs*'.

There is limited information with this application and it is not possible to determine the impact that the proposal will have upon trees, bats and other protected species.

The application is in outline form with access to be determined at this stage, it is considered that the development would have an acceptable access arrangement and the indicative plan shows that the development would not have a detrimental impact upon residential amenity and an acceptable design could be achieved.

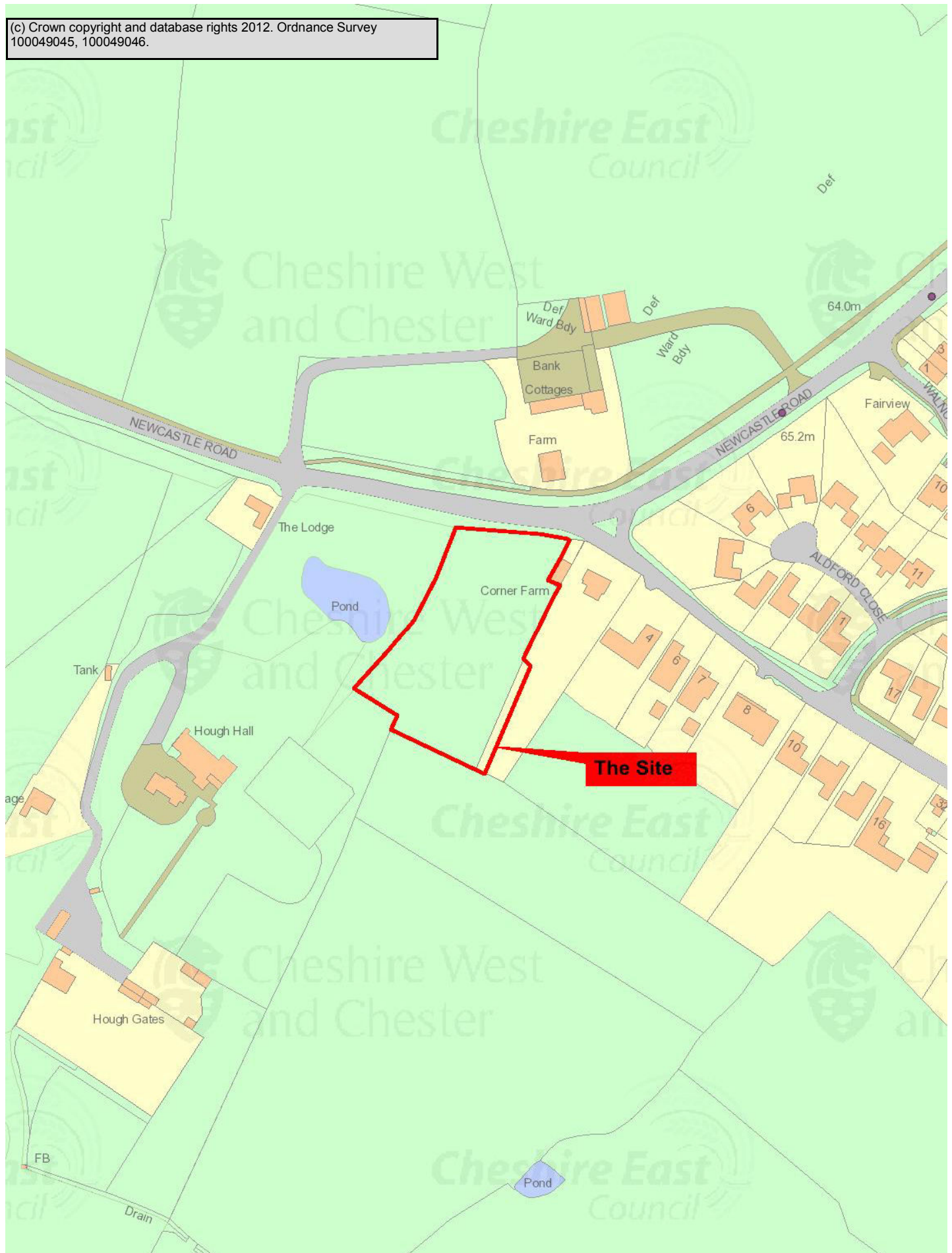
Finally it is considered that the site is located within a sustainable location and that no issues relating to flooding or drainage have been identified and such issues could be resolved at a later date.

11. RECOMMENDATIONS

REFUSE

- 1. The Proposed development relates to the provision of affordable housing within the open countryside adjacent to the Hough Settlement Boundary. The application is not supported by an adequate rural housing needs survey which relates to the Parish of Hough. Due to the limited evidence base it is not possible to identify an affordable housing need in Hough for the proposed dwelling types and tenure. Furthermore the proposal to provide units as discounted for sale units would not meet the affordable housing need for the area and the tenure mix is not considered to be acceptable. As a result the proposed development would not be sustainable development and would be contrary to Policy RES.8 (Affordable Housing in Rural Areas Outside the Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2012, the Interim Planning Statement on Affordable Housing and the NPPF.**
- 2. The submitted plans show that four trees would be removed as part of the proposed development. The Phase 1 Habitat Survey submitted with the application identifies that one of these trees could offer a potential habitat for bats. No Protected Species Survey has been submitted as part of this application to identify whether or not Bats are present within the tree or any mitigation measures to protect this species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Circular 6/2005 and the NPPF**
- 3. The application site is used by Badgers as identified by the Phase 1 Habitat Survey submitted with this application. The submitted survey does not extend to all land within 30 metres of the site which could support a Badger Sett. Without this information it is not possible to fully assess the impact of the development upon Badgers or identify if any mitigation is required. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Circular 6/2005 and the NPPF.**
- 4. The proposed development would be located adjacent to woodland which is protected by a Tree Preservation Order. This woodland overhangs the application site and no tree survey has been provided in relation to these trees. The extent of tree reduction to accommodate the proposed development could harm the trees in question and there is not sufficient information in respect to the impact upon these trees. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



Application No: 12/1488N

Location: LAND OFF MARSH LANE, NANTWICH, CHESHIRE, CW5 5LD

Proposal: Reserved Matter Planning Application Relating to Outline Permission P05/0121 for the Erection of 13no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Childrens Playground

Applicant: Elan Real Estate Ltd & British Waterways

Expiry Date: 13-Jul-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- The acceptability of the Layout, Scale, Appearance and Landscaping
- Impact on adjoining residential amenities
- Impact up highway safety/parking
- The impact upon ecology
- The impact upon flooding

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northwestern side of Marsh Lane within the Nantwich Settlement Boundary. The site is currently an undulating area of open scrub land which borders the Shropshire Union Canal to the west, is enclosed on 2 sides (south and east) by a recreational open space and an equipped children's playground (which has been protected by a S106 agreement) and is bound to the north by residential properties.

