

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 19th September, 2012</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any 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 - 4)**

To approve the minutes of the meeting held on 29 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](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **12/1989N Land Off St Annes Lane, Nantwich: Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping and Associated Works for P E Jones (Contractors) Limited (Pages 5 - 24)**

To consider the above planning application.

6. **12/2508C Lyndale & No 2 Somerford View, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Outline Application for Residential Development to Include the Demolition of Lyndale for Mr & Mrs F Bailey & Mr M Beech (Pages 25 - 38)**

To consider the above planning application.

7. **12/2511C 84, Park Lane, Sandbach CW11 1EP: Detached House and Garage for Nick and Mr Mark Bullock (Pages 39 - 48)**

To consider the above planning application.

8. **12/2532N Red Acres, Windmill Lane, Buereton CW3 0DE: Construction of 9No. Affordable Homes in Conjunction with Housing Association on Land within Open Countryside as a Rural Exceptions Site with Associated Access Road and Car Parking for Mark Ellis, Markden City Homes Ltd (Pages 49 - 60)**

To consider the above planning application.

9. **12/2560N Leighton Hospital, Middlewich Road, Leighton, Crewe, Cheshire CW1 4QJ: Proposed development consists of: New build theatres, Recovery & CCU and associated plantroom connected to the existing treatment centre building. New VIE plant in connection with new theatre development. Extension to the existing energy centre to accommodate new theatre development. 2No New bed lifts within an existing courtyard area off the existing main hospital street. Refurbishment of Ward 6A with associated demolition of part of Ward 6A to enable construction of new theatre development. New hospital site wide parking rationalisation with associated landscaping for Paul Swindells, Mid Cheshire Hospitals NHS Foundation Trust (Pages 61 - 72)**

To consider the above planning application.

10. **12/2786N Bentley Motors Ltd, Pym's Lane, Crewe, Cheshire CW1 3PL: Installation of Roof Mounted Solar PV System for Mr A Robertson**  
(Pages 73 - 78)

To consider the above planning application.

11. **12/2897N 23, Main Road, Shavington CW2 5DY: Two Storey Side and Rear Extensions with Elevational Changes to Front and Raising Roof on Existing Garage to Rear (Resubmission) for LLD Ltd** (Pages 79 - 86)

To consider the above planning application.

12. **12/2990N Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ: Proposals to provide level access to the principal elevation of the Municipal Building by re-grading the external path to a gradient of less than 1:20 and introducing new steps within the pavement for Nick Cook, Cheshire East Council** (Pages 87 - 94)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 29th August, 2012 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, W S Davies,  
P Groves, D Marren, D Newton and A Thwaite

**OFFICERS PRESENT:**

Rachel Goddard	Senior Lawyer
Neil Jones	Principal Development Officer Highways Development
David Malcolm	Southern Area Manager, Development Management
Diane Moulson	Democratic Services Officer

**Apologies**

Councillors J Clowes, A Kolker and M A Martin

**51 DECLARATIONS OF INTEREST**

Councillor Thwaite declared that, as a member of Congleton Town Council he had been approached by local residents concerning application number 12/2147C but had kept an open mind in relation to the matter prior to the meeting.

**52 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the Minutes of the meeting held on 8<sup>th</sup> August 2012 be approved as a correct record and signed by the Chairman.

**53 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**

Note: Councillor G Baxendale (Ward Councillor), Mrs A Martin (Congleton Town Council), Mr R Allen (Supporter) and Mr E J F Taylor and Mr P Todd (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, subject to the signing and completing of a Section 106 Agreement to secure a sum of £3000 towards the cost of making and advertising (and if appropriate confirming) Traffic Regulation Orders to prohibit parking on the highways in the vicinity of the application site prior to the occupation of the development, and for the reasons set out in the report, the application be APPROVED 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 Section 278 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 08.00 to 18.00 hours Monday to Friday, 09.00 to 14.00 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 between 06.30 to 19.00 hours
- 16 Opening hours to be between 06.30 to 21.00 hours

**54 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**

Note: Mr R Holmes (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.

The Southern Area Manager Development Management reported to the Committee that following publication of the agenda, information had been received which had resulted in two of the reasons for refusal (no. 2 affordable housing and No. 3 road traffic noise) being withdrawn. Accordingly, the application was still recommended for refusal but on the grounds of sustainability (1) and highways (4) only.

**RESOLVED:** That, for the reasons set out in the update report, delegated authority be granted to the Head of Development to REFUSE the application on the following grounds, subject to no new material information being submitted prior to the expiry of the publication 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 expectation 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. 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 highways standards. It is therefore considered that insufficient information has been submitted in relation to highways matters, therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor G Merry (Chairman)

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Application No: 12/1989N

Location: Land off ST ANNES LANE, NANTWICH

Proposal: Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping and Associated Works

Applicant: P E Jones (Contractors) Limited

Expiry Date: 17-Aug-2012

**SUMMARY RECOMMENDATION**

**Approve with Conditions and subject to the completion of a section 106**

**MAIN ISSUES**

- Principle of Development
- Development Viability
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on Protected Species
- Impact on trees and landscaping
- Provision of Affordable Housing
- Provision of Open Space
- Impact on contaminated land
- Impact on Drainage and Flooding
- Impact on the area of archaeological potential
- Education Provision
- Cil Regulations

**1. REASON FOR REFERRAL**

This application is for 24 dwellings and is therefore a small scale major which is delegated to the Southern Planning Committee to make the decision.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site forms an area of land to the rear of Welsh Row, Nantwich on St. Annes Lane. The site was formerly occupied by Burgess (Agricultural Engineers) Ltd. The site has an extant permission for residential with an element of commercial use (P07/1355). The site is a square piece of land sited on the edge of the Nantwich Conservation Area with a small area to the north west falling within the Conservation Area. In the recent past the buildings on the site were demolished and the site is currently vacant. There is substantial tree coverage to the south of the plot with a mix of trees and buildings to the west. To the north of the plot is Whitehall Court where

several buildings are accessed to the rear off Welsh Row. To the east of the site is an area currently used as a public car park. Beyond the car park is The Weaver Valley Riverside Park.

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

This is a full planning application for the provision of 24 dwellings including Access, Parking, Landscaping and Associated Works. The scheme comprises two separate 'L' shaped blocks which create an internal courtyard which contains the majority of the parking. The two buildings comprise 5no 2 bedroom units, 3no 3 bedroom units and 16no 4 bedroom units. The properties are a mix of 2 and 3 storey properties of differing elevational designs and heights.

The development site will be accessed off St Anne's Lane, with access into the courtyard parking areas through an under pass in the east elevation. The amended site plan shows a provision of 200% parking on the site. Of the 24 dwellings, 19 have private amenity areas and there is a small element of landscaping proposed throughout the site.

### **4. RELEVANT HISTORY**

P07/1355 - Erection of 62 Sheltered Housing Apartments, Managers Apartment and Guest Apartment, Communal Facilities, One Retail Unit, 452.7sqm of Offices, Car Parking, Conservatory, Landscaping and Construction of a New Vehicular Access – Approved subject to a 106 Agreement 14<sup>th</sup> July 2011

P06/1480 - Erection of 3 1/2 Storey Buildings Containing 55 Apartments and 1 A1 Units and Offices – Refused 9<sup>th</sup> March 2007

P05/0903 - Demolition of Existing Buildings and Erection of 44 Residential Properties. One A1 (Retail) Unit and B1 Offices Together with Car Parking and Access to Site. (Re-Submission of P04/1463) – Approved with conditions 16<sup>th</sup> August 2006

P04/1463 - Demolition of Existing Buildings and Erection of 46 Apartments, 1 A1 (Retail), A2 (Financial and Professional Services) or A3 (Food and Drink) Unit and B1 (Offices) with Parking, Landscaping and New Vehicular Accesses – Refused 8<sup>th</sup> February 2005

### **5. POLICIES**

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

#### **Regional Spatial Strategy**

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

EM3 Green Infrastructure

EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on potentially contaminated land)  
BE.7 (Conservation Area)  
BE.16 (Development and archaeology)  
RES.1 (Housing Allocations)  
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)  
TRAN.3 (Pedestrians)  
TRAN.5 (Provision for Cyclists)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

### **Supplementary Planning Documents**

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

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

### **Other Material Considerations**

National Planning Policy Framework 2012

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

### **Strategic Highways Manager [18.06.2012]**

This latest proposal (planning application 12/1989N) is for a residential development and will therefore generate higher volumes of vehicular and pedestrian movements at peak times. Access from St Anne's Lane onto Welsh Row is poor with reduced visibility especially in the critical direction. Welsh Row has a system of traffic management in place which in turn has reduced average speeds along part of its length. The existing footpath along St Anne's Lane linking to the footbridge over the river, is in a poor state of repair as is the access road running parallel.

