

Southern Planning Committee

Agenda

Date:	Wednesday, 29th August, 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 disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 8 August 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. **12/2147C Grove Inn, Manchester Road, Congleton CW12 1NP: The Replacement of the Vacant Public House with a Convenience Outlet Store for Seven Ten (Cheshire) Ltd** (Pages 11 - 22)

To consider the above planning application.

6. **12/2309N Land adjacent to 4 Audlem Road, Hankelow, Cheshire CW3 4AU: Outline Planning Application - residential proposal comprising 10nr. two-storey residential units in total broadly; 8nr. semi-detached dwellings, circa 160 square metres with integral garages and 2nr. detached dwellings, circa 185 square metres with detached garages for Mr Chris Kidd** (Pages 23 - 38)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 8th August, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

Councillors D Bebbington, P Butterill, R Cartlidge, J Clowes, W S Davies,
P Groves, A Kolker, D Marren, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey and C Thorley

OFFICERS PRESENT

Sarah Edge (Senior Environmental Health Officer)
Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
Neil Jones (Principal Development Officer – Highways Development)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M J Weatherill, Rhoda Bailey and S McGrory

36 DECLARATIONS OF INTEREST

Note: The Senior Lawyer briefly outlined the provisions of the new Code of Conduct, which had been approved by Council on 19 July 2012, and the implications for declaring interests at meetings of the Southern Planning Committee.

Councillor D Bebbington declared that, with respect to application number 12/1836N, he had in the past rented a property from the mother of the applicant. He was acquainted with the applicant, and still knew him well enough to hold a conversation, but had no other social contact with him nor any business or financial dealings.

Councillor A Thwaite declared that he had been present when application number 12/2230N had been discussed previously. He had, however, not made up his mind and had not fettered his discretion.

All Members of the Committee stated that they had not predetermined application number 12/2230N, which had previously been discussed by the Committee.

All Members of the Committee declared that they had received correspondence regarding application number 12/2230N.

37 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 18 July 2012 be approved as a correct record and signed by the Chairman.

38 11/2394C PACES GARAGE AND FAIRFIELDS, NEWCASTLE ROAD, ARCLID, CHESHIRE CW11 2UE: REDEVELOPMENT OF INDUSTRIAL/COMMERCIAL PREMISES AND TWO DETACHED GARAGES AND ERECTION OF 18 DWELLINGS (13 MARKET/5 AFFORDABLE), PROVISION OF PUBLIC OPEN SPACE AND FORMATION OF REPLACEMENT ACCESS FOR THE DWELLING FAIRFIELD FOR ROWLAND HOMES LTD AND MESSRS PACE

Note: Councillor S Davies arrived during consideration of this item but did not take part in the debate or vote.

Note: Mr A Jolly (objector) and Mr P Emery (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED, subject to the signing of a Section 106 agreement making provision for the following:
- Affordable Housing comprising 3 social rented units and 2 intermediate tenure units.
 - Social rented units to be provide through an RSL
 - financial contribution of £10,000 towards speed limit reduction from 50mph to 40mph around Arclid traffic lights.

and the following conditions:

1. Standard
2. Plans
3. Submission of detailed construction plans for access
4. Provision of footpaths to site frontage
5. Scheme of foul drainage
6. Contaminated land investigation
7. Details of Sustainable Urban Drainage System
8. Timing and method of pile driving
9. Air Quality mitigation measures#
10. Construction hours to be 0800 – 1800 Monday to Friday and 0800 to 1300 Saturday with no working on Sunday / bank holidays
11. Removal of Petrol tanks
12. Method of dealing with unforeseen contamination
13. Electromagnetic screening measures

14. Relocation of existing businesses elsewhere within the Borough
 15. Tree Protection
 16. No works within protected area
 17. Boundary Treatment
 18. Landscaping
 19. Landscaping implementation
 20. Materials
 21. Obscured glazing to gable of Plot 14
 22. Protection of breeding birds
 23. Incorporation of features suitable for use by breeding birds
 24. Removal of Permitted Development rights for plots 14 - 18
 25. Noise and vibration mitigation measures
- (b) That, in the event of any changes being needed to the working of the Committee's decision (such as to delete, vary or add conditions / informatics / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Southern Area Manager be delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's Decision.

39 12/2230N THE FORMER OLD CREAMERY, STATION ROAD, WRENBURY CW5 8EX: PROVISION OF 21 X 70M PORTAL FRAMED SHED FOR CASTING CONCRETE PRODUCTS, PROVISION OF 2M DIAMETER X 10M HIGH MOBILE CEMENT SILO AND THREE BAY BIN - 8.5M X 2.5M, PROVISION OF 12M X 6M FRAMED BATCHING SHED FOR MR GRAHAM HEATH, CONCRETE PANEL SYSTEMS LTD

Note: Mr A Murphy attended the meeting and addressed the Committee on this matter on behalf of Wrenbury-cum-Frith Parish Council and Aston and Wrenbury Consortium.

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

The Southern Area Manager – Development Management reported that the reference to the Environmental Permitting (England and Wales) Regulations 2012 in the Pollution section of the Officer Appraisal in the report should read: 'the Environmental Permitting (England and Wales) Regulations 2010' and that a permit had been issued under these regulations.

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

1. The proposal would, due to the increase in heavy goods vehicle movements and noise associated with the manufacturing process, have a prejudicial impact on the residential amenity of the occupiers of Holly House, properties on Station Road and the future occupiers of the proposed affordable housing on land off Station Road, Wrenbury contrary Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposal would, due to the increase in heavy goods vehicle movements and sub-standard access arrangements, prejudice the safe movement of traffic on surrounding roads without providing a safe arrangement for vehicular access and egress contrary to Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
3. It is considered that the proposal would not represent sustainable development as defined by the National Planning Policy Framework due to the adverse impact on the delivery of the approved affordable housing on land off Station Road, Wrenbury (LPA Reference: 11/1165N) contrary to paragraphs 7 and 8 of the National Planning Policy Framework.

**40 11/3168N THE LIMELIGHT CLUB, 1- 7, HIGHTOWN, CREWE CW1 3BP:
RESTORATION AND CONVERSION OF EXISTING BUILDING TO
FORM 22NO DWELLINGS WITH AMENITY SPACE AND OFF ROAD
PARKING FOR MR STUART CAMPBELL, LIMELIGHT
DEVELOPMENTS LTD**

Note: Councillor D Marren declared that he had spoken to the applicant but that he had not expressed an opinion.