DETAILS OF PROPOSAL

A Reserved Matters application has been submitted seeking permission for the erection of 13 detached dwellings. The application is a re-submission of planning permission 12/0222N which was refused in March 2012 on amenity grounds, specifically the impact of visual intrusion and overshadowing upon No.44 Marsh Lane. As part of the re-submission, in order to alleviate these

issues, the applicant has proposed a revised, smaller house type on the plot adjacent to this neighbouring dwelling and has also reduced the ground levels of the site.

The outline permission (P05/0121) was subject to a Section 106 Agreement which was signed in December 2011. The S106 Agreement related to playground improvements and its maintenance, the creation of a public footpath and keeping and maintenance of the Public Open Space. A new access point is proposed through the middle of the Public Open Space.

RELEVANT HISTORY

12/0222N - Reserved Matters Application for 13 No. Detached Dwellings, Parking and Amenity Space and the Retention of Public Open Space/Children's Playground including Appearance, Landscaping, Layout, Scale and Access Following Outline Approval of P05/0121 – Refused 30th March 2012

11/2370N – New detached house, garage, driveway (44 Marsh Lane) – Withdrawn 15th September 2011

P05/0121 - Outline Application for Residential Development and Retention of Existing Public Open Space/Children's Playground (Amended Plans) – Approved 9th December 2011

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 - Infrastructure

RES.2 - Unallocated Housing Sites

RES.3 - Housing Densities

RT.2 – Equipped Children's Playgrounds

RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing developments

NE.9 - Protected Species

Other Material Considerations

Supplementary Planning Document on Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Highways – No comments received at time of report

Previous comments: No objections, subject to there being a minimum of two spaces per dwelling, a section 38 agreement ensuring the new access road is to adoption standards and improvements to a nearby bus stop being secured (23/02/2012)

British Waterways – No comments received at time of report

Previous comments: No objections (28/02/2012)

Environmental Health – No objections, subject to conditions in relation to hours of construction, hours of piling, lighting and an informative with regards to contaminated land

United Utilities – No comments received at time of report

Previous comments: No objections, subject to a condition that the site must be drained on a separate system (21/02/2012)

Countryside Rights Of Way Office (Cheshire East Council) – No objections, subject to an informative regarding the applicants obligations

Greenspace (Cheshire East Council) - No comments received at time of report

Environment Agency - No objections

Housing (Cheshire East Council) – No objections, development does not trigger an affordable housing requirement (15 dwellings)

Sustrans – Request a high quality pedestrian/cycle route

Shrewsbury & North Wales Branch of the Inland Waterways Association – No comments received at time of report

Previous Comments: No objections, subject to conditions relating to the development of the footpath link and an adequate amount of mooring space (07/02/2012)

VIEWS OF THE TOWN COUNCIL:

Nantwich Town Council – No comments received at time of report

Previous comments: Have concerns regarding the potential over domination and overlooking on No.44 Marsh Lane. Also request a condition with regards to construction traffic (05/03/2012)

OTHER REPRESENTATIONS

No.44 Marsh Lane – Has concerns regarding the impact of the development upon a tree in his garden

APPLICANT'S SUPPORTING INFORMATION

Planning Statement

Design & Access Statement
Site Waste Management Plan
Flood Risk Assessment
Phase II Ground Investigation Report
Gas Protection Assessment
Landscaping Layout
Statement of Community Involvement
Phase 1 Habitat Survey
Breeding Bird Survey
Finish Schedule
Tree survey
Arboricultural Development Report
Level reduction drawing
Drainage proposals
Topographical Land Survey
Incursion Plan

OFFICER APPRAISAL

Principle of Development

As the proposed development is a reserved matters application, the principle of the development has already been established with the approval of the outline planning application (P05/0121) which included means of access to the site. As such, this application seeks approval for the subsequent detail of the application, namely the layout, landscaping, appearance and scale.

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should; *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”* In addition it states that local authorities should; *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”*

Layout

The housing scheme consists of 12 detached, two-storey dwellings and 1 detached dormer bungalow, located on the northwestern side of Marsh Lane, Nantwich. The houses would be erected in a linear pattern, following the line of Marsh Lane. 10 of the new dwellings would be positioned towards to the rear of the site, approximately 20 to 25 metres to the southeast of the Shropshire Union Canal to the rear, and approximately 20-55 metres in from Marsh Lane. These 10 properties would face in a south easterly direction towards Marsh Lane and would front onto a proposed new access road. 3 of the new dwellings proposed would be positioned towards the front of the site approximately 25 to 30 metres in from Marsh Lane. 2 of these would back onto

Marsh Lane and the third would be side on and form a corner plot on the new access road proposed. Access to the site shall be via a new access road located opposite No.85 and No.87 Marsh Lane.

It is advised within the submitted Design & Access Statement that the layout has been arranged to take into account the shape of the site and has taken influence from the pattern, form and appearance of housing in the adjacent residential areas.

The properties on the opposite side of Marsh Lane are erected in a linear pattern following the line of the road and front onto Marsh Lane. They consist of a mixture of two-storey, semi-detached and terraced properties. To the northeast, adjacent to the site, are 2 detached, two-storey dwellings to the rear of which are a number of modern detached dwellings on Cartlake Close. As such, the immediate area is characterised by a mixture of two-storey development of different forms and patterns, therefore it is considered that the addition of 13 detached dwellings would not appear incongruous within the area.

In relation to separation distances, the development meets the appropriate distance standards with the exception of the proposed dwellings on plots 3 and 5, and 6 and 2. However, given the relationship between these proposed dwellings, these are considered acceptable in this instance. Furthermore, these separation distances only just fall short of the appropriate standards. As a result of the above reasons, it is considered that the layout of the proposed scheme is acceptable.

With regards to the amount of amenity space provided, the smallest of the rear gardens proposed measures approximately 68 metres squared, which is also considered to be acceptable.