Cheshire East Council operates minimum parking standards for residential developments which would require a 200% (48 spaces) parking provision for this proposal. The developer is only providing 42 off street parking spaces site wide, which falls short of CEC parking standards by 6 spaces. There is a free car park adjacent to this site, but it is heavily used with vehicles mounting the surrounding footpaths to park on a regular basis. The future of this car park is unknown and therefore the requirement for the developer to provide the correct parking should be met.

Welsh Row has relatively low speeds and could facilitate reduced visibility splays for any development served off it. However the traffic generated from this development would add to peak time issues and increase queuing at both ends. For the strategic highways and transportation manager to support this application the applicant will need to construct the development to an adoptable standard. A section 278 agreement shall be required with the development remaining unadopted and privately maintained.

- The proposed off street parking provision will need to be increased to fall in line with CEC parking standards and a plan must be provided for approval by the LPA prior to any planning consent.
- The footpath along St Anne's Lane must be improved to link the foot bridge to this proposal. The unmade track adjacent this footpath will require resurfacing to aid easier access to this development.
- A developer contribution of 50k shall be required for CEC environmental traffic management measures along Welsh Row.
- A section 106 agreement will be required to facilitate all off the above.
- The existing highways conditions (see above) should form part of any future consent.

Subject to all of the above being met by the developer, the strategic highways and transportation manager has no objections to this proposal.

**[06.08.2012]** – Having read the viability report, conclude that contribution requirement of £50,000 is unjustifiable given the viability issues and the existing extant permission. Improvements to the footway to be conditioned.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but would like to make the following comments. A relatively small part of the site, towards the south-eastern boundary, is shown on our Flood Maps as being within Flood Zone 2, which is medium probability of river/tidal flooding. The Flood Maps are however indicative only and are not of sufficient accuracy to determine the risk of flooding at a specific location. The submitted Drainage Strategy and Flood Risk Assessment Report explains that the proposed buildings should be constructed 150mm above ground level. This is acceptable in principle.

**Environmental Health [11.06.2012]** – Recommend refusal. There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from licensed premises in the area and road traffic noise.

Other issues can be conditioned. Recommend conditions relating to construction hours, hours for pile driving.

**[23.07.2012]** No objections – subject to further condition for noise mitigation to be carried out in accordance with the proposed scheme.

Development is for a sensitive end use and could be affected by contamination. It is recommended that a phase II contaminated land study to be carried out.

**SUSTRANS** – The design of any smaller properties should include storage access for residents' buggies, bicycles. St Annes Lane provides the pedestrian/cycle access on to the riverside from Welsh Row via the footbridge. The road is pot-holed and vehicles park on the footway when the car park is full. We would like to see this development make a contribution to sorting this issue out so that pedestrians/cyclists have a properly designed route to the riverside avoiding wading through water or skirting around poorly parked vehicles.

**Natural England:** No comments

**United Utilities:** No Objections

**Cheshire Wildlife Trust:** Note that the NPPF requires the planning system to contribute to and enhance the natural and local environment. Notes the Extended Phase 1 Habitat Survey Report indicates common swifts nest in Welsh Row, Swifts are an amber listed bird of Conservation Concern. Therefore swift boxes should be incorporated into the three storey properties. Furthermore, the site is in close proximity to the Nantwich Riverside which provides optimal foraging habitats for bats, and suggests that the provision of bat roosting sites (tubes, slates, access to cavity walls) could be beneficial. Note that the planting proposals for this scheme specify mostly ornamental species and would recommend that a greater proportion of native species is specified, also for potential biodiversity gain.

**English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

## **7. VIEWS OF THE TOWN COUNCIL**

The Town Council welcomed the proposed development of this brownfield site.

Council noted the lower density compared to previous applications and considered that the design was a considerable improvement on the last scheme proposed for this site. Council considered that there will be no demonstrable harm to the adjoining conservation area or to the amenities enjoyed by the occupiers of nearby properties.

Council also noted the developer's intention to surface St Anne's Lane and consider that this should extend along the frontage of the proposed dwellings fronting the lane and not just to the archway access.

## **8. OTHER REPRESENTATIONS**

Letters of representation have been received from the occupants of, 6 Residence. The main issues raised are;

- Generally consider the proposal is acceptable,
- Insufficient parking for the site,
- Least sympathetically designed elevation facing Whitehall Court,
- Tall buildings will impact on views of trees from Whitehall Court,
- Impact on visual amenity from principal windows on rear elevation of dwelling on Whitehall Court/Welsh Row,
- The three storey building are not in keeping with the two storey buildings surrounding the site,
- Suggest moving the three storey building facing Whitehall Court to the St. Annes Lane elevation or to the rear of the site,
- Three storey buildings should be reduced in height to two and half storey,
- Improve materials to be used on Whitehall Court elevation,
- Improvements to the surface of St. Annes Lane should be conditioned to be complete prior to first occupation of the site,
- Issues with the density of the development and the amount of car movements which the site will create, and the impact this will have on Welsh Row
- Loss of privacy to gardens on Welsh Row/Whitehall Court,
- The site is in Nantwich Conservation Area therefore the detail of the materials and construction method will be very important,
- Planning permission was refused in 2007 for three and half storey properties *'unacceptable overlooking of private rear garden and parking overdevelopment'*
- Concerns regarding the position of the garages between plots 1 & 24 and Plots 22 & 21 and the impact these will have on the adjoin neighbours trees.

A letter of representation has also been received from the Asset Management Team at Cheshire East Borough Council. The main issues raised are;

- Economic Development & Regeneration are investigating the viability of any development on CEC's own asset off St. Annes Lane
- Assets & ED&R Team are principally supportive of bringing Emerson's vacant parcel of land into use. However, it is felt that consideration should be given, along with other sites in the immediate area, for any development to be in line with Local Plan objectives
- Affordable housing should be provided on site or on an alternative site, and not presumed to be used towards the CEC's asset – as this would create a site with a disproportionate amount of affordable housing on one site,
- Concerns raised with regards to separation distances to the CEC land and the impact it would have on future development,

Further to additional consultations carried out on amended plans. A further letter of representation has been received from the occupier of No.57 Welsh Row. The main issues raised are,

- Still insufficient parking,
- Height of buildings and overlooking windows - 14 windows overlooking at first and second floor,
- An application was previously refused for overlooking of private rear gardens on the site in 2007

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

**Geo-Environmental Assessment Report** (carried out by Joynes Pike & Associates Ltd – October 2004)

**Drainage Strategy and Flood Risk Assessment Report** (carried out by ARJ Associates Ltd – May 2012)

**Extended Phase 1 Survey** (carried out by Penny Anderson Associates Ltd – May 2012)

**Post-Excavation Assessment Report** (carried out by Gifford – December 2006)

**Report on an Archaeological desk based assessment** (carried out by Gifford – October 2004)

**Transport Statement** (carried out by Sanderson – May 2012)

**Design and Access Statement Rev B** (carried out by Barrie Newcombe Associates)

**Planning Statement** (carried out by The Emerson Group)

**Draft Heads of Terms** (carried out by The Emerson Group)

**Affordable Housing Statement** (carried out by The Emerson Group)

**Arboricultural Statement** (carried out by Cheshire Woodlands – July 2012)

**Noise Assessment** (carried out by RSK July 2012)

**Updated Noise Assessment** (carried out by RSK July 2012)

**Viability Assessment** (carried out by Gerald Eve – July 2012)

**Updated Viability Assessment** (carried out by Gerald Eve August 2012)

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within the Nantwich Town settlement boundary and as a brownfield site the general principle of development on this site is acceptable. Notwithstanding, the fact that the site was previously an employment site, the principle of residential development on the site has already been accepted by a previous application on the site P07/1355 which permitted 62 sheltered housing apartments, a managers flat and an element of retail/commercial at ground floor level. This permission is still extant.