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to a Section 106 Agreement to secure overage agreement so that if the total sales proceeds for the development exceed the amount predicted in the Viability Appraisal submitted with the application, the additional monies are split 50/50 with the Council to go towards the provision of affordable housing

and the following conditions:

1. Standard
2. Amended plans
3. Provision of carparking
4. Provision of cycle parking
5. Side windows of Bedroom 1 (Flat 8) Living Room (Flat 5) and Bedroom (Flat 13)
6. 10% of energy requirements to be from decentralised/renewable/low-carbon source energy supply unless demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
7. Submission / approval implementation of materials
8. Submission / approval of landscaping
9. Implementation of landscaping
10. Submission / approval / implementation of boundary treatment.
11. Hours of operation restrictions to be placed on the construction site; Monday – Friday 08.00 hrs to 18.00 hrs, Saturday 09.00 hrs to 14.00 hrs, with no Sunday or Bank Holiday working

12. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations to be restricted to: Monday – Friday 08:30hrs – 17:30hrs; Saturday 08:30hrs – 13:00hrs; Sunday Nil
13. Submission / approval / implementation of traffic noise assessment and any recommended mitigation.
14. Submission / approval / implementation of details of external lighting
15. Submission / approval / implementation of bin storage, for both household waste and recycling, for the size of the development.
16. Submission / approval / implementation of contaminated land assessment and any recommended mitigation.

41 12/1175N REASEHEATH COLLEGE, MAIN ROAD, NANTWICH, CHESHIRE CW5 6DF: PROPOSED 3 STOREY 150 BED RESIDENTIAL STUDENT ACCOMMODATION BUILDING FOR MR MARK EMBREY

Note: Councillor D Perkins (on behalf of Worleston & District Parish Council), Ms A McGourlay (objector) and Mr O Cotton (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. The Local Planning Authority considers that the size, siting, scale, form and design of the proposed three storey student accommodation block would represent an unduly prominent feature within the landscape which would have an adverse impact on the character and appearance open countryside and neighbouring buildings contrary to policies NE.2 (Open Countryside) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.
2. The proposed development relates to the provision of 150 one bed apartments for student accommodation with the provision of 11 off street parking spaces. This level of parking provision is less than one quarter of the maximum standard identified at Appendix 8.1 of the Local Plan. It is considered that the inadequate levels of parking at the application site will lead to pressure for off road car parking contrary to policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

**42 12/1346N MAGPIE HOUSE, 57, EARLE STREET, CREWE CW1 2AS:
CHANGE OF USE FROM A2 OFFICE AND SUBDIVISION TO FORM 18
BED-SITTING ROOMS FOR MR K VICKERS, CRIMEWATCH
SECURITIES**

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

In the absence of the Vice-Chairman, and in accordance with Procedure Rule 17.5, Councillor A Kolker was appointed to take the Chair on the departure of the Chairman, later in the meeting.

Note: Councillor C Thorley (Ward Councillor), Mrs L Fleet (objector) and Mr K Vickers (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to a Section 106 Agreement to secure £5,000 towards footway/cycle improvements at Macon Way/Earle Street Bridge and the following conditions:

1. Standard (Time)
2. Plans
3. Materials as per application
4. Hours of construction
5. Lighting to be approved
6. Scheme of acoustic enclosures
7. Obscure glazing (x3)
8. Submission of details showing that all windows on principal elevation (Earle Street) shall be non-opening (other than Building Regulation requirements)
9. Submission of ventilation equipment details
10. Prior submission of a plan showing the upgrade of the existing glazing for sound proofing purposes to achieve 30dBA from bedrooms
11. Prior submission of details of the air exchange system showing it to be acoustically attenuated
12. Boundary treatment to front to be railings

**43 12/1836N HIGHER ELMS FARM, CROSS LANE, MINSHULL VERNON
CW1 4RG: PROPOSED FARM COMPLEX CONSISTING OF STEEL
PORTAL-FRAMED BUILDINGS FOR HOUSING AND MILKING OF
LIVESTOCK, EARTH BANKED SLURRY STORE AND EARTH BANNED
SILAGE CLAMP FOR MR CHARLESWORTH**

Note: Councillors M Martin and D Newton left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Principal Planning Officer.

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

1. Standard Time Limit
2. Plans
3. Materials
4. Drainage
5. No Additional External Lighting
6. Landscaping Submitted
7. Landscaping Implemented
8. Boundary Treatment
9. Surfacing Materials

44 12/1862N STEWART STREET MOTORS, STEWART STREET, CREWE CW2 7RW: REMOVAL OF EXISTING SECOND HAND CAR SALES SITE, BUILDING AND THE ERECTION OF 7NO. ONE BEDROOMED AND 7NO. TWO BEDROOMED FLATS IN A THREE STOREY BLOCK FOR STEWART STREET MOTORS

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

45 12/1869N LAND ADJOINING SCHOOL LANE, BUNBURY CW6 9NR: OUTLINE APPLICATION FOR ONE TWO STOREY DETACHED DWELLING WITH DETACHED GARAGE FOR MR POTTON

Note: Councillor N Parker (on behalf of Bunbury Parish Council) and Mr E Lord (objector) attended the meeting and addressed the Committee on this matter.

Note: Ms C Briggs-Harris had registered her intention to address the Committee on this matter but did not attend the meeting. The Southern Area Manager – Development Management reported comments which had been submitted by Ms C Briggs-Harris prior to the meeting.

Note: Mrs O Starkey (on behalf of the applicant) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mrs Starkey to speak.

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

The Southern Area Manager – Development Management reported that the Parking section of the Officer Appraisal in the report should have been deleted, and should be ignored.

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

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Two Storey Dwelling
5. No windows to side facing elevations
6. Hours of construction
7. Hours of any pile driving activities
8. Retention of hedgerow boundaries between Hopwood House and Trigfa
9. Details of levels to be submitted with reserved matters

46 **12/2038N SANTUNE HOUSE, ROPE LANE, SHAVINGTON CW2 5DT:
DEMOLITION OF FOMER NURSING HOME AND ERECTION OF 7
TERRACED DWELLINGS, 4 RESIDENTIAL APARTMENTS AND 1
DETACHED DWELLING WITH ACCESS AND PARKING FOR
SANTUNE HOUSE DEVELOPMENTS**

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

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

1. Standard Time Limit
2. Plan References
3. Materials to be submitted and agreed in writing
4. Surfacing Materials to be submitted and agreed in writing
5. Details of Boundary Treatment
6. Details of Landscaping to be submitted and agreed in writing
7. Landscaping to be implemented
8. Remove PD Rights
9. Tree Protection Measures
10. Doors/windows set behind a 55mm Reveal
11. Car Parking Spaces
12. Arboriculture Method Statement
13. Drainage
14. Hours of Construction
 - Monday to Friday 08:00 to 18:00 Hours
 - Saturday 09:00 to 14:00 Hours
 - Sundays and Bank Holidays Nil
15. No External Lighting
16. Construction Method Statement
17. Pile Foundations
 - Monday to Friday 09:00 to 17:00 Hours
 - Saturday 09:00 to 13:00 Hours
 - Sundays and Bank Holidays Nil
18. Parking and turning for the detached house
19. Access to be formed and laid out prior to use
20. Cycle storage

21. Foliage to be cut back for visibility
22. Parking area to not be allocated to individual properties
23. Noise assessment to be completed and approved by Local Planning Authority prior to the commencement of development.