Landscaping

The land slopes down from the canal to the road but is undulating and several areas are mounded. There is a small group of trees to the northwest of the site and a belt of trees/shrubbery vegetation running close to Marsh Lane frontage including Hawthorne, Elder, Willow and Hazel which has not been managed for some time.

The Council's Landscape Officer has advised that *'the development would require the removal of an area of trees/ scrub on the Marsh Lane frontage to create an access and accommodate the development and trees in the northwest corner of the site.'* The Landscape Officer goes on to state that although this scrub may provide a degree of ecological benefits, *'The vegetation is not outstanding.'*

Amenity concerns had been raised about a strip of land approximately 10 metres in depth between the canal towpath and the rear gardens of the proposed dwellings that would back onto the canal. Subsequent correspondence has been had between the developer, British Waterways and the Council and it has been agreed that British Waterways are happy to plant further screening towards the rear of the site to soften the impact of the scheme when viewed from the canal. This is now detailed within the latest Landscaping plan.

In terms of the impact upon trees, concerns have been raised by the occupiers of No.44 Marsh Lane about the impact of the development upon a Red Horse Chestnut tree that falls within this neighbour's rear garden and overhangs the development site. The Landscape Officer has

advised that although the tree is attractive from a distance, it is not exceptional and has no formal protection.

In terms of the proposed landscaping scheme, the applicant proposes to provide a degree of screening on the boundary between the development plot and No.44 Marsh Lane. The Council's Landscape Officer has advised that whilst a reasonable landscaping scheme is proposed, *'it is unlikely to have any significant impact in mitigating for potential overbearing/overlooking impacts and should not be relied upon in this respect.'* These impacts will be assessed in the amenity aspect of the report. As such, once the implementation of the proposed landscaping scheme is conditioned, it is considered that the landscaping of the site shall be acceptable.

Appearance/Design

All of the proposed 13 dwellings would be detached and consist of one of 6 different designs entitled; Brampton, Bunbury, Oakham, Southwold, Healy and one individually designed dormer bungalow.

There are 5 Brampton style units proposed. These units have a footprint of approximately 73 metres squared, are approximately 7.2 metres tall, have dual pitched roofs, a gable on the front elevation and a half dormer, an integral garage and a ground floor bay window.

There are 2 Bunbury style units proposed. These units have a footprint of approximately 59 metres squared, are approximately 7.5 metres tall, have dual pitched roofs and central a gable on the front elevation and detached garages.

There are 2 Oakham style units proposed. These units have a footprint of approximately 96 metres squared, are approximately 8 metres tall, have dual pitched roofs and a half dormer and integral garage on the front elevation.

There are 2 Southwold style units proposed. These units have a footprint of approximately 64 metres squared, are approximately 7.7 metres tall, have dual pitched roofs and a half dormer and an integral garage on the front elevation.

There is 1 Healy style unit proposed. This unit would have a footprint of approximately 72 metres squared, be approximately 7.8 metres tall, have a dual pitched roof and a half dormer and an integral garage on the front elevation.

The 1 individual dormer bungalow would have a footprint of approximately 67 metres squared, be approximately 6.8 metres tall, have a dual pitched roof and two dormers in the rear elevation.

12 of the 13 dwellings would be two-storey in nature and would include features such as dual pitched roofs, bay windows and porches which are present on nearby properties ensuring that the houses proposed would respect the character of the immediate area. The one dormer bungalow, would incorporate many of the features of the other dwellings and would not appear incongruous.

The submitted Design and Access Statement states that the materials to be used shall be traditional and simple in order to fit in with the local character of the area. Within the submitted external finishes schedule, it is advised that all of the units shall be constructed from contrasting red bricks, a buff coloured art stone and a natural mortar finish. All of the dwellings would have roofs with Marley Interlocking tiles. The fenestration, Bargeboards, Soffits and Fascias would all be finished in white uPVC fenestration.

It is considered that these finishes would respect the character of the immediate area and are deemed to be acceptable.

Scale

Properties on the opposite site of Marsh Lane are all two-storey in nature and approximately 7-8.5 metres tall and have footprints between 43 and 77 metres squared. The adjacent property to the northeast, No.44 Marsh Lane is also two-storey and is approximately 8-8.5 metres tall with a footprint of approximately 194 metres squared. No.12 Cartlake Close is also two-storeys tall with a height of approximately 8.5-9 metres and a footprint of approximately 121 metres squared. This general assessment shows that the footprint sizes of the nearby dwellings range from 43 to 194 metres squared a range within which all of the new properties proposed would fall within.

All of the surrounding dwellings are two-storey in nature and have heights between 7 and 9 metres, also a range within which the majority of the proposed new dwellings would fall within. It should be noted that Condition 5 on the approved application P05/0121 stated that the new dwellings should be two-storeys in nature and should not exceed 8.5 metres in height. This condition would be adhered to by this proposal.

As a result of the above assessment, it is considered that the scale of the proposed dwellings is acceptable.

Access

The proposed access to the site was agreed to at the outline stage of the application; however a number of highway's conditions were proposed. These conditions (Conditions 9, 10 & 11) included; details of the access to be submitted and approved prior to the occupation of the dwellings, that acceptable visibility splays are agreed too and that the provision of parking of 1.5 vehicles per unit within the boundary of the site are achieved.

The Design & Access Statement advises that the site would be served by an adoptable internal road and shared private drives. 2 car parking spaces are proposed per dwelling, which would adhere with the outline Condition 11. There would be a mixture of garage types proposed both integral and external. It is advised that these garages are all set far enough back from the roads to ensure that the garage doors can be opened and closed whilst a car is parked in the driveway.

The Council's Highway's Officer, as part of the previous application advised that he had no objections to the development subject to conditions relating to parking space allocations, the extent of the proposed adopted turning head and improvements to a nearby bus stop. In response to these conditions, 2 parking spaces per dwelling are proposed as part of the development; however, in order to retain such spaces, it is proposed that permitted development rights are removed. Private driveways, which at their most intensive use would be serviced by 5 dwellings is deemed to be acceptable if not adopted. In relation to the proposed improvement to a nearby bus stop, such a request at this stage of the application is deemed to be unreasonable given that a S106 agreement has already been agreed as part of the outline application. As a result, subject to the removal of permitted development rights, the access of the development is considered to be acceptable.