The proposed development of this site is solely for residential development, and the loss of the commercial element is regrettable. However, 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, it is considered that the contribution to housing land supply, and the above provisions of the NPPF outweigh any conflict with Local Plan Policy in terms of loss of commercial floorspace. The proposal is therefore considered to be acceptable in principle and 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.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, impact on the Nantwich Conservation Area, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision, whether there would be an adverse impact on Protected Species and Landscape features, and whether there are any other issues relating to affordable housing provision, open space provision, drainage, and contaminated land.

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

The application site is currently empty. The site had previously been occupied by two large warehouse sheds in relation to the previous commercial use of the site. The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The land to the east of the proposal site is currently a vacant plot used as an informal car park owned by Cheshire East Borough Council. The site is surrounded by residential properties on the three sides with substantial tree coverage to the south and west of the site.



The application proposes two 'L' shape blocks with a mixture of two storey dwellings (some with dormers in the roofspace) and three storey properties. The dwellings have been designed to reflect the varied house types seen within the Welsh Row conservation area, with varying elevational treatment and heights. Underpass features creating court yard parking and the position of buildings close to the highway also reflect the general, pattern and nature of the development within the surrounding area.

The external materials will be a key issue in ensuring the development does not detract from the adjacent conservation area and therefore a condition will be attached for these details to be submitted to and approved in writing by the Local Planning Authority. It is noted that the development is proposing to use a higher level of building material than on their standard builds to ensure the development does not detract from the adjacent conservation area.

The variety of house types and variations in the building line provides interesting elevations in the streetscene. A feature dwelling is proposed at the entrance to the site which is an appropriate form of development at the head of the St Annes Lane and will be visible from the Welsh Row Conservation Area.

The proposed scheme has a mix of housing which addresses the road frontage, and a mix which addresses the internal courtyard into the site creating an inclusive design, which promotes self surveillance of the area.

The application site is largely backland development with links to the nearby Weaver Valley Riverside Park. Notwithstanding this, it is considered that the proposed dwellings and layout is of acceptable design which would not cause any detrimental harm on the character and appearance of the streetscene or wider Nantwich Conservation Area.

### **Impact on the Amenity of adjacent properties and future occupants**

#### Loss of Privacy/Overlooking/Overshadowing

The proposed plots 10 – 17 overlook the opposing informal car park off St Annes Lane. Therefore the proposed development will have no impact on neighbouring amenity to the front. There is proposed to be a spacing standard of 35m between the rear elevation of these plots and the proposed front elevations of plots 22 – 24 this would exceed the Development on Backland and Gardens SPD spacing standard of 21m between principal elevations. It is therefore considered that the amenity of the future occupiers of these plots will be sufficient.

Plots 18 – 21 will face towards the existing properties know as School House and Davelynn House to the south of St. Annes Lane. The proposed dwellings will have several principal windows facing towards the boundary. A spacing standard of 13.5m is required between principal elevations and flank elevations. In this case 16m will be achieved between these windows and the side elevations of the two existing dwellings. The proposed dwellings will be of two storey nature at this point and there is currently a very tall hedge of around 4m between the proposal site and the existing dwellings to the south of St. Annes Lane. It is therefore considered that there is sufficient distance between the proposed dwellings and the existing properties on St. Annes Lane. The front elevations of these properties will be sited over 40m from the front elevations of Plots 1 – 8 which are sited directly opposite.

Plots 21 – 24 and Plot 1 all have elevations facing west towards the rear gardens of No.55, 57, 61, 63, 67 and 69 Marsh Lane and the rear elevations of No's 1 – 15 Queens Drive beyond. There is over 50m between the proposed rear elevation of Plots 21 – 24 and Plot 1 and the rear elevations of No's 1 – 15 Queens Drive, (some of which appear to be two storey flats where an increased spacing standard of 30m is required). Therefore there is sufficient distance to ensure the proposed three storey properties will not overlook the dwellings on Queens Drive.

Plots 22 – 24 are three storey dwellings and Plot 21 is a two storey dwelling. These properties will be sited at a 90 degree right angle to the dwellings on Marsh Lane and therefore will overlook the gardens of No.57, 61 and 69 due to the unusual distribution of garden land to the dwellings on Welsh Row. The most affected is the rear garden area of No. 57. The proposal will see 14 windows facing towards the rear gardens at first and second floor level. There is proposed to be a 1.8m wall constructed to the rear of the proposed dwellings which will mitigate for overlooking a ground floor level. According to the floor plans for plots 21 – 24, 8 of the windows overlooking the gardens are to be en-suite/bathroom windows and therefore secondary windows which can be conditioned to be obscure glazed. However, 6 of the windows in plots 22 – 24 will serve bedroom windows and are therefore are principal windows. There will be a separation distance of 12m between the proposed rear elevations with principal windows and the boundary with the garden area of No.57. There are no standards required for lengths of rear gardens and all the current spacing standards relate to distances between windows and not boundaries to gardens. Furthermore, the extant permission on the site involved a three storey residential home which had a full three storey elevation facing the garden area of No.57. The floor plans to the approved scheme show a total of 34 windows serving bedrooms and living rooms facing towards the garden area of No.57 Welsh Row and sited at a similar distance from the boundary. Therefore whilst there may be some overlooking from the rear elevations of Plots 22 – 24, the current proposal is a significant improvement on the extant permission on the site. It is considered that the proposal will therefore not have a significantly greater impact on neighbouring amenity at this point than the currently extant permission.

Plots 1 – 8 have elevations facing towards the rear elevations of No.39 – 47 Welsh Row and 1-4 Whitehall Court. The proposed dwellings facing Whitehall Court are of a three storey nature with rear elevations facing towards the rear elevations of the existing dwellings. There is a minimum separation distance of 22m proposed between the rear elevations of Plots 1 – 7 and rear elevations of the dwellings No.41 – 47 Welsh Row and 1-4 Whitehall Court. At ground floor level there will be 1.8m wall constructed around the rear gardens and therefore this will mitigate for any overlooking at ground floor level. At first and second floor level plots 1 – 6 will have a total of 24 windows facing towards the properties Whitehall Court and No.47 Welsh Row. According the floor plans for Plots 1 – 6, 12 of the windows will serve bathrooms/en suites and therefore are secondary windows. However, 12 of the windows will serve bedrooms. However, as noted above a minimum separation distance of 22m will be maintained, this exceeds the 21m separation distance required between principal windows. Plot 7 will have two bedroom windows and a lounge window facing the rear elevation of No. 41 – 45 Welsh Row. There separation distance between the principal windows exceeds 21m and it is therefore considered to be acceptable.

Plots 8 and 9 are sited at a 45 degree angle to St Annes Lane and create the focal feature element to the street frontage. Both plots face towards No.39 and 35 Welsh Row. The proposed three storey properties will have a total of 8 principal windows facing towards the existing dwellings. No. 35 Welsh Row has no windows on the side elevation, and therefore the proposal will have no amenity impact. No.39 St. Annes Lane appears to have several windows on the rear

elevation, the closest of which is 12m away from the corner of Plot 8. Given the orientation of the proposed building there will be no direct overlooking of the windows on the rear of No.39 and that No.39 is currently been used as a commercial premises, it is therefore considered that the separation distance is acceptable.