47 12/2095C BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON CW11 2TW: EXTENSION OF SITE AREA, CONSTRUCTION OF A HARD STANDING AND STORAGE OF RECYCLED MATERIALS IN SKIPS OR SECURE CONTAINERS FOR MR TOM GARDINER, WILLIAM BEECH SKIP HIRE

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

48 12/2327N THE OLD SMITHY, SALESBROOK LANE, ASTON CW5 8DR: OUTLINE APPLICATION FOR TAKING DOWN OF EXISTING WORKPLACE BUILDINGS AND FOR NEW SMALL DWELLING HOUSE AND CONTIGUOUS WORKSHOP / BUSINESS PREMISES FOR MR GLYNN DAVIES

Note: Councillor D Bebbington left the meeting prior to consideration of this application.

Note: Councillor Rachel Bailey (Ward Councillor) and Mr J Salisbury (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That, for the reasons set out in the report, the application be REFUSED for the following reason:

The proposal would create an isolated new home in the countryside which is considered to be an inappropriate form of development. It is also considered that the application site would represent an unsustainable location for a new dwelling. As such, the proposal is considered to be contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the NPPF.

49 12/2406N MONKS HALL FARM, MILL LANE, HANKELOW CW3 0JD: PROPOSED SLURRY LAGOON TO COMPLY WITH ENVIRONMENT AGENCY REQUIREMENTS FOR STORAGE OF SLURRY IN A NITRATE VULNERABLE ZONE FOR MR ANGUS MAUGHAN

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. Plan References
3. Boundary Treatment
4. Landscaping Submitted
5. Landscaping Implemented
6. Surfacing Materials to be Submitted and Agreed
7. Only Slurry Generated on the Farm to be Stored in the Lagoon

50 PROPOSED ALTERATIONS TO THE SECTION 106 AGREEMENT TO ALLOW AFFORDABLE RENT PROVISION IN SCHEME (11/4002C) FOR 83 RESIDENTIAL UNITS AT LAND OFF JERSEY WAY, MIDDLEWICH

Note: Councillor G Merry left the meeting during consideration of this item and Councillor A Kolker took the Chair.

The Committee considered a report regarding application 11/4002C, which had been approved by the Southern Planning Committee on 6 June 2012.

The developer was seeking to amend the wording of the resolution in respect of the Section 106 Agreement, to make provision for properties for 'affordable rent' within the scheme as an alternative to 'social rent'.

Concern was expressed regarding this application for a change of tenure from social rent to affordable rent.

RESOLVED – That in respect of application 11/4002C the first bullet point of the previous resolution (relating to the provision of affordable housing) be amended to read:

'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% affordable rent (12 units) and 37% intermediate tenure (7 units) as per requirements of the Interim Planning Statement'.

The meeting commenced at 2.00 pm and concluded at 6.35 pm

Councillor G Merry (Chairman)

Application No: 12/2147C

Location: Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP

Proposal: The Replacement of the Vacant Public House with a Convenience Outlet Store

Applicant: Seven Ten (Cheshire) Ltd

Expiry Date: 02-Aug-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of the development
- Design
- Highway Safety
- Amenity

REASON FOR REFERRAL

This application is before the Southern Planning Committee as it has been called in by Councillor G Baxendale on the grounds of traffic management, over intensification of crossing facilities and being an inappropriate site for retail use.

DESCRIPTION AND SITE CONTEXT

The application site comprises the Grove Inn public house, and the associated beer garden and parking, located on the traffic island bounded by Macclesfield Road and Manchester Road. The public house is no longer trading. Congleton Ambulance Station is to the north and there are residential properties to the east and west, with an existing convenience store also to the west.

The site is designated as being within the settlement zone line of Congleton in the adopted local plan.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a convenience store on the site of the existing Grove Inn public house. The store would be of a more or less triangular shape. It would have 213sqm of floor space on the ground floor, with store, cold store, staff room and office above.

The main entrance would be from the rear, next to the car park, with a secondary entrance on the front corner of the building. A variety of materials are proposed for the construction including extensive glazing, glazed blockwork, steel mesh panels, zinc cladding, brick and Rosemary tile.

A previous application was refused by Committee on 7th March 2012, on the grounds of inappropriate form and design and insufficient information relating to highway issues. This application seeks to address the previous reasons for refusal.

RELEVANT HISTORY

12/0384C 2012 Refusal for replacement of vacant public house with convenience retail outlet store (Appeal in progress)

12/0381C 2012 Prior determination for demolition of existing building

08/0536/FUL 2008 Approval for retention of smoking shelter

33208/3 2001 Approval for new patio doors and landing

5371/3 1977 Approval for alterations

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP6 Marry Opportunity and Need

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

W5 Retail Development

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

Congleton Local Plan 2005

PS5 Towns

GR1 General Criteria for Development

GR2 Design

GR4 & GR5 Landscaping

GR6 & GR7 Amenity & Health

GR9 & GR10 Accessibility, Servicing and Parking Provision

GR17 Car Parking

GR18	Traffic Generation
GR19	Infrastructure
BH9	Conservation Areas
S2	Shopping and Commercial Development Outside Town Centres

CONSULTATIONS (External to Planning)

Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

Further to the previous highway comments, the applicant has sought to address the highway issues that were raised on the previous design.

With regard to deliveries, the main access off Macclesfield Road is to be used to service the site. In order to ensure that there is adequate space within the site, a condition will be required to cap the size of delivery vehicle to 7.5 tonnes.

To provide access to the site, two new pedestrian crossings are proposed, one on Manchester Road and the other on Macclesfield Road. As part of the proposals, the bus stop lay-by in Macclesfield Road will be relocated.

There are 22 car parking spaces to be provided within the site, this level of parking is considered acceptable given the size of the proposed store.

In summary, the applicant has addressed the main issues raised in the previous comments and the site is now accessible by the provision of formal crossing points. There are no highways objections raised subject to conditions and provision of the off-site works.