Amenity

The neighbours that would be most impacted by the proposed development would be No.44 Marsh Lane to the northeast of the site and No.12 Cartlake Close to the north of the site. The

properties on the opposite site of Marsh Lane are all 42 metres away or more, a distance deemed to be acceptable so not to create any issues in relation to loss of privacy, loss of light or visual intrusion.

The closest property to No.44 Marsh Lane would be the dwelling on plot No.3 which would be approximately 11 metres away. At present, between No.44 and this proposed dwelling is the neighbour's driveway and on the opposite side of the boundary an approximately 3 metre tall mound. On the relevant side elevation of the dwelling on plot No.3 no windows are proposed. On the side elevation of No.44 Marsh Lane there are 4 openings. At first floor level there is a secondary bedroom window, at ground floor level there is an obscurely glazed window to a garage, a solid garage door and a secondary window to a lounge. On the rear elevation of this neighbouring property, there are 8 openings. At first floor level there is a secondary bedroom window, an obscurely glazed en-suite window and two other bedroom windows. At ground floor level there are a set of patio doors to a lounge, a set of patio doors to a dining room and a window and door to a kitchen.

Due to the relationship between the proposed dwelling on plot No.3 and no.44, and the lack of any openings on the relevant side elevation of the proposed dwelling there will be no direct privacy/overlooking issues created to this side. Furthermore, the land level on which the dwelling is proposed will be lowered and screen planting is proposed on this boundary. As such, subject to the appropriate boundary treatment being conditioned, it is considered that the proposal would be acceptable from a privacy perspective with regards to this neighbour.

The proposed new dwelling on plot No.3 would be to the southwest of No.44 and be in an elevated position, there is the potential for loss of light to be created in the late afternoons and summer evenings. However, due to the offset siting of the proposed unit, any loss of light would be created largely to the side elevation of this neighbouring property. As the side elevation of No.44 Marsh Lane only includes either openings to a garage (which is not classified as a principal habitable room), or secondary openings to habitable rooms which would gain light from other windows, it is not considered that the impact of loss of light would be significant.

Given that the proposed dwelling would now be approximately 11 metres away from No.44 and is now a smaller house type than the previous refusal, it is not considered that the visual intrusion created to this side would be significant enough as to warrant refusal of this latest application.

Due to the distance of the dwelling proposed on plot number 4 from this neighbouring unit (approximately 30 metres), the fact that the closest aspect of this proposed dwelling would be single-storey in nature and because of the proposed screen planting, it is not considered that the proposed dwelling on plot number 4 would have a detrimental impact upon No.44 Marsh Lane by reason of loss of privacy, loss of light or visual intrusion.

The closest property to No.12 Cartlake Close would be the dwelling on plot No.4 which would be approximately 25 metres away. Due to this separation distance, it is not considered that the development would have a detrimental impact on the occupiers of this property by reason of loss of privacy, visual intrusion or loss of light.

In order to protect the amenities of surrounding properties, the Council's Environmental Health department have advised that should the application be approved, conditions relating to hours of

construction, hours of piling and details of any external lighting be added to the decision notice. These conditions shall be recommended accordingly.

In summary, it is considered that subject to the appropriate boundary treatment being conditioned, the development would adhere with Policy GR6 of the Local Plan and therefore be acceptable from an amenity perspective.

Ecology

As part of the approved outline permission, an extended phase 1 habitat and tree survey was submitted. Condition 12 of P05/0121 advises that the development shall be carried out in full accordance with the recommendations of this survey in order to safeguard any protected species that may be present on the site and in order to mitigate for any loss of valuable natural habitats. As part of this submission an updated survey has been submitted. Furthermore, a breeding bird's survey has been completed.

The Council's Ecologist advised as part of the previous application that subject to conditions relating to the protection of nesting birds, the incorporation of features for breeding birds and the retention of the original condition within the outline permission requiring that the development accords with the latest extended habitat survey recommendations, he has no objection to the development.

Flooding/Drainage

The Environment Agency have confirmed that their stance has not changed since the previous application and consider that *'the risks posed to controlled waters to be acceptable and have no objection to the planning permission.'*

Also, as part of the previous application, United Utilities raised no objection to the development subject to a condition that the site must be drained on a separate system, with only foul drainage being connected into the foul sewer. As such, subject to the implementation of this condition, the impact of the development upon flooding and drainage is deemed to be acceptable.

Other Matters

Since the submission of the last planning application (12/0222N), the occupiers of No.44 Marsh Lane have submitted a planning application for a new dwelling in their rear garden. As such, both this application and the neighbour's application are running concurrently. In the assessment of this application, the impact of this scheme upon this proposed new dwelling is a material consideration.

The gap between the proposed new dwelling in this neighbours garden and the dwelling on plot No.4 is approximately 2.5 metres to the closest point (garage) and approximately 5.5 metres from the main element of the house. On the side elevation of the dwelling on plot No.4 there is one opening proposed which would be obscurely glazed. On the relevant side elevation of the new dwelling in the garden of No.44 Marsh Lane, there are 3 ground floor windows which serve a garage and a study. 3 roof lights are proposed in the roof space on this elevation.

Given that the only window on the side elevation of the property on plot number 4 would be obscurely glazed, it is not considered any privacy issues would be created for the occupiers of this new dwelling (if approved). Furthermore, boundary treatment could help mitigate against any overlooking from the garden of the dwelling on plot No.4.

This new dwelling would be to the northeast of the plot No.4 and there is a potential for a loss of light to be created for this neighbour towards the end of each day. However, given that the windows impacted upon this proposed new house do not serve principal habitable rooms, it is not considered that any loss of light created to this side would have a significant impact upon this neighbour's amenity.

Due to the non-principal nature of the windows impacted on this proposed neighbouring dwelling and because the closest aspect of the dwelling proposed on plot No. 4 would be single-storey in nature, it is not considered that the visual impact would be significant.

As such, it is considered that should the proposed new dwelling on the adjacent land be permitted, the impact upon its amenity would not be significantly impacted.