#### Private Amenity Space

The SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. In this scheme the proposed private amenity spaces provided would exceed this level in most cases. However, the proposal only includes rear gardens, for 19 out of the 24 dwellings. Of the 19 dwellings with rear gardens 4 fall short of the 50sqm by around 8sqm. However the dwellings do have front garden areas which would take the private amenity space to above 50sqm. The 5 dwellings without any private amenity space include the focal dwellings to the front of the site which create the access into the court yard. These properties are to be two bedroom dwellings and are unlikely to be used as family dwellings requiring garden area. Furthermore, there is some communal greenspace to the front of this corner feature which will go some way to address the lack of private amenity space. The other dwelling without any private amenity space is to the rear of the site. The dwelling is an apartment above a garage block, which is the type of property which is less likely to be occupied by a family and an area of communal landscape is proposed to the rear of the dwelling to make up for the short fall in private amenity space. Therefore, it is considered that although the development does not meet the guidance set out in the SPD it is considered that there will be sufficient private amenity space for the future occupiers of the site, and given the close proximity of the site to the Weaver Valley Riverside Park this will not have an unduly negative impact on the future occupiers of the site.

#### Noise

The application site is sited immediately adjacent to Welsh Row where there are several late licensed premises and therefore there is the potential for there to be an amenity issue to future occupants of the proposed dwellings through noise disturbance. On this basis there was an initial objection from Environmental Health. An acoustic report has been submitted to support the application and address the Environmental Health concerns. This impact assessment identified a number of mitigation measures to reduce the impact on these proposed properties through noise. Environmental Health are satisfied with the report and its conclusion and the proposed mitigation can be secured by condition.

With regard to the impact of the proposed development on neighbouring properties during construction a series of conditions relating to construction hours, and pile driving are suggested.

#### **Impact on 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 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.5 (Nature Conservation and Habitats) and NE.9 (Protected Species)

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.

The application is supported by an acceptable ecological assessment. The Councils Ecologist does not anticipate there being any significant ecological issues associated with the proposed development. He recommends that the landscape scheme includes native species and conditions are attached to any approval for a breeding bird survey to be carried out prior to commencement. Plans should be submitted to include the incorporation of features for sparrows, swifts and bats. It is therefore considered that the proposal should not have a detrimental impact on protected species.

### **Impact on Trees and Landscaping**

There is significant tree coverage on the south and west of the site. The application is supported by an arboricultural statement. The Council's Landscape Architect notes that some significant tree works on the western boundary will be required in order to accommodate the development. The trees are mainly off site and are not protected but their crowns extend up to 5 metres over the site. Furthermore, it is noted that if this development or the extant development went ahead the trees would not be so visible and therefore a Tree Preservation Order would not be appropriate.

It is therefore considered that given that part of the site is situated within the Nantwich Conservation Area a condition should be attached to the permission to ensure that all tree and hedge pruning works are implemented in accordance with the report, and tree protection measures are also implemented in accordance with the report.

Furthermore, a landscaping scheme has been submitted with the application as illustrated on Michael Vinsun plan 267-01. The scheme is complex and does not include any native species (a recommendation made in the ecological report). The Landscape Architect has some concerns regarding the selection of species, some of which it is considered are unsuitable for the location. Therefore it is considered that an amended scheme should be sought by condition.

### **Provision of Affordable Housing**

The Council's Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

As part of this application, a development viability report has been produced by Gerald Eve LLP. This identifies that the abnormal costs associated with this development include enhanced specification foundations due to the site being within an area of archaeological potential, improvements required to road surface of St. Anne's Lane and increased elevational specification cost due to the site's position within the Nantwich Conservation Area.

The applicant states in the report that the total cost of these abnormal costs equates to £303,893. Further to this, to address shortfalls in on-site provision, and the impact the development would have on the surrounding infrastructure the Council required contributions of £43,385 for education, £20,000 open space provision and £50,000 for highways improvements. Furthermore, the applicant states that to ensure the dwellings met the Code 3 for Sustainable Homes standard in comparison to current building regulations this would equate to an addition of £1,500 per dwelling. The Council also required a provision of 7 affordable homes on the site which equates to a 30% provision of affordable housing.

The applicant originally proposed an off-site contribution of £213,000 in lieu of on-site affordable housing, and a £20,000 contribution towards the improvement of the Weaver Valley Riverside Park area of open space (in line with the provision within the Section 106 agreement provided in the extant permission P07/1355).

The report reached the conclusion that a viable scheme would provide 0% on-site affordable housing with a total contribution of £223,000. In support of their case the viability appraisal identified that the overall developer's profit on cost for the development is 20%. This figure is within the accepted industry standard of 17.5% - 20%, a figure used within the majority of

viability models and which is supported by the guidance published by the Homes and Community Agency.

The offer of 0% affordable housing was considered to be unacceptable and as a result the applicant has reassessed the viability of the proposed development and has now offered 12.5% affordable housing (3 units) and contributions of £63,385. The proposal would achieve a profit on cost of 19.52%.

The tenure split is proposed as 2 x 2 bed apartments provided as an intermediate tenure sold at 70% of the open market value and 1 x 2 bed apartment provided as affordable rent. Previously the applicant was proposing no on site affordable housing with a contribution of £213,650 proposed for off site provision.

The Council's Affordable Housing Officer has been consulted on the proposal and has accepted the details submitted within the financial viability report, noting that the application is unable to provide the full affordable housing required as per the Interim Planning Statement: Affordable Housing. The Council's Affordable Housing Officer notes that provision of on-site affordable housing is preferable to a financial contribution. This viability report, with an offer of 12.5% on-site affordable housing and a contribution of £63,385 is considered to be robust and is accepted.

The SHMA 2010 identified a preferred tenure split requirement for affordable housing as 65% social rent and 35% intermediate housing across Cheshire East. The Council's preference for the affordable housing provision would be for 2 apartments to be provided as affordable or social rent and 1 apartment provided as an intermediate unit. However it is recognised that the applicant has submitted a viability report showing it is not viable to provide the preferred mix of tenure. Therefore the offer of 3 x 2 bed apartments will go towards meeting some of the identified affordable housing need in Nantwich.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

The Affordable Housing Interim Planning Statement requires that all the affordable housing should achieve at least Level 3 of the Code for Sustainable Homes (2007). However, it has been accepted as part of the viability report that the additional affordable housing unit is more important than the requirement for the dwellings to achieve Level 3 of the Code of Sustainable Homes given it is not significantly more than the current Building Regulation standards.

Whilst it is clearly unfortunate that a higher level of affordable housing cannot be provided in accordance with the requirements of the Interim Planning Statement on Affordable Housing Policy. The policy does advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within National Planning Policy Framework makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

The affordable housing provision and the mix and type of affordable housing units is therefore considered to be acceptable and can be secured through the completion of a Legal Agreement.

### **Impact on Highway Safety and Parking**

The site would be accessed from St Annes Lane which is an unadopted road and is currently in a poor state of repair. The applicant has stated that they will be bringing the road up to an adoptable standard to improve the frontage to the dwellings proposed on St Annes Lane itself. The viability report states a figure for this and therefore it is considered suitable to condition that these works are carried out prior to the first occupation of the site.

The proposal involves two accesses into the site through underpasses into the central courtyard parking areas. This approach was previously accepted as part of the extant permission and it is considered to be acceptable in this instance also.

The revised scheme proposes a provision of 200% off street parking for each property. However this does include the garages on the site, which are largely integral garages. The Strategic Highways Manager has agreed that this is an acceptable provision. It is therefore considered that given the sustainable location of the site this is acceptable.

As it can be seen from the Strategic Highways Managers comments, a contribution of £50,000 was required for Environmental Traffic Management measure along Welsh Row. However after considering the viability report it was considered that the requirement was unjustifiable, and furthermore as there was an extant permission on the site for significantly more dwellings the proposal was unreasonable and therefore this required contribution was removed.