Conditions

1. Details of the access barriers for the Manchester Road entrance to be submitted and approved by the LPA.
1. Construction of the access and car parking to be completed prior to occupation of the development in accordance with the approved plan.
2. Prior to first development the developer will provide and install both PUFFIN crossings which will serve the site in order that safe accessibility is provided to and from the site at the time of first operation. This provision will also require the relocation of the existing bus stop lay-by.

Informative

The applicant will enter into a S278 Agreement with the Highway Authority to provide the off-site highway works that includes the pedestrian crossings.

Environmental Protection:

Recommend Refusal

Reason: Insufficient Information

Insufficient information has been submitted with the application relating to the impact of the development on air quality and noise impact. In the absence of this information; it has not been possible to adequately assess the impact of the proposed development in terms of compliance with material planning considerations.

This department has received complaints about accumulations on land providing harbourage for rodents and allegations that the current state of the vacant public house site is resulting in a loss of amenity. Therefore the future development of the land is welcomed.

OPERATIONAL PHASE OF DEVELOPMENT

However, as detailed above, insufficient information has been submitted in support of the application, in order for the noise impact of the proposed development on neighbouring residences to be adequately assessed. The applicant has not addressed concerns raised in the previous environmental protection consultation response to 12/0384C dated 29th March 2012. It was expected that further applications submitted in relation to this site would have addressed these concerns in order to expedite the planning application process.

These concerns are now expanded and detailed for the applicant to address. A site meeting with the applicant has been requested in order to discuss these issues as they relate to the operation of the proposed store.

The main areas of concern regarding noise impact relate:

(a). Deliveries

This is an independent store; therefore it is assumed that various suppliers will deliver to the site. The delivery area is located on the northern façade along with the main entrance; there does not appear to be a delivery yard. Insufficient detail has been submitted in order to establish if the deliveries will take place enclosed in the (internal) delivery bay or will take place outside on the carpark/ vehicular access road/ footpath.

The proposed site plan (drawing 1) details a delivery bay; however the artists impression (rear area) depicts the delivery bay as a vehicular access road/ footpath and it appears that the area is on a gradient: the store at a higher level than the car park.

The location of the delivery bay is in close proximity to noise sensitive dwellings opposite on Manchester Road, who will have a direct line of sight into this area. In addition delivery vehicles have reversing alarms and from the layout of the car park there is a reversing area for vehicles to drive into the car park and reverse into the delivery bay. Combined with the hours of operation that the applicant proposes a 5.30am opening time, this is an area of concern.

(b) New Plant and Equipment

No noise data has been submitted regarding the characteristics of the introduction of new noise sources and their impact on the neighbouring residences. I consider that noise from plant in this area could be attenuated if chosen carefully and if mitigation measures were put in place (for example provision of acoustic barriers).

In this location, the ambient noise level is predominated by road traffic noise of the A34 Manchester Road and A536 Macclesfield Road. This background noise may mask plant noise through the daytime. It is possible that during the night time, when the ambient noise level is lower, the operation of the plant units may become more noticeable.

(c) Waste Transfer from Store to Bin/ Trolley Area in Car park

How shall waste be transferred from the store to the commercial waste bin storage in the rear corner of the car park as referred to in planning application section 7 – is this by roller cage? What are the proposed frequency of movements? What time of the day shall they take place? Noise sensitive properties are located at Manchester Road and Macclesfield Road; therefore bedroom windows will have a direct view of the car park and waste transfer from the store to the bins.

Noise Mitigation Scheme Required

There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise arising from the proposed development. The applicant is required to submit a Noise Impact Assessment completed by suitably qualified person/s to determine the noise levels that occupiers in proximity to the proposed site shall be subjected to.

Hours of Operation

Clarification is sought with regards the hours of operation requested: 5.30am – 9.00pm Mon – Friday/ Sat/ Sun & BH. Is the 5.30am start required to receive newspaper deliveries or is the actual opening hours of the store and/or receipt of perishable deliveries?

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:

Monday – Friday / Saturday/ Sunday and Bank Holidays 8.00 hrs - 21.00 hrs

(Subject to Sunday Trading Laws)

In addition to prevent the use of the car park out of hours, the car park shall be closed.

Deliveries and Collections

Deliveries to and collections of waste from the development shall be restricted to the following hours:

Monday – Saturday: 07:30 – 19:00

Sunday and Public Holidays: 10:00 – 16:00

Lighting

Details of the location, height, design, and luminance of any proposed lighting shall be provided. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

Demolition And Construction Phase Of Development

The hours of demolition / 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

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday 09:00 – 17:30 hrs

Saturday 09:00 – 13:00 hrs

Sunday and Public Holidays Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

Waste Management: There shall be no burning of materials on site during demolition / construction

Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

The Air Quality Impact Assessment considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of changes to traffic flows. The development lies within the vicinity of the A34 Lower Heath Air Quality Management Area which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide.

The Air Quality Impact Assessment concludes that people will be exposed to increased levels of air pollution as a result of the development, and its associated traffic. In particular, the report highlights increased exposure at all receptors which were modelled. One of these receptors is within the Air Quality Management Area and as such any increase in exposure is considered significant. It is not clear however whether the assessment has considered the operation of the existing crossing which currently serves the shop and how that may interact with the 2 new crossings or whether it will be removed. In addition, the assessment has not considered the site preparation and construction phases. Dust mitigation measures should be identified and implemented in full and maintained throughout the construction phase to safeguard residential amenity of nearby dwellings. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

The application area has a history of public house use and therefore there may be a basement present on site which may require infilling. As such, and in accordance with the NPPF, this section recommends that conditions, reasons and notes be attached should planning permission be granted.

VIEWS OF TOWN/PARISH COUNCIL

No objection subject to the highways issues being addressed.

OTHER REPRESENTATIONS

At the time of report writing, 32 representations have been received relating to this application, 14 in opposition and 18 in support. In addition, 2 petitions have been received one opposing the development containing approximately 180 signatures and one in support containing approximately 517 signatures. Photographs have also been submitted to demonstrate the existing traffic problems and the poor state of repair that the site has been allowed to fall into.