CONCLUSIONS

The principle of the development has already been established with the approval of an outline permission which also gained approval for access. It is now subsequently considered that the scale, appearance, landscaping and layout of the scheme are also acceptable. It is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, flooding or drainage and therefore adhere with the Policies RES.2 (Unallocated Housing Sites), NE.8 (Sites of Local Importance for 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), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.2 (Equipped Children's Playgrounds) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION:

APPROVE subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials as per application**
- 4. Hours of construction**
- 5. PD Removal (A to D)**
- 6. PD Removal (Garage conversions)**
- 7. Obscure glazing (kitchen windows on plot 4)**
- 8. Landscaping (Implementation)**
- 9. Tree protection implementation**
- 10. Boundary treatment**
- 11. External Lighting**
- 12. Structural stability of canal bank in accordance with survey**
- 13. Site to be drained on a separate system**
- 14. Development in accordance with Extended Habitat survey**

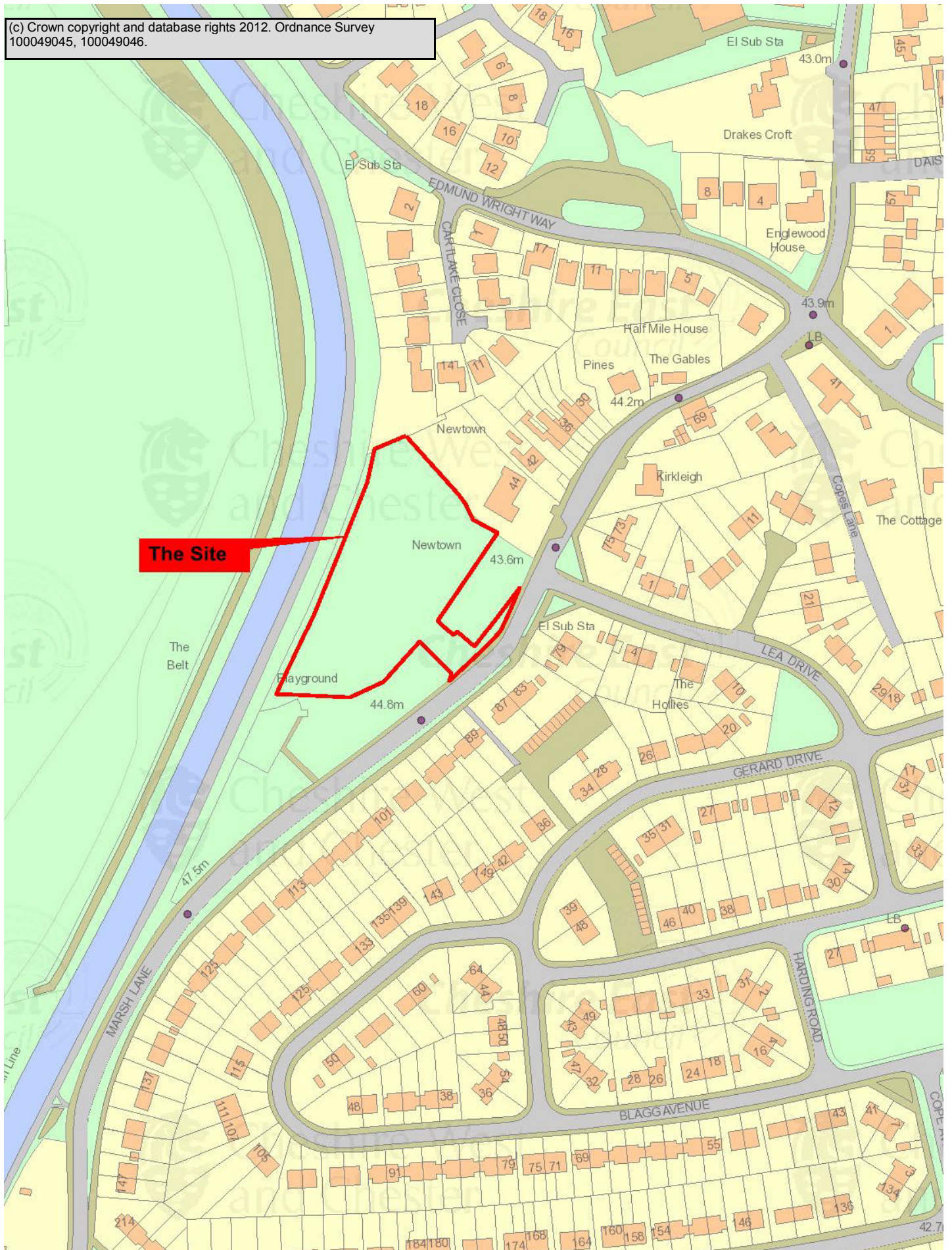
15. Nesting birds

16. Breeding birds

Informative

1. 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.
2. The Council's Public Rights of Way Team would like to remind you of your obligations with regards to the public right of way.
 - a) No building materials must be stored on the right of way
 - b) Vehicle movements must be arranged so as not to interfere with the public's use of the way
 - c) The safety of members of the public using the right of way must be ensured at all times
 - d) No additional barriers (e.g. gates) are to be placed across the right of way
 - e) There must be no diminution in the width of the right of way available for use by members of the public
 - f) No damage or alteration must be caused to the surface of the right of way
 - g) Wildlife mitigation fencing must not be placed across the right of way

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



Application No: 12/1201N

Location: 26, WELSH ROW, NANTWICH, CHESHIRE, CW5 5ED

Proposal: Application for Extension to Time on P07/0463 for Eleven Hotel Bedroom Suites and Car Parking

Applicant: P Schofield, Schofield Brothers

Expiry Date: 22-Jun-2012

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

REASON FOR REPORT

This application is to be determined by the Southern Planning Committee as it is to extend the time limit of a major application.

DESCRIPTION OF SITE AND CONTEXT

The application is found to the rear of 26 Welsh Row just outside of the Welsh Row Conservation Area.

To the west of the site is a row of terraced town houses, to the east lying perpendicular to the application site is row of 4 terraced properties, to the north are commercial properties, while to the south is an existing hotel under the ownership of the applicants.

DETAILS OF PROPOSAL

This application seeks permission to extend the time limit imposed on planning approval P07/0463 which gave permission for an eleven bedroom hotel with car parking. The application was approved on 3rd September 2009.