### **Provision of Open Space**

The proposed development includes no on site public open space provision although does include some small pockets of landscaped amenity land throughout the site. However, this would not meet the requirement of Policy RT.3 which requires a minimum 15 square metres of shared recreational open space per dwelling and a further 20 square meters of shared children's play space per family dwelling. There are clearly viability issues with the site as highlighted previously and there is limited opportunity on the site to provide suitable on site open space. The site is situated within the town centre where several area of protected open space and children's play space already exists.

The applicant has proposed a contribution of £20,000 to improve the path between the development site and the nearby Weaver Valley River Park in lieu of onsite provision on the site, this is in line with Policy RT.3. The contribution is considered to be appropriate in this instance and can be secured by Legal Agreement.

### **Contaminated Land**

A Phase I Contaminated Land Study has been submitted to support the application. The Spatial Planning Team have noted that the Phase I report does not relate to the current proposal but to the previous extant proposal. However, the Environmental Health Contaminated Land Officer

has considered the supporting documentation and considered that the report is suitable, although a Phase II report will be required. As the proposal is for a sensitive end use a Phase II investigation is considered to be a reasonable requirement. This can be secured by condition.

### **Impact on Drainage and Flooding**

The application was accompanied by a drainage strategy and flood risk assessment report. The report states that the site is within Flood Risk Zone 1 having a less than 1 in 1000 chance of flooding. However the applicant is proposing to construct dwellings 150mm above ground level. The Environment Agency (EA) has made no objection to the proposal although note that an area in the south-eastern boundary is within Flood Zone 2. However, note that the Flood Maps are indicative and not of sufficient accurate to determine the risk of flooding at a specific location. The EA note that the proposed buildings are to be constructed 150mm above ground level and this is acceptable.

Furthermore, United Utilities have raised no objection to the proposed drainage system and therefore it is considered to be acceptable.

### **Impact on the Area of Archaeological Potential**

The proposal site is situated within an area of archaeological potential. The application area has been the subject of a programme of pre-determination work, which was largely carried out in connection with earlier proposals for the re-development of the site, and the results are summarised below.

Briefly, the whole of the application area was subject to a programme of pre-determination desk-based assessment and field evaluation in 2006 by Gifford and Partners. The field evaluation demonstrated that archaeological deposits were present across much of the site, although in the central area and southern area at depths where there was the potential to preserve the remains *in situ* through careful consideration of the foundation design. In view of these results, the owners commissioned Gifford and partners to excavate the Roman and medieval deposits in the most threatened northern area and this work was completed in 2006. An opportunity subsequently arose to incorporate the findings in a report on work elsewhere in the town and this has now been published. Therefore, in this northern area (extending south for c 20m from the northern limits of the application area) no further archaeological mitigation will be required.

The central and southern areas, however, still contain significant archaeological strata, which require further consideration. In particular, the southern and central areas contain deep deposits (1m to 1.8m) of organic and partially waterlogged material which has accumulated in the Weaver's floodplain over the last 1000 years. Crucially, there are archaeological deposits under this material, including Roman and medieval pottery, wattle fences, planks, and ditches, which are sensitive to damage during any development, either by generalised ground reduction or foundation excavation.

The Council's Archeologist has had the opportunity to discuss the archaeological issues with the applicants and it has been agreed that, whilst there may be a need for a limited watching brief during unavoidably deep excavations for major services, across the bulk of the area it should be possible to preserve the vast majority of archaeological deposits *in situ* through limiting any generalised ground reduction to the upper levels of the non-sensitive strata and using piles for



the foundations of the structures. The successful implementation of such a programme will, however, require the preparation and agreement of a detailed groundworks method statement by an experienced archaeological contractor and close liaison with the main contractor in the field. The Council's Archeologist notes that the applicants are likely to develop the site in a phased manner so it will be important to ensure that the preservation *in situ* strategy is agreed and implemented with regard to all those parts of the site which are archaeologically sensitive.

It is therefore considered that the above programme of mitigation may be secured by condition. The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework.

### **Education Provision**

As stated above, the applicant has offered to contribute £43,385 towards education provision. This is the requested contribution from the Education Department which is based on the number of dwellings on the site which is considered will generate 4 primary aged pupils and 3 secondary aged pupils. The Education Department noted that there is no need for contributions towards secondary provision. It is considered that the education contribution of £43,385 is acceptable.

### **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 development would result in increased pressures on local schools which are already at capacity. The education contribution is therefore required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed improvements to the Weaver Valley Riverside Park footpaths/bridges would provide upgrades to the adjacent POS in lieu of provision on site as required by policy. It is considered to be necessary and fair and reasonable in relation to the development.

As explained within above, affordable housing 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.

## **11. CONCLUSIONS**

The application site is situated within the Nantwich settlement boundary and therefore the principle of development is acceptable. The site has an extant permission for sheltered housing apartments, a retail unit and offices. The proposal is of an improved design and lower density and

it is considered to be an improvement and will enhance the character and appearance of the Nantwich Conservation Area. It is considered that there are no amenity or highway safety issues arising. As conditioned the proposed development would not have a significantly adverse impact on Protected Species or trees in the Conservation Area. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on potentially contaminated land), BE.7 (Conservation Area), BE.16 (Development and Archaeology), RES.1 (Housing Allocations), RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4), TRAN.3 (Pedestrians), TRAN.5 (Provision for Cyclists), TRAN.9 (Car Parking Standards) and RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

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

### **Heads of terms**

- **A provision of 12.5% affordable housing (3 units) to be provided with a tenure mix of affordable social rent and intermediate tenure of 2 x 2 bed apartments provided as an intermediate tenure sold at 70% of the open market value and 1 x 2 bed apartment provided as affordable rent.**
- **A contribution towards local education provision of £43, 385**
- **A commuted sum in lieu of onsite open space for footpath improvements to Weaver Valley Riverside Park (£20,000)**

### **Conditions;**

- 1. Standard time – 3 years**
- 2. Materials (including lime based mortar) to be submitted to the LPA and approved in writing**
- 3. Submission of an amended landscaping scheme to be approved in writing by the LPA**
- 4. Implementation of the approved landscaping scheme**
- 5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1**
- 6. Boundary treatment details to be submitted to the LPA and approved in writing**
- 7. Remove PD Rights for extensions and alterations to the approved dwellings**
- 8. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.**
- 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 breeding birds.**
- 10. Drainage scheme to be submitted and approved in writing**
- 11. Development to be carried out in accordance with noise mitigation report**

- 12. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 13. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays**
- 14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 15. Completion of the proposed off-site highway works**
- 16. Windows and doors to be timber and set in 100mm reveals**
- 17. All bathroom and en-suite windows to be obscure glazed and non opening**
- 18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.**

**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 in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**

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Application No: 12/2508C

Location: Lyndale & No 2 Somerford View, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Outline Application for Residential Development to Include the Demolition of Lyndale

Applicant: Mr & Mrs F Bailey & Mr M Beech

Expiry Date: 04-Oct-2012

### **Summary Recommendation:- Refuse**

#### **Main Issues:-**

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

### **REFERRAL**

This application has been referred to the Southern Planning Committee as it is for 10 dwellings and is therefore a small scale major development.

### **1. SITE DESCRIPTION**

The development site is an 'L' shaped site within the curtilage of the property known as 'Lyndale' and the rear garden area of No.2 Somerford View, off Holmes Chapel Road. The proposal site is positioned on the edge of the Brereton Heath infill boundary line, which is sited within the open countryside, adjacent to large woodland TPO and a site of biological importance. The application site has a site area of 0.39ha; the site frontage has a width of 45m and a length of 90m with the addition of the rear garden of No.2 Somerford View to the rear of the site. The site currently contains a small bungalow and a group of small outbuildings to the rear, mainly of a temporary nature.