The objections express the following concerns expressed the following concerns:

Design

- The proposed building is a *“horrendous block of metal and glass”*
- The existing building is more attractive and should be retained
- Overbearing Mansard roof
- The design is only a very slight improvement on the previous scheme

Retail Issues

- There are enough similar facilities nearby such as Barn Road
- There are more suitable sites nearby
- The existing store serves the area adequately already

Amenity

- Additional traffic and noise from people using the store
- Loss of privacy to nearby homes because of large areas of glazing
- Noise pollution
- General disruption

Highways

- Highway safety, in particular for school children and the elderly crossing to the store
- There has already been on road fatality here
- People will not use the car park but will park on the road creating a hazard
- There are already many near misses on the nearby roads
- Would increase traffic on already busy roads
- Existing problems with congestion, particularly at peak times
- The site is unsuitable due to the road layout
- Traffic delays caused by the Puffin crossings
- Danger from delivery vehicles
- Moving the bus stop would cause problems either to the ambulance station or by restricting the road width

Other Matters

- The petition supporting the development has been signed by people who are not from the local area
- The proposal just seeks to make profit and not to serve the local community
- The cost of providing the Puffin crossings and moving the bus stop would be unjustified in the current climate
- Damage to the environment
- The site has been allowed to fall into a state of disrepair
- Trees have already been removed from the site
- Local people do not want the development

The supporters make the following points:

- It will save the elderly and disabled having to go further afield to shop
- Access to the store will be better for wheelchair users
- Good to have such a store close by
- A pharmacy and Post Office would be welcomed
- Useful delivery service
- Children already cross the road at this point and the Puffin crossings would provide safer crossing areas
- Will provide a more comprehensive range of products
- Will create jobs
- Will solve the parking problems at the existing store
- Less car use in the area as people will not have to drive into town to shop

KEY ISSUES

Principle of the Development

The National Planning Policy Framework (NPPF), in paragraph 19, requires that *Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

Local Plan policy PS4 states that within the settlement zone lines there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

Policy S2 states that new shopping or commercial development within the settlement zone line of a town, of an appropriate scale intended to serve the needs of a locally resident community, will be permitted, provided it accords with other relevant policies in the adopted local plan.

The Cheshire Retail Study Update (WYG, April 2011) concludes that in Congleton, there appears to be an undersupply of convenience goods floor space.

In terms of accessibility, the site is located in close proximity to residential properties, which is considered to be a sustainable location.

The development would be in compliance with the requirements of Policies PS4 and S2, and therefore is considered to be acceptable in principle.

In addition it should be noted that the existing building could undergo a change of use to retail without the need for planning permission.

Design, Appearance and Visual Impact

Local Plan Policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme.

Paragraph 64 of the NPPF states that development that is of a poor design should be refused. However paragraph 60 also states that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

The design consists of a modern triangular building constructed from a variety of materials, which would have a contemporary appearance. Following the previous refusal the applicants have introduced a more traditional roof form, reduced areas of glazing and the use of some brickwork, in order to address the concerns of the committee about the design.

The application that was refused by committee was a wholly contemporary building, using materials such as steel, zinc and glazing, with little reference to the character and appearance of the surrounding development, which consists largely of buildings of a brick and tile construction.

The new application keeps the same overall footprint for the building, but introduces a tiled mansard roof, reduced areas of glazing and uses facing bricks on elements of the building in order to better reflect the character of the surrounding area, whilst still retaining a contemporary feel.

The proposal is therefore considered to be in compliance with Policies GR1 and GR2 of the adopted local plan and the advice given in the NPPF.

Amenity

Local Plan Policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Environmental Protection have recommended refusal of the application due to insufficient information relating to the impact on the area in terms of noise and air quality. Conditions have also been suggested to control the permitted hours for deliveries and opening times.

Having regard to these issues, it should be noted that the existing use of the site is as a public house and this use could resume at any time. In addition the existing building could operate as a retail outlet without the need for planning permission and with no conditions controlling hours of operation and deliveries. As such the recommendation of refusal on the noise grounds would not be reasonable.

The applicant has submitted the information requested by Environmental Protection, and this is currently being assessed. An update on this will be provided to Committee.

Given the fall-back permission of a return to use as a public house, or change of use to a shop, without the need for planning permission, it is considered that the benefits that can be gained from the development, including the provision of Puffin crossings and the ability to control the hours of operation and deliveries, would be of benefit to the area in general.

Hours of construction, piling and floor floating have been recommended, and these are considered to be reasonable and should be imposed. Environmental Protection has recommended that the hours of operation should be limited to 8am to 9pm and deliveries to 7.30am to 7pm Mon-Sat and 10am to 4pm on Sundays and Public Holidays.

The goods to be sold at the store would include newspapers and fresh products such as bread and milk. Commodities such as this are usually delivered early, in particular newspapers and it would be unreasonable to restrict the store to these time constraints, especially considering the fall back position and the fact that the existing public house has no limits on the hours of delivery and nor would a shop if the applicant chose to convert the existing building. As such it is recommended that delivery hours be restricted to 6.30am to 7pm and the opening hours to 6.30am to 9pm.

It was also recommended that lighting details be submitted for approval, these have been received and are acceptable.

In order to ensure that there is as little disruption as possible during the period of construction, it is recommended that a condition is imposed requiring the submission of a construction management plan.

It is therefore considered that subject to the recommended conditions, there would be no significant adverse impact on the residential amenities of these properties.

Highways

In response to the previous reason for refusal, the applicants have submitted the additional information, required to address the issues identified. The Strategic Highways Manager (SHM) has assessed all the relevant information (consultation response above), and concludes that the development is now acceptable in highway safety terms.

It is acknowledged that there are problems with congestion at peak times on the gyratory system, but given the size of the proposed store and its close proximity to local residential properties, it is not considered that traffic generation would have a significant adverse impact on this.

One of the objectors has expressed concern that the cost of providing the Puffin crossings and moving the bus stop, could not be justified in the current economic climate. It should be noted that the cost of this would be the responsibility of the developer not the Council..

The concerns of the objectors have been given careful consideration; however given the positive response of the SHM, a refusal on highway safety grounds would not be reasonable.

The proposal is therefore considered to be acceptable in highway safety terms, in compliance with the requirements of Policy GR9 of the adopted local plan.

CONCLUSIONS

It is considered that the principle of retail development on the site is acceptable. The scale of retail development proposed by this application is also considered acceptable. The design of the proposed convenience store would be acceptable. The relationship between the development and surrounding residents is considered to be acceptable.