RELEVANT HISTORY

P06/0807 – Ancillary hotel accommodation – withdrawn 2006

P07/0463 – Eleven bedroom hotel and car parking – approved with conditions 2009

POLICIES

National Policy

National Planning Policy Framework

Crewe & Nantwich Borough Council Local Plan Policy

Nantwich Settlement Boundary

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage and Utilities

BE.16 – Development and Archaeology

RES.11 – Improvements and Alterations to Existing Dwellings

CONSIDERATIONS (External to Planning)

Highways

The Strategic Highways Manager has no comment or objection to make regarding this application proposal.

Archaeology

No objections as per the previous application subject to the attachment of the same conditions

Conservation

None received at time of writing

United Utilities

None received at time of writing

Nantwich Civic Society

None received at time of writing

VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of writing

OTHER REPRESENTATIONS

None received at time of writing

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The application remains unchanged from the previous approval with the application site sharing the same relationship to the neighbouring dwellings. Furthermore there have been no material changes to the site.

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Clearly the NPPF has recently been introduced which is a change in the policy background for the application. However, given the principle of support for sustainable development within the NPPF it is not considered that there is any significant policy change to undermine the original consent. It is therefore considered that there has been no material change in circumstance.

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

CONCLUSIONS

It is considered that there have not been any significant, material changes since application P07/0463 was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to conditions.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

1. Standard time
2. Approved plans
3. Materials to match existing dwelling
4. First floor windows to west elevation obscure glazed and fixed
5. Scheme of Landscaping for forecourt facing Cross Wood Street
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in first season prior to occupation or completion
7. Southern boundary fencing to be approved before occupation
8. Vehicular access to be approved prior to commencement of development
9. Permitted Development rights removed
10. Drainage system to be approved prior to commencement of development
11. Programme of archaeological work to be agreed prior to commencement of development



This page is intentionally left blank

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 6th June 2012
Report of: Development Management and Building Control Manager
Title: Proposed Deed of Variation to the Section 106 Agreement to allow for a reduction in the number of affordable units at Marsh Farm, Newcastle Road, Congleton (09/4240C).

1.0 Purpose of Report

- 1.1 To consider a proposed Deed of Variation to the Section 106 Agreement agreed to by Southern Planning Committee in respect of application 09/4240C.
- 1.2 The report is presented to Southern Planning Committee because the original application for a residential development of 52 houses was approved by the Committee on 21st July 2010.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to a 1.66ha site which was farmland and a farmhouse but now contains the 52 dwellings approved on 21st July 2010.
- 3.2 To the northeast of the site is Astbury Mere Country Park; to the south is a care home, to the north a church and to the west residential properties and a garage.
- 3.3 The site is designated as being within the settlement zone line of Congleton, in the adopted local plan..

4.0 Previous Planning Permission

- 4.1 Members may recall that in July 2010, Southern Planning Committee resolved to grant full planning permission for a residential development of 52 units on Marsh Farm, Congleton.
- 4.2 The resolution to approve on 21st July 2010 was subject to the completion of a Section 106 Agreement making a number of provisions including, the provision of 15 affordable homes comprising 5 two bedroom and 3 three bedroom homes for social rent and 7 three bedroom homes for open market discount (30%) sale.
- 4.3 The developer is seeking to amend this to reduce the number to 14 by allowing 2 of the open market discount (30%) to be changed to shared equity, 1 to be changed to social rent and one to be released for the open market. The changes also include the option for open market sale of the 2 shared equity units, with 30% of the sales proceeds being paid back to the Council upon sales completion, as a commuted sum payment. This coming into being if a buyer has not exchanged contracts after a marketing period of 20 weeks from the completion of the Deed of Variation.

5.0 Officer Comment

- 5.1 The application has come forward after negotiations between the Housing Section and the developers.
- 5.2 Bloor Homes began marketing the discount for sale units in May 2011. This advertising took the form of local press advertisements, several property websites and the Cheshire Homechoice website.
- 5.3 Between May and October the Council were only able to nominate 3 people who had applied as eligible for the scheme.
- 5.4 Bloor Homes approached the Council to discuss the variation to the Section 106 Agreement due to the difficulties they were experiencing in finding buyers. This is due to the fact that discount for sale mortgages are limited, in this case only one lender will give mortgages for properties on the site. This particular lender requires a 20% deposit, meaning that purchasers would have to be able to provide a deposit of £23,800.
- 5.5 For shared equity units, the lender only requires a deposit of 5%.
- 5.6 The Council is able to nominate two couples on the basis of shared equity, and an additional social rented unit is something that the Housing Section would welcome.

6.0 Conclusion

- 6.1 On the basis of the above, the proposed Deed of Variation to the Section 106 Agreement is considered to be acceptable.

7.0 Recommendation

- 7.1 That the Southern Planning Committee resolve to agree to a Deed of Variation the Section 106 Agreement linked to application 09/4240C to allow for the plots 36 and 37 to become shared equity tenure, plot 44, social rented and plot 35 to be released for open market sale.

8.0 Financial Implications

- 8.1 There are no financial implications.

9.0 Legal Implications

- 9.1 The views of the Borough Solicitor have been sought and an update will be provided prior to Committee.

10.0 Risk Assessment

- 10.1 There are no risks associated with this decision.

11.0 Reasons for Recommendation

- 11.1 To allow the Deed of Variation to the Section 106 to be progressed to enable the properties to be occupied by people in need of affordable housing.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Philippa Cockroft – Senior Planning Officer
Tel No: 01270 537418
Email: philippa.cockroft @cheshireeast.gov.uk

Background Documents:

- *Application 09/4240C*

This page is intentionally left blank

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 6th June 2012

Report of: Development Management and Building Control Manager

Title: To confirm the Tree Preservation Order at Manor Lodge, Manor Court Crewe CW2 6PG

1. PURPOSE OF THE REPORT:

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 1st February 2012

2. SUMMARY RECOMMENDATION:

The Development Management and Building Control Manager recommends that the Southern Area Planning Committee instruct the Borough Solicitor to confirm the Tree Preservation Order at Manor Lodge, Manor Court, Crewe CW2 6PG subject to modification to exclude the Yew tree within G3 of the Order.