Somerford View is a small semi-detached two storey dwelling with a large rear garden. The surrounding streetscene is largely of similar type of mixed house type and design, and of a ribbon development pattern along Holmes Chapel Road towards the more dense development within the nucleus of the settlement.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought with all matters reserved except access, (which has been added recently due to Highways comments). The indicative layout shows ten dwellings on the site of a two storey nature, 7no detached dwellings and 3no. terraced properties. The access is proposed off Holmes Chapel Road within the centre of the development site. The access would form a cul-de-sac with 6no. properties accessed off the internal road, and the other 4no. properties fronting and accessed off Holmes Chapel Road.

## **3. RELEVANT PLANNING HISTORY**

21356/1 – Bungalow – Refused 3<sup>rd</sup> October 1989

20024/1 – Detached dwelling (bungalow) – Refused 23<sup>rd</sup> August 1988

## **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**

PS5 Villages in the Open Countryside and Inset in the Green Belt

PS8 Open Countryside

NR1 Trees and Woodlands

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 and Green Belt  
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

## **5. OBSERVATIONS OF CONSULTTEES**

### **United Utilities**

- No objections

### **Environment Agency**

- No Objections, see standard advice note

### **Highways**

#### **[Response received on 20<sup>th</sup> August 2012]**

This application is outline in nature. However there is no indication on the application forms regarding the reserved matters. In addition, other similar local developments have provided a Traffic Statement and a detailed access design for those development proposals. This application does not provide that level of detail.

The indicated layout for the development does not appear to meet adoptable design standards. However the plan provided is of such small scale that it is difficult to understand the specific intentions of the design. Without the above information the Strategic Highways Manager cannot support this application or indeed provide a guiding comment to the LPA or indeed Members.

The Strategic Highways Manager therefore recommends refusal of this planning application on the grounds of lack of information.

The S.H.M. also recognises that there may well be a viable highway solution for this site in terms of design and layout however this would need negotiation to resolve.



**Jodrell Bank** - No comment received at the time of report preparation.

**Environmental Health** - No objection, subject to conditions for hours of operation, pile foundations, phase environmental management plan, dust control and contaminated land.

**Greenspaces Officer** - No comments received at the time of report preparation.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

### **Somerford Parish Council**

- The Parish Council argue against the sustainability of affordable housing.
- The access is dangerous and adding more pressure to the main road.
- The plan does not fit into the character of the area.
- The question needs to be asked as to whether the demand has been met for affordable houses already due to the recent activity?
- The road is of a major concern and the density does seem high for the area.
- It is to be noted that housing has already been granted along the A54 recently and the site is within the infill boundary.

### **Brereton Parish Council;**

Totally support the letters of objection, including that of Fiona Bruce MP, on the Cheshire East website. Specifically:

- No need for (additional) housing, particularly because of impending development of the 'ivanhoe' & 'Rose Cottage' sites
- The proposed development meets none of the National Planning Policy Framework (NPPF) for sustainability (apart from the present bus service)
- Sustainable developments at 'Loachbrook Farm' & the Aventis sites (approx. 430 dwellings)
- Further erosion of the 'rural character' of this area
- Significant concerns about road safety.

## 6. OTHER REPRESENTATIONS

Objections have been received from 4 addresses, and Fiona Bruce MP making the following comments:

- Not infill development,
- Demolishing existing dwelling and using domestic curtilage to create a higher density development is not in the spirit of the infill policy,
- Development is not appropriate for the local character and is of a much higher density than the surrounding houses,
- Existing dwellings form a string development pattern,
- Clearly back land development rather than infill
- No local need for more dwellings in the area. The Strategic Housing Market Assessment (SHMA) states that demand equals supply in the Sandbach Rural area,
- The proposed development site is not in a sustainable location,
- Although there is an hourly bus service to Congleton and Holmes Chapel no other sustainable services within Brereton Heath,



- No shop, pub, post office, petrol station, social/formal leisure facilities of any kind,
- Financial contribution for offsite open space will not help the community,
- No local jobs,
- Significant impact on road safety,
- Significant amounts of residential development have already taken place in the area,
- Increased impact on local school and health centre,
- Further affordable housing is not required in the area,
- A mature oak tree was removed from the front of the site, this is a very regrettable impact on the area,
- Impact on the open countryside,
- Impact on neighbouring amenity to No.1 Somerford View by reason of noise, disturbance and overlooking,
- Visual impact of the development,
- Overdevelopment of the site,

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

- Planning/Design and Access Statement
- Protected Species Survey Report

## **8. OFFICER APPRAISAL**

### **Principle of Development**

#### *Local Plan Policy*

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.

#### *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.”*

It is considered that the general principal of residential development on the site is acceptable.

Consequently, the application turns on whether the development is sustainable, or if there are specific policies in the Framework which would indicate the development should be restricted, and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply. Of particular relevance in this case is the impact of the proposal on the character of the surrounding area in terms of the design and layout. However, also of relevance are the impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, and Affordable Housing.

### **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 as there is an hourly bus to the town of Congleton and the village of Holmes Chapel where local community facilities are sited. This would allow for a sustainable form of transport other than cars to nearby facilities. Furthermore, the applicant argues that the sustainability of the settlement has recently been accepted in two housing developments along Holmes Chapel Road.

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 on the edge of Brereton Heath would not create isolated new homes. Furthermore, the site is located within the infill settlement boundary and therefore the suitability and sustainability of the settlement in principle for some further limited development has been established through this policy. This is reflected in the two recent applications for housing developments along Holmes Chapel Road.

Whilst it could be argued that Brereton Heath is an unsustainable location in that there are no local shops. Schools etc, it is sited on a bus route between Congleton and Holmes Chapel with a regular service. Both settlements are also within cycling distance.

Development in this location will help to maintain the viability of the existing community and will help to sustain the existing bus service and may result in the provision of other community facilities being viewed as a viable prospect. On this basis, in these locational terms, it is not considered that a refusal on the grounds of sustainability could be justified.

With regards to the design of the dwellings themselves, sustainable construction methods can be agreed as part of a reserved matters application.

## **Jodrell Bank**

No comment had been received from the University of Manchester at the time of report preparation. Once comments have been received details will be considered as part of an update report to the committee.

## **Residential Amenity**

The surrounding development comprises a semi-detached dwelling to the north of the site and a large protected woodland area to the rear. To the west of the site is an area of land used for commercial purposes. The wider area is surrounded by open countryside. 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.

The proposal is in outline. However an indicative layout shows distances in excess of 40m will be achieved between the proposed plots and the adjoining dwellings at Somerford View. The flank elevation to Plot 6 will be sited 14m away from the principal elevations of plots 7 and 8. This also meets the requirement of the SPG.

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 small rear garden and 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, within the site. The indicative layout therefore appears to meet relevant residential amenity standards.

## **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.

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.”*)

Local Plan Policy NR3 requires developers to submit a comprehensive assessment of a proposals impact on nature conservation as part of an application to develop a site which would result in the loss of damage of habitats for protected species.

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 instance the Council’s Ecologist has assessed the application and states that there is evidence of bat activity in the form of minor roosts of two relatively common bat species has been recorded within the bungalow and garage. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the provision of a bat loft as a means of compensating for the loss of the roost and also recommends the timing of the works to reduce the risk posed to any bats that may be present when the works are completed.

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 whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

The Councils Ecologist advises that whilst the proposed mitigation/compensation is broadly acceptable and is likely to be sufficient to maintain the favourable conservation status of the species concerned it lacks detail in terms of the location etc. of the proposed bat loft. However, as the application is outline only the proposed mitigation/compensation is regarded as indicative only at this stage. Therefore the inclusion of several conditions in relation to the further details being submitted as part of the reserved matters application in relation to bat mitigation measures, and breeding birds the proposal is considered to be acceptable.

### **Contaminated Land**

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure an investigation and risk assessment is requested from Environmental Health. It is considered that this is acceptable and therefore subject to this condition, the proposal meets the requirements of Policy GR.8 of the local plan.