RECOMMENDATION:

Approve subject to the following conditions:

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. The maximum weight of vehicles allowed to deliver to the site restricted to a maximum of 7.5 tonnes
5. Submission and approval of details of the access barriers to the Manchester Road entrance.
6. Access and car parking completed prior to the store beginning to trade
7. Prior to the store beginning to trade the developer will provide and install both Puffin crossings which will serve the site in order that safe accessibility is provided to and from the site at the time of first operation. This provision will also require the relocation of the existing bus stop lay-by. (To be secured by a s278 Agreement)
8. Tree protection measures
9. Submission of a landscaping scheme
10. Implementation of landscaping scheme
11. Submission of a construction management plan
12. Construction hours limited to 0800 to 1800 hours Monday to Friday, 0900 to 1400 hours on Saturdays and no working on Sundays or Public Holidays
13. Submission of a method statement should pile foundations be required
14. Submission of a method statement for any floor floating taking place
15. Deliveries to be to between 0630 to 1900 hours
16. Opening hours to be between 0630 to 2100 hours

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Application No: 12/2309N

Location: Land adjacent to 4 Audlem Road, Hankelow, Cheshire, CW3 4AU

Proposal: Outline Planning Application - residential proposal comprising 10nr. two-storey residential units in total broadly; 8nr. semi-detached dwellings, circa 160 square metres with integral garages and 2nr. detached dwellings, circa 185 square metres with detached garages.

Applicant: Mr Chris Kidd

Expiry Date: 11-Sep-2012

**SUMMARY RECOMMENDATION –
Delegate Authority to the Head of Development to refuse**

MAIN ISSUES

Principle of development
Highways
Appearance, Landscaping, Layout and Scale
Amenity
Ecology
Other Matters

DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Audlem Road in the settlement of Hankelow. The application site is a square area of field sited adjacent to No.4 Audlem Road. The application site has a width of 100m. The site is located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site is adjacent to a Public Right of Way to the south.

DETAILS OF PROPOSAL

The application seeks outline planning permission for 10no. dwellings; of which 8no. semi-detached dwellings and 2no detached dwellings. The application includes details of access with appearance, landscaping, layout and scale matters reserved.

POLICIES

National Planning Policy

National Planning Policy Framework

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)
NE.5 (Nature Conservation)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy))
TRAN.9 (Parking Standards)
BE.1 (Amenity)
BE.2 (Design)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

Other Material Considerations

Revised Interim Planning Policy: Release of Housing land
Interim Planning Statement: Affordable Housing

CONSULTATIONS (External to Planning)

Highways: This is an outline planning application with all matters reserved except that of highway access.

The proposed junction is not shown in sufficient design detail for the Strategic Highways Manager to determine suitability and those dimensions shown for the visibility splays do not comply with highway standards. It is important that the junction design does meet an appropriate standard as the junction should not be over-designed.

Whilst this application is outline in nature there is sufficient detail provided to give an opinion of the proposed development. There does not appear to be sufficient parking provision for the house types which must be at 200% provision to comply with the emerging CEC parking standards in line with the Localism Bill directive.

The sustainability of this site remains in question and there is insufficient evidence in the application details to present a viable case on highway grounds. As a result the S.H.M. finds that this application does not provide adequate information upon which to judge the proposal in highway terms.

The Strategic Highways Manager recommends refusal of this application on lack of information.

Housing: Object to this application -

The site is located in Hankelow, so the affordable housing need for the Parish has been considered. For the purposes of the Strategic Housing Market Assessment 2010 Hankelow is located in the Audlem sub-area. The SHMA 2010 shows that for the Audlem sub-area there is a requirement for 6 new affordable units per year between 2009/10 – 2013/14, made up of a need for 1 x 1 bed, 5 x 3 bed, 1 x 4/5 bed and 1 x 1/2 bed older persons accommodation. The

SHMA 2010 identified a slight over-supply of 3 x 2 beds which results in the net requirement for 6 new units per year.

A rural housing needs survey was carried out in 2007 for the Audlem Ward, which included the Hankelow Parish. The survey was conducted by sending out a questionnaire to all the households in the Audlem Ward. The Audlem Rural Housing Needs Survey 2007 has identified that there is a need for at least 9 new affordable homes in the Hankelow Parish.

The site is in the open countryside in a rural Parish and the site should be classed as a Rural Exception site under the Crewe and Nantwich Local Plan, policy RES:8 and any development on a site such as this should be 100% affordable housing to meet the needs of local people identified from a survey undertaken specifically for that purpose.

The e-mail the Planning Agent has sent indicates that they could offer 1 x 4 or 5 bed affordable unit and 1 x 3 bed affordable unit as part of the proposed development, however even if the site is not classed as a Rural Exception site, the affordable housing being offered is not sufficient for a rural site to meet the requirements of the Interim Planning Statement: Affordable Housing.

The IPS: Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 SHMA, subject to substantiating evidence.

If the site was just classed as rural rather than a rural exceptions site then the required affordable housing provision would be 30% of the total housing provision, which equates to 3 units for this proposal and should be split on a 65% social or affordable rent, 35% intermediate tenure - 2 units provided as social or affordable rent and 1 unit provided as intermediate tenure.

If the application is approved, any affordable housing provided should meet the following requirements -

The Affordable Housing IPS requires that the affordable units should 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 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.

Finally the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

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.

Any social rented or affordable rented units should be transferred to a Registered Provider to own and manage.

Environmental Health: Recommend refusal

Insufficient information has been submitted with the application relating to noise from the A529 Audlem Road affecting the proposed occupants. In order to assess adequately the impact of the proposed development having regard to road traffic noise, a suitable noise assessment needs to be undertaken and potential noise mitigation measures put forward. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

Reason: Insufficient information on noise and potential loss of amenity.

Environmental Health (Contaminated Land): No objection, Phase 2 investigation required by condition.

Public Rights of Way: No Objection, subject to informative regarding obstruction of PROW

VIEWS OF HANKELOW PARISH COUNCIL

The following are the Parish Council's observation on the above planning application which is for a residential proposal comprising 10 two-storey residential units in total (eight semi-detached dwellings with integral garages and two detached dwellings with detached garages).

- (i) The development would be out of character with the housing density in the village;
- (ii) Planning permission had already been granted for 11 dwellings in the village, representing an increase of 10%. If Application 12/2309N were approved, it would represent a further increase of approximately 10%;
- (iii) The application referred to mains drainage, but there was no mains drainage in the village;
- (iv) The development was outside the village development boundary;
- (v) The application also referenced a school, public house and church, none of which were present in Hankelow; and
- (vi) There did not appear to be any provision for affordable housing or the breakdown of proposed ownership tenure.