3. WARD AFFECTED

Crewe South/Wistaston

4. POLICIES

Policy BE.2 concerning Design Standards for new development and NE5 referring to the integration of Trees Woodlands and Hedgerows of the Crewe and Nantwich Replacement Local Plan 2011 (Saved Policies) are relevant to the making of the Order

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is

an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

7. RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

8. CIRCUMSTANCES

On 16th December 2011 the Council received an outline application for the demolition of the existing bungalow and the erection of five two storey dwellings on land at Manor Lodge, Manor Court, Crewe (App 12/0037N). The application proposed the removal of a number of low category trees and identified high and moderate category trees for retention. An assessment of the proposed scheme identified that the footprint of the proposed development in relation to those trees shown for retention and their position to the south of the proposed dwellings would create an overbearing and oppressive impact and would detract from the reasonable enjoyment of those properties, which would inevitably lead to future requests for regular pruning or felling. Reports were also received from local residents that tree felling had been undertaken within the site prior to the submission of the planning application and this gave cause for concern that the remaining trees may have been under threat.

In the light of these factors, an amenity evaluation of the trees was undertaken and a recommendation made to the Development Management and Building Control Manager that it would be expedient to make a Tree Preservation Order on certain trees. Under powers delegated to the Development Management and Building Control Manager a Tree Preservation Order was made on 1st February 2012.

9. CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 1st February 2012. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Wistaston Parish Council and Ward Members for Wistaston and Crewe South.

10. VIEWS OF THE PARISH/TOWN COUNCIL

Wistaston Parish Council has sent comments by letter dated 17th February 2012 supporting the Order and requesting that they would like to see it take effect formally.

11. OBJECTIONS/REPRESENTATIONS

Two objections have been received; the first from Mr and Mrs Holdsworth of 210 Manor Way, Crewe and the second is from Dr Mary Swords, the daughter of Mrs Sime the current occupier of Manor Lodge. Whilst Mr and Mrs Holdsworth do not support the proposed development in Manor Court they have expressed concern about the imposition of a Tree Preservation Order on trees within their property. Mr and Mrs Holdsworth have stated that their intention is to improve the group of trees within the small wooded area through rejuvenation or judicious pruning to create a better environment and it has never been their intention to remove any of the trees. In order to preserve a more open aspect to the wood, they have requested a variation to the Order to allow for the removal of the Yew tree (forming part of Group G3 of the Order) and some limited pruning to the Horse Chestnut (also within Group G3).

Mr and Mrs Holdsworth have also raised issues of equity and fairness. This matter is currently being addressed through the Council's complaints process. A letter dated 21st May 2012 has been sent to Mr and Mrs Holdsworth in response to these issues.

Two letters have been received from Dr Swords (dated 1st March and 16th April 2012). Dr Swords objects to the Order for the following reasons:

The Tree Preservation Order extends to a number of trees which consist of undistinguished garden specimens mostly planted by Dr Swords parents and some forest trees which should not be encouraged within gardens.

Is it normal for Preservation Orders to be issued for trees of this nature within the vicinity of Manor Lodge.

How many Tree Preservation Orders have been issued in the last 5 years on properties adjacent to Manor Lodge.

How many Tree Preservation Orders have been issued in the last 5 years on properties within 500metres of Manor Lodge.

The service of the Order seeks to imply some wrong doing in respect of a Willow tree prior to the service of the Order.

The Tree Preservation Order is being used as a proxy for opposition to development of the site.

Dr Swords has also raised matters of procedure in respect of prior notification of site access onto the property and issues of equity and fairness. These matters are currently being addressed through the Council's complaints process. Letters have been sent to Dr Swords dated 5th April 2012 and 8th May 2012 in response to these issues.

The Council have received a further 37 letters in support of the Order from residents on Balmoral Avenue, Collinbrooke Avenue and Manor Way. Most these letters have been submitted in the form of a copied standard layout with the main text of the letter referring to the Individual impact, wider impact and visibility that the protected trees provide. Reference is made to the recent planning application in the letters and also includes an additional paragraph for individuals to make their own individual comments on the trees.

12. APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

Objection - Mr and Mrs Holdsworth – 210 Manor Way, Crewe

It is accepted that the group of trees within their property located adjacent to the boundary of their property are currently under good management however in considering the recent planning application the Arboricultural Officers role was to assess both trees within and in certain cases those trees immediately adjacent to the development site as Government advice states in '*Tree Preservation Orders - A Guide to the Law and Good Practice (March 2000)*' (para 5.), Local Authorities may require details of trees on adjacent land which may be affected by the development. In this regard it was noted that the Arboricultural Report submitted in support of the planning application did not consider or evaluate any of those trees immediately adjacent to the application site.

An assessment of the impact of the proposed development was carried out and it was concluded that the position of proposed development would have had a long term detrimental impact upon the group of Ash and Horse Chestnut within 210 Manor Way which would lead to future requests to excessively prune the trees by new residents of the proposed development. The relationship of trees and their attributes can significantly affect potential land use, in particular shading by trees on new buildings and lack of natural light to rooms and gardens. To ensure adequate garden space avoid unnecessary excessive pruning by future residents of the new development, it was concluded that the protection of the trees was therefore necessary to avoid such future conflicts and ensure greater control over the pruning of the trees that overhang the development site.

After further consideration the Arboricultural Officer accepts that the Yew tree within group G3 does not form a composite part of the protected group and its value is limited in this regard. It is therefore recommended that this tree should be excluded from the Order.

The objectors request for some limited pruning of the Horse Chestnut is noted. Such pruning could be agreed as part of an application for consent under the Tree Preservation Order.

A letter dated 22nd May 2012 has been sent to Mr and Mrs Holdsworth in answer to their letter of complaint dated 9th May 2012.

Objection – Dr Mary Swords

Local Authorities are required to assess the amenity value of trees in a structured and consistent way in accordance with Government guidelines contained in *Tree Preservation Orders - A Guide to the Law and Good Practice (March 2000)*. An assessment of the amenity value of the trees within and adjacent to the site was carried out using the Council's Amenity Evaluation Checklist which identified that the trees made a positive contribution to the visual amenities of the locality. The assessment also selectively excluded some trees within the site which were not considered to be of significant amenity value.

Most trees that are protected by a Tree Preservation Order are often described as 'forest trees' and many of these trees are located within private gardens. It should be noted that the protected trees are located around the edge of the Manor Lodge garden and do not conflict with the existing property. Whilst the protected trees currently conflict with the existing development proposal, the Tree Preservation Order cannot be used merely as a tool to prevent development. A subsequent amended layout has been submitted for discussion, which respects the protected trees but has not been formally submitted by the applicant's Agent. Therefore the argument that the trees are unsuitable for a private garden should not be given significant weight.