### **Access and Highway Safety**

The application initially did not include any reserved matters and only included an indicative layout showing the access to the centre of the site with no further detail. The indicative layout also appears to suggest a parking provision of around 200%. However the Strategic Highways Manager (SHM) considered that the information initially submitted with the application was insufficient for the Highways department to make comments on the application and therefore recommended refusal on the grounds of insufficient information.

However in response to the comments from the SHM the applicant has submitted a revised scheme showing further information on the plan, widening the access point and showing visibility splays. This information has been passed to the SHM for consideration, although at the time of writing this report further comments had not been received on this matter. Therefore an update on the amended comments will be made to the committee.

## **Affordable Housing**

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

The site is located in Brereton which is in the Sandbach Rural sub-area. However it also borders Somerford which is in the Congleton Rural sub-area so the affordable housing would serve the 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 10 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units. There are currently 9 applicants on the housing register who have selected Brereton or Somerford as the area of their first choice property.

Therefore, there is a clear need for affordable housing in the area, and the provision of 3 dwellings on the site meets the 30% provision required on this site. However, the Affordable Housing IPS also 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 indicative layout shows the affordable housing sited to the front of the site within a terraced block. This would clearly highlight the dwellings as affordable and does not meet the guidance. However, as this is an indicative layout the actual allocation and design of the affordable units could be improved and better integrated into the layout as proposed at reserved matters.

Therefore, the affordable housing requirements could be secured through a Section 106 Agreement, with the detailed layout approved at reserved matters stage. Any Section 106 agreement would state that the scheme will provide 3 units as affordable housing, with a tenure mix of 2 social rented units and 1 intermediate tenure unit and that the affordable housing should be provided no later than occupation of 50% of the market units.

## **Design and Layout**

Whilst the proposal layout is only indicative the plan shows how 10no. dwellings can be sited within the application site. To achieve a development scheme of 10no. dwellings a similar layout to that proposed will be required. For that reason it is considered that the proposed development is unacceptable and the density will result in an over development of the site, which would be out of character with the surrounding area.

The north edge of Holmes Chapel Lane is characterised by ribbon development with properties fronting the highway with a small gap to the front of the dwelling and with large rear gardens which back on to the area of TPO trees to the rear. Whilst it is acknowledged that

there have been several small housing developments of a similar layout and design these have been sited closer to the nucleus of the settlement and not on the edge of rural periphery, differentiating them from the proposal site.

The proposed development site is on the edge of the infill settlement boundary and the character of the settlement is typically more of a rural ribbon development at this point. The proposed development, if approved, would clearly appear as an alien feature at this point of the streetscene, creating a suburban cul-de-sac on the edge of a rural settlement. A smaller development of properties facing the road frontage with large gardens would be much more appropriate in the location.

Furthermore, it is clear from Policy PS6 (Settlements in the Open Countryside and Greenbelt) that infill development will only be acceptable where it is appropriate to the local character in terms of use, intensity, scale and appearance. The proposed development does not reflect the immediate settlement and is therefore considered to be unacceptable and contrary to the Development Plan.

Furthermore, the development must be considered in accordance with the National Planning Policy Framework. Paragraph 56 of the NPPF confirms the central Government commitment that good design is a key aspect of sustainable development. Going on further to state in Paragraph 58 that....decisions should aim to ensure that developments,

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is clear that Local Plan policy and National Planning Policy Framework both require good design which improves the character of an area. This proposal fails to comply with these policies and therefore the harm of approving such a scheme would outweigh the need for housing in Cheshire East.

### **Open Space**

Policy GR22 and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space on new developments. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the*

*Borough Council's currently adopted standards and having regard to existing levels of provision'. SPG1 states that 'the requirement for public open space will normally apply to all developments of 7 or more dwellings'. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.*

The applicant notes that there will be private open space provided within the site but that no public open space will be provided on site. The application proposes to provide a contribution in lieu of open space. However no specific figure has been proposed. The Greenspaces Officer has not yet commented on this application at the time of preparing this report. Therefore an update to the report will be given the Members of the committee with regard to this aspect of the proposal.

## **Trees**

The Congleton RDC (Brereton Heath) TPO 1972 & Congleton RDC (Brereton Heath No1.) TPO 1958 protect woodlands to the south and west of the site. The canopy of at least one protected tree extends over the site to indicative plot 9 on the southern boundary.

Taking into account the off-site trees and the orientation of the plots, the indicative layout would result in the gardens of plots to the south of the site being heavily shaded for a significant part of the day. This would be likely to provide poor private amenity contrary to SPG 2 Private Open Space and SPD 14 Trees and Development and could result in future pressure to prune or fell trees which would be difficult to resist. Given that the layout is only indicative this element could be designed out at reserved matters stage and therefore it is not considered prudent to recommend refusal on these grounds. However, it is clearly an issue which should be considered should a development for 10 dwellings be accepted by the Committee.

## **9. CONCLUSION**

This proposal should also be considered in the context of the presumption in favour of sustainable development, as required by the NPPF. Whilst it is accepted that the Council cannot demonstrate a 5 year supply of deliverable housing land and as a consequence there is a presumption in favour of approval, in this case it is considered that the adverse impacts of granting permission would outweigh the benefits.

Specifically officers are of the view that the development is out of character with the surrounding land use which is of a simple ribbon development with single properties sited to the front of a plot with larger rear gardens. The proposed development would create a backland form of development within the curtilage of two dwellings on a prominent position on the entrance into the rural settlement. Whilst it is acknowledged that similar schemes have been allowed elsewhere within Brereton Heath, these are located close to the nucleus of the settlement which has a more densely developed character. Consequently the proposal is considered to be out of keeping with the character and appearance of the surrounding area. This is contrary to both Local Plan policy and policies within the National Planning Policy Framework.



**10. RECOMMENDATION – Refuse**

- 1. The proposed development, by means of its layout, siting, scale and density would appear cramped and out of character with the existing residential development in this rural settlement contrary to Policies GR1, GR2, PS7 and H6 of the First Review of the Congleton Borough Local Plan and the National Planning Policy Framework.**

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Application No: 12/2511C  
Location: 84, PARK LANE, SANDBACH, CW11 1EP  
Proposal: Detached House and Garage  
Applicant: Nick and Mr Mark Bullock  
Expiry Date: 20-Aug-2012

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

Principle  
Open Countryside  
Siting and Layout  
Amenity  
Highways

**Reason for Referral**

The application has been referred to Southern Planning Committee as the proposal represents a Departure from the Development Plan.

**DESCRIPTION OF SITE AND CONTEXT**

The application site forms part of the garden curtilage of number 84 Park Lane, which is a large detached dwelling. The properties either side of the application site fall within the Settlement Zone Line of Sandbach, however the application site itself is designated Open Countryside. Surrounding properties are residential and are comprised of a mix of housing types and styles, with large detached dwellings being a common feature

**DETAILS OF PROPOSAL**

The application seeks outline consent for a detached dwelling within the residential curtilage of number 84 Park Lane, with all matters except access being reserved.

**RELEVANT HISTORY**

10/2061C Extension and Alterations (Approved with conditions 28<sup>th</sup> July 2010).  
07/1336/OUT Proposed outline planning application for two detached dwellings in garden area (Withdrawn 11<sup>th</sup> January 2008).

**POLICIES****Regional Spatial Strategy (NW)**

DP1 Spatial Principles  
DP 3 Promote Sustainable Economic Development  
DP 4 Make the Best Use of Existing Resources and Infrastructure  
DP 5 Manage Travel Demand; Reduce the Need to Travel  
L4 Regional Housing Provision

### **Congleton Borough Local Plan First Review 2005**

H1 & 2 Housing Land Supply  
H6 (Residential Development in the Open Countryside and Green Belt)  
PS8 (Open Countryside)  
GR1 (New Development)  
GR2 (Design)  
GR6 (Amenity and Health)  
GR9 (Access, Servicing and Parking Provision)

### **Other Material Considerations**

National Planning Policy Framework  
SPG2 Private Open Space in New Residential Development

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

#### **Highways:**

The Strategic Highways Manager has raised no objection to the application but comments that it will be necessary for the developer to re-construct the vehicular crossing prior to occupation; and advises that an informative is attached to any permission regarding the need for the applicant to enter into a s184 Agreement under the Highways Act for such works.