OTHER REPRESENTATIONS

Letters of representations have been received from the occupiers of 11 properties. The main issues raised are;

- The application site is outside the Hankelow settlement boundary, therefore open countryside,
- Application states that the new properties will feed into the main sewers; however there are no mains sewers in Hankelow.
- Parking provision is insufficient for 10 dwellings
- Over development of the site,
- 8 dwellings on the site would be more in keeping with the site area and surrounding village,
- Sustainable construction methods should be considered given the site is a green field site
- Large houses proposed on a small plots which is out of character with the surrounding development,
- There is no school, church or public house in the area, the application has been poorly researched,
- The area of open countryside is a habitat for local ecology,
- The proposal is unsustainable,
- If approved the development would set a precedence for future housing development in the area,
- Development will be on green belt land,
- 3 storey properties would not be acceptable in the site,
- The increase of 10 dwellings will increase the population of the village by 10%
- There is insufficient infrastructure to accommodate a further 10 dwellings,
- The adjacent road has heavy traffic and often travelling at a fast speed,
- The 'Crescent' on the opposite side of the road, are ex-councils houses and there are only 8 dwelling not 10, and was a scheme of affordable dwellings for the local residents not open market,
- Will the existing hedge be removed to create an open plan estate, which would also be out of keeping with the surrounding area?
- Residents have to drive to local amenities such as shops, petrol station etc. to Audlem or Nantwich
- No mention of lighting of the properties, 10 dwelling could significantly increase the light pollution of the area,
- 10 new dwelling would significantly increase the noise pollution in the area,
- At least one of the houses will need to be an affordable unit,
- Development of these size should be contained to the towns,
- No employment opportunities in the area
- There is no bus service on a Sunday
- A two storey property will adjacent to the boundary with Hillcrest will completely dominate the bungalow and overlook the garden and windows,
- Two storey properties will look out of keeping when approaching from Nantwich adjacent to bungalows,

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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*”.

Affordable Housing

Policy RES.8 permits the provision of affordable housing as an exception to Policy NE.2 where the housing will meet the needs of the 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, or exceptionally within or adjoin the built area of other rural settlements and the scale, layout and design of the scheme is appropriate to the character of the settlement.

As the site is within the open countryside and in a rural parish the proposal site could be considered as a rural exception site, provided 100% affordable housing is proposed. The affordable Housing Officer notes that The Audlem Ward Rural Housing Needs Survey has identified that there is need for affordable housing in the Hankelow parish. The application initially included no affordable units however, an email dated the 14th August 2012 from the agent indicates that they could offer 1 x 4 or 5 bed affordable unit and 1 x 3 bed affordable unit as part of the proposed development. However, even if the site is not classed as a Rural Exception site, the affordable housing being offered is not sufficient for a rural site to meet the requirements of the Interim Planning Statement: Affordable Housing.

The IPS: Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state:

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.

If the site was just classed as rural rather than a rural exceptions site then the required affordable housing provision would be 30% of the total housing provision, which equates to 3 units for this proposal and should be split on a 65% social or affordable rent, 35% intermediate tenure - 2 units provided as social or affordable rent and 1 unit provided as intermediate tenure.

National Planning Policy Framework

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Consequently, the application turns on whether the development is sustainable and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable and is in close proximity to a number of services. However, as comments received from the Parish Council and local residents seem to suggest, the information submitted by the applicant is factually incorrect as there is no School, Public House or Church as is suggested in Hankelow. This suggests that access to services takes the form of the nearby village of Audlem which is over a mile away or Nantwich which is over 5 miles from the village.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired

distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The table below has been carried out by the Spatial Planning department using a traffic light system, and clearly denotes that the site is unsustainable when using the North West Development Agency toolkit.

Category	Facility	Land adjacent to 4 Audlem Road, Hankelow, CW3 4AU
Open Space:	Amenity Open Space (500m)	430m
	Children's Play Space (500m)	2777m
	Outdoor Sports Facility (500m)	2382m
Local Amenities:	Convenience Store (500m)	2882m
	Supermarket* (1000m)	7418m (approx)
	Post box (500m)	575m
	Playground / amenity area (500m)	2777m
	Post office (1000m)	2767m
	Bank or cash machine (1000m)	2869m
	Pharmacy (1000m)	2770m
	Primary school (1000m)	2382m
	Secondary School* (1000m)	6881m (approx)
	Medical Centre (1000m)	2710m
	Leisure facilities (leisure centre or library) (1000m)	6881m (approx)
	Local meeting place / community centre (1000m)	2619m
	Public house (1000m)	2860m

Transport Facilities:	Public park or village green (larger, publicly accessible open space) (1000m)	2777m
	Child care facility (nursery or creche) (1000m)	2382m
	Bus stop (500m)	479m
	Railway station (2000m where geographically possible)	8010m
	Public Right of Way (500m)	80m
	Any transport node (300m in town centre / 400m in urban area)	80m

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal outside of the village suggests a more isolated location in the Countryside.

Conclusion

This proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan, however, it should also be considered in the context of the presumption in favour of sustainable development.

Whilst the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land and as a consequence the housing supply policies of the plan must be considered to be out of date, it remains of the opinion that this proposal would conflict with policy objectives of the NPPF, and that the adverse impacts of granting permission would outweigh the benefits.

It is therefore considered that the principle of development is unacceptable and therefore the development does not accord with the Crewe and Nantwich Replacement Local Plan of the National Planning Policy Framework.

Highways

This outline application also includes details of access to be agreed at outline stage. The proposed seeks to create an access point from the centre of the plot creating a crescent design layout. The indicative plan shows one parking space to the front of each dwelling and indicates that 8no dwellings will have integral garages and 2no dwellings will have detached garages.

The Strategic Highway Manager states that the proposed junction is not shown in sufficient design detail for the Strategic Highways Manager to determine suitability and those dimensions shown for the visibility splays do not comply with highway standards. It is important that the junction design does meet an appropriate standard as the junction should not be over-designed.

Whilst this application is outline in nature there is sufficient detail provided to give an opinion of the proposed development. There does not appear to be sufficient parking provision for the house types which must be at 200% provision to comply with the emerging CEC parking standards in line with the Localism Bill directive.

The sustainability of this site remains in question and there is insufficient evidence in the application details to present a viable case on highway grounds. As a result the S.H.M. finds that this application does not provide adequate information upon which to judge the proposal in highway terms.

Whilst an increase in parking provision, and sustainable transport details can be included as part of the reserved matters stage of an application, the proposal at outline includes access details. Therefore given the comments received from the Strategic Highway Manager it is considered that the application should be recommended for refusal on lack of information with regards to the suitability of the access point, parking provision and sustainability.

Appearance, Landscaping, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The general layout proposed is considered acceptable as it loosely reflects the development on 'Park View' on the opposite side of the road. However the density is higher and, it is considered a lower number of dwelling on the site would sit more comfortably within the plot. However, it is considered that the details could be conditioned and therefore would not constitute a further reason for refusal.