A letter (dated 8th May 2012) has been sent to Dr Swords in answer to the questions regarding the number of TPOs that have been issued within the vicinity of Manor Lodge. The letter included a map showing all the TPOs adjacent to Manor Lodge together with an accompanying list providing the name and date of service of the Orders.

There is no implication of wrong doing by the Council in respect of the removal of the Willow tree prior to the planning application, but it is not uncommon for trees to be removed from planning application sites. Such removal often leads to complaints by members of the public and requests for Tree Preservation Orders which happened in this particular case.

It is not the case that the TPO "is being used as a proxy for opposition to legal development". The presence of trees on the site is deemed a material consideration as part of a planning application, but they remain one of a wide range of material considerations which require consideration as part of the planning process, however the grant of planning permission can override the protection of a TPO.

Letters in support of the Order

Letters in support of the TPO refer to the valuable amenity the trees provide, that they are highly visible to the wider public, provide privacy to adjoining neighbours, form a natural extension to the woodland character surrounding Gresty Brook and contribute to the wider landscape character of the area. Reference is also made to the abundance of local wildlife present which the trees provide a habitat supporting bats, numerous species of birds, foxes and badgers. Letters have also expressed concern about the loss of trees on the site prior to the submission of the planning application and the remaining trees presenting heavy shade to any proposed dwellings.

One letter of support has also identified a typographical error within the First Schedule which refers to the location of T2 to the rear of No.14 Manor Way. This should read No.214 Manor Way.

13. CONCLUSION

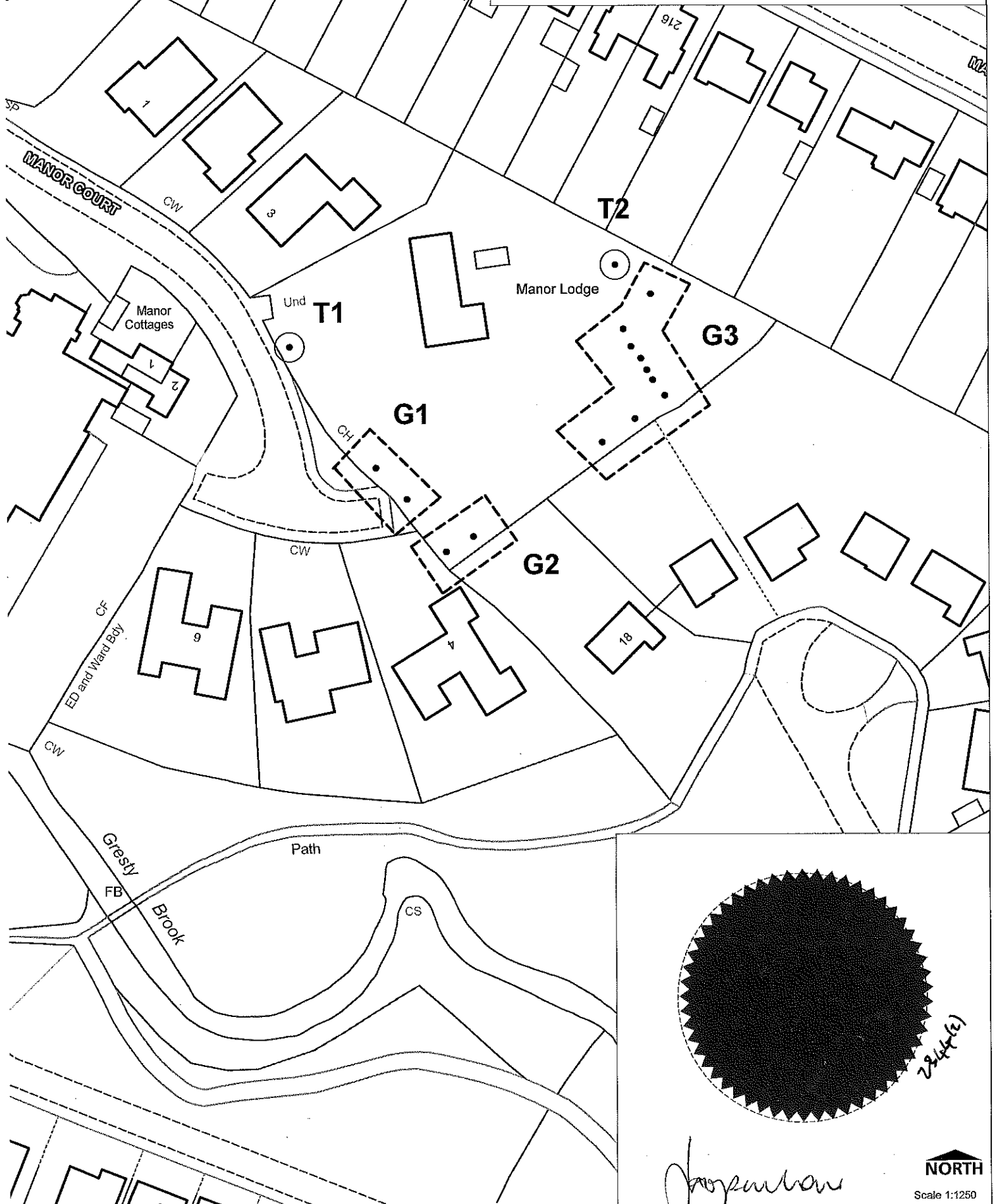
In the light of the reports received that trees were being removed from the Manor Lodge and the threat to trees which contribute to the amenity and character of the area, it is considered it was expedient for Cheshire East Council to make the TPO in accordance with Section 198(1) of the Town and Country Planning Act. Following further consideration of the representations and objections received, the view is taken that one of the trees initially protected should be excluded from the Order and the First Schedule amended to reflect the typographical error.

RECOMMENDATION

That the Cheshire East Borough Council (Crewe – Manor Lodge, Manor Court) Tree Preservation Order 2012 is confirmed subject to the modification of the plan and First Schedule to exclude the Yew tree from Group G3 and amending the situation of T2 within the First Schedule of the Order from No.14 to No.214 Manor Way

CHESHIRE EAST BOROUGH COUNCIL
(CREWE - MANOR LODGE, MANOR
COURT) TREE PRESERVATION ORDER 2012

NGR: 369,738 354,122



This page is intentionally left blank