Furthermore, 13m of hedge will be required to be removed to create the access point to the front of the site. Whilst it is considered unfortunate that this area of hedge would be lost, the access would be in keeping with the adjacent streetscene and further landscaping would be required in the reserved matters application to mitigate this loss.

Amenity

Neighbouring amenity

A key consideration of the development would be the impact it would have on neighbouring amenity.

The indicative layout suggests that the dwelling to the south of the site will have a separation distance of 21m between the side elevation of proposed property and the side elevation of No.4 Swedish Houses. No.4 has a window on the side elevation. A separation distance of 21m meets the separation standards used between flank elevations and principal windows, of 13.5m and therefore a condition could be imposed to ensure the distance is retained and no windows are sited on the side elevation of the dwelling. No.4 also has a small side extension which would reduce the separation distance to 17.5m however there are no windows in the side elevation of the outshout. Therefore the separation distance would be acceptable. Although the property is suggested to be 2 storey no details of the height limit have been proposed. This can be limited as part of a condition.

To the north of the site the indicative layout suggest a lower separation distance of 11.5m between the side elevation of the property known as Hillcrest and the proposed two storey dwelling. The property known as Hillcrest has three windows on the side elevation, one at least appears to be a principal window and therefore a distance of 13.5m would be required between these two properties. As noted above as this is an indicative layout the details can be considered further in the reserved matters application with a condition attached to an outline permission ensuring no principal windows are sited on the side elevation facing Hillcrest and to ensure a separation distance of 13.5m is achieved.

To the front of the development there are several properties with a minimum separation distance of 45m. This exceeds the 21m between principal windows and opposing principal windows and is therefore considered acceptable.

Noise

The Council's Environmental Health department have stated that there has been insufficient information submitted with the application relating to noise from the A529 Audlem Road affecting the proposed occupants. In order to assess adequately the impact of the proposed development would have with regard to road traffic noise, a suitable noise assessment needs to be undertaken and potential noise mitigation measures put forward. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations. Therefore the proposal will be recommended for refusal due to a lack of information.

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 NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

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

The NPPF 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."

The NPPF 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 application includes a Phase 1 Habitat report carried out on the 1st December 2011. The report states that no protected species were identified at the time the survey was carried out although the site does hold some potential. The statement notes that the loss of any hedgerow to the front of the site would need to be carried out outside the bird breeding season (March – September). It also notes that the loss of any hedgerow is not recommended as they do hold high ecological values, however mitigation in the form of bird boxes should be erected on the site to compensate for any loss of nesting opportunities. This can be conditioned.

The report goes on to state that the badger activity found on site appears to be for commuting and foraging purposes only. Therefore the proposed redevelopment of the site will only have a minimal impact on the local badger population.

The Council's ecologist has examined the survey and commented that it is acceptable. No evidence of protected species was recorded during the surveys undertaken to inform the assessment.

To compensate for any loss of any existing hedgerows on the site a native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site, and bird boxes should be erected on the site. If planning consent were granted conditions requiring safeguard breeding birds during March and September would also be required.

Other Matters

Contaminated Land

The applicant has submitted a Phase 1 Preliminary Risk Assessment for contaminated land which noted no sources of contamination were identified on or in the vicinity of the site. The consultant recommended a brief soil sampling exercise to confirm the low risk and therefore Environmental Health have requested a condition requiring a Phase 2 to be carried out. It is considered that this would be a reasonable condition.

Public Right of Way

The site lies adjacent to the Public Right of Way. The PROW department have noted it is unlikely that the proposal would affect the PROW and therefore a note should be added to any permission to ensure the applicant is aware that during the development the PROW should not be obstructed.

Consultation Expiry Date

The application was not originally advertised as a departure from the development plan this has subsequently been carried out. The consultation expiry date has been extended to 5th September 2012. Therefore the recommendation requests the decision be delegated to the Head of Development subject to any further information being received which may alter the decision after the 5th September in which case the application will be considered by a future Southern Committee meeting.

Drainage

The applicant has stated within the application form/design and access statement that the development will be linked to the main sewage drainage for the Village. However it is clear from the letters of representations that this does not exist. However, as this application is for outline it would be possible to require details of sewage to be submitted as a detailed matter required by condition of an outline.

Land designation

The proposal site is situated within the open countryside. The site is not designated as Green Belt Land.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks outline planning permission for ten dwellings within the Open Countryside. This proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

However, the proposal should be considered in the context of the presumption in favour of sustainable development as required by the NPPF. Whilst the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land and as a consequence the housing supply policies of the plan must be considered to be out of date, it remains of the opinion that

this proposal would conflict with policy objectives of the NPPF, and that the adverse impacts of granting permission would outweigh the benefits. It is therefore considered that the principle of development is unacceptable and therefore the development does not accord with the Crewe and Nantwich Replacement Local Plan of the National Planning Policy Framework.

Furthermore, the application fails to include a suitable amount of affordable housing for a rural site, and there is insufficient information submitted with the application with regards to Highways and Noise for the Council to determine the impact the proposal may have. It is therefore considered that the application is unacceptable and therefore recommended for refusal on the following grounds.

Recommendation: Delegate Authority to the Head of Development to REFUSE for the following reasons subject to no new material information being submitted prior to the expiry of the publicity period.

- 1. The proposal site is an unacceptable housing site by means of its sustainability and the adverse impact it would have on the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and does not meet the rural exception requirements of Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy)). The proposal has been considered in the context of the presumption in favour of sustainable development as required by the National Planning Policy Framework, and whilst the Council accepts that it cannot demonstrate a 5 year supply, the proposal conflicts with the policy objectives of the National Planning Policy Framework as it is not sustainable development, and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to Policies NE.2 (open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 2. An inadequate provision of affordable housing has been proposed on the site contrary to both Policy RES.5 (Housing in Open Countryside) and Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy)) of the Crewe and Nantwich Replacement Local Plan and the Interim Policy Statement: Affordable Housing.**
- 3. Insufficient information has been submitted with the application in relation to noise from the A529 Audlem Road affecting the proposed occupants. In order to assess adequately the impact of the proposed development having regard to road traffic noise, a suitable noise assessment needs to be undertaken and potential noise mitigation measures put forward. It is therefore considered that insufficient information on noise and potential loss of amenity has been submitted and therefore the application does not accord with Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011.**
- 4. Insufficient information has been submitted in relation to the access to the site, car parking provision and sustainable transport. The proposed junction is not shown**

in sufficient design detail for the Local Planning Authority to determine the suitability and note the dimensions shown for the visibility splays do not comply with highway standards. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

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