#### **Environmental Health:**

No objection subject to the following conditions:

- (i) 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

- (ii) 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

## **VIEWS OF SANDBACH TOWN COUNCIL**

No objection.

## **OTHER REPRESENTATIONS**

At the time of report preparation two representations of support have been received from numbers 86 & 111 Park Lane. Seven objections in total have been received. These are from property numbers 76 Park Lane (5 objections), 78 Park Lane (1 objection) and Cllr B Moran (1 objection). A letter has also been received from Fiona Bruce MP requesting that the objections by number 78 are given very careful consideration. In summary the objections raised relate to policy conflict for the following reasons:

- GR6 - the footprint of the building will create a visual intrusion, loss of privacy and reduction in daylight levels. Prevention from enjoying the current amenity value of number 78
- PS8 - in that the land in question is open countryside and outside the settlement boundary. A previous application for residential development on the land was withdrawn for similar reasons
- H6 - it is inappropriate to the local character in terms of its intensity and scale.
- GR1 - it fails to conserve or enhance the character of the surrounding area by way of its size and scale in relation to surrounding properties
- GR2 - it is unsympathetic to the surrounding area by way of its size and scale and the visual relationship to surrounding properties.
- H1 and H2 - the addition of one dwelling to the local housing stock will have no impact on local housing needs and therefore has no relevance to this application.
- Development of Garden Land - the proposed development would utilise what has demonstrably been garden land enjoyed by the occupants of No. 84
- Contravenes Government Planning Policy Statement 3 (Housing).

- Reference is also made to sections of the Design and Access Statement regarding shortage of detached houses; use of ramps; changes to planning regulations; and harm to amenity.

Full details of objections /support can be viewed on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

#### *Local Plan Policy*

The application site is situated within the Open Countryside, as designated by the Congleton Borough Local Plan First Review 2005. Policy PS8 (Open Countryside) provides that new dwellings will be permitted in accordance with policy H6 (Residential Development in the Open Countryside and Green Belt).

Policy H6 provides that new residential development in the Open Countryside will not be permitted unless it falls within one of the following categories:

- (i) A dwelling required for a person engaged full time in agriculture or forestry or, in areas outside the Green Belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- (ii) The replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- (iii) The conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;
- (iv) The change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- (v) Limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- (vi) Affordable housing in accordance with rural exceptions policy H14

The proposed development would not fall within any of the categories and as a result, it constitutes a "departure" from the Development Plan where 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*".

#### *National Planning Policy Framework*

Significant weight is attached to the guidance contained in the National Planning Policy Framework. Paragraph 47 of the National Planning Policy Framework 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 National Planning Policy Framework 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.

### *Strategic Housing Land Availability Assessment*

The site is also identified within the SHLAA as a small Greenfield site which is achievable and deliverable, but suitable with policy change.

## **Highways**

The Strategic Highways Manager has raised no objection to the application but comments that it will be necessary for the developer to re-construct the vehicular crossing prior to occupation. This could be conditioned accordingly.

There would be sufficient space within the site to provide off-street parking provision.

Given the absence of an objection from the Strategic Highways Manager it is considered that the development would have an acceptable impact on highways safety, having regard to Local Plan policy GR9 (Access, Servicing and Parking Provision).

## **Sustainability**

The application site is situated immediately adjacent to the Settlement Zone Line of Sandbach and in close proximity to local services and amenities, with the Town Centre being less than one mile in distance. Therefore the site is located within a sustainable location.

## **Siting**

The indicative layout shows a large property, however it would not be significantly larger in terms of footprint to the existing property at number 84. Whilst it would be larger than the adjacent property number 78, the streetscene is comprised of mainly of detached dwellings of varying sizes, styles and proportions. The indicative plan demonstrates that a detached dwelling could be accommodated on site and would appear as infill development within a built up frontage of ribbon development. A detached dwelling of up to two storeys in height would be viewed in this context and as such would not appear incongruous within the streetscene. It is emphasised that the plan is indicative and that detailed design is considered at the Reserved Matters stage.

### **Amenity**

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

Number 78 Park Lane is situated adjacent to the application site. This property has 3No ground floor non-principal windows to the side elevation (north) in proximity to the proposal which serve the kitchen and garage. The kitchen is also served by an additional window to the rear elevation. There are no windows at first floor level in this side facing elevation. The indicative site layout shows the proposed dwelling positioned at approximately 5.4 metres from this side elevation of number 78. Provided that there would be no habitable windows to the south side facing elevation of the proposed dwelling, there would be no overlooking impacts. The side area to number 78 provides access to the rear garden area, and given that the windows in this side facing elevation of the dwelling serve non-habitable rooms (i.e. 2No to the garage and 1No kitchen) and having regard to the separation distance, it is not considered that the proposal would be overbearing or visually intrusive. Similar separation distances are reflected along Park Lane within the established pattern of development.

The indicative plan shows the footprint of the proposed dwelling projecting around 4.4 metres beyond the rear building line of number 78. The nearest windows to the application site on the rear elevation serve the kitchen at ground floor level and a bedroom at first floor; however the proposal would be 5.4 metres away and there would be no breach of the 45 guideline from the nearest principal room (i.e. the bedroom). Given the set back within the site and no breach of the 45 degree guideline it is not considered that the proposal would be over dominant or visually intrusive to number 78, which also has the benefit of a large rear garden area. The application site is situated to the north of number 78 and would not therefore result in adverse levels of loss of light or overshadowing. Whilst the objections raised by the occupants of number 78 are have been considered, the proposal would not be unduly detrimental to the residential amenity afforded to this dwelling as to warrant refusal of the application.

The development is proposed within the curtilage of the existing property number 84 Park Lane. This property has recently been extended and altered under planning reference 10/2061C. Number 84 has a number of windows at ground floor and first floor level to its south facing elevation in proximity to the proposed dwelling. The ground floor windows serve a habitable room (living room), however these are considered to be secondary as the room is served by a main large window to the front of the property. At first floor level 1No window serves a bedroom, however this is secondary due to the room having a large window to the



front; and 2No windows which serve a bathroom/ensuite and are obscure glazed. The indicative plans show a separation distance of approximately 6.8 metres from this side elevation of number 84, and given that the windows are secondary or non-principal it is considered that the separation distance is acceptable and would not be visually intrusive or overbearing. Provided that there would be no habitable windows to the north side facing elevation of the proposed dwelling, there would be no overlooking impacts or loss of privacy to number 84.

The indicative plan shows the proposed dwelling projecting around 1.8 metres beyond the rear elevation of number 84, however there would be no breach of the 45 degree guideline when measured from the nearest principal room, and the projection is also relatively minor. There would be some loss of light and overshadowing of number 84 as the proposal would be situated to the south, however this would mainly be to the side elevation of the property and as described above this is not a principal elevation. Furthermore the impact would not be unduly detrimental to warrant refusal of the application.

In terms of the properties situated on the opposite side of Park Lane, these would be over some 40 metres from the site boundary, which far exceeds the separation standards between principal elevations, as contained in SPG2 Private Open Space in New Residential Development

The proposed dwelling would benefit from sufficient private amenity space in excess of the guidance contained in SPG2 and which would reflect the garden size of neighbouring properties. The proposed dwelling would provide a sufficient standard of amenity for future occupiers.

An outline application has been submitted for a large residential development to the rear of the site, however given the garden depth of around 19 metres it is not considered that this application would impact on any future applications on adjoining land, over and above the existing site arrangements and exiting use.

Having regard to the issues discussed above it is considered that the proposal would comply with the provisions of Local Plan policy GR6 (Amenity and Health).

### **Other issues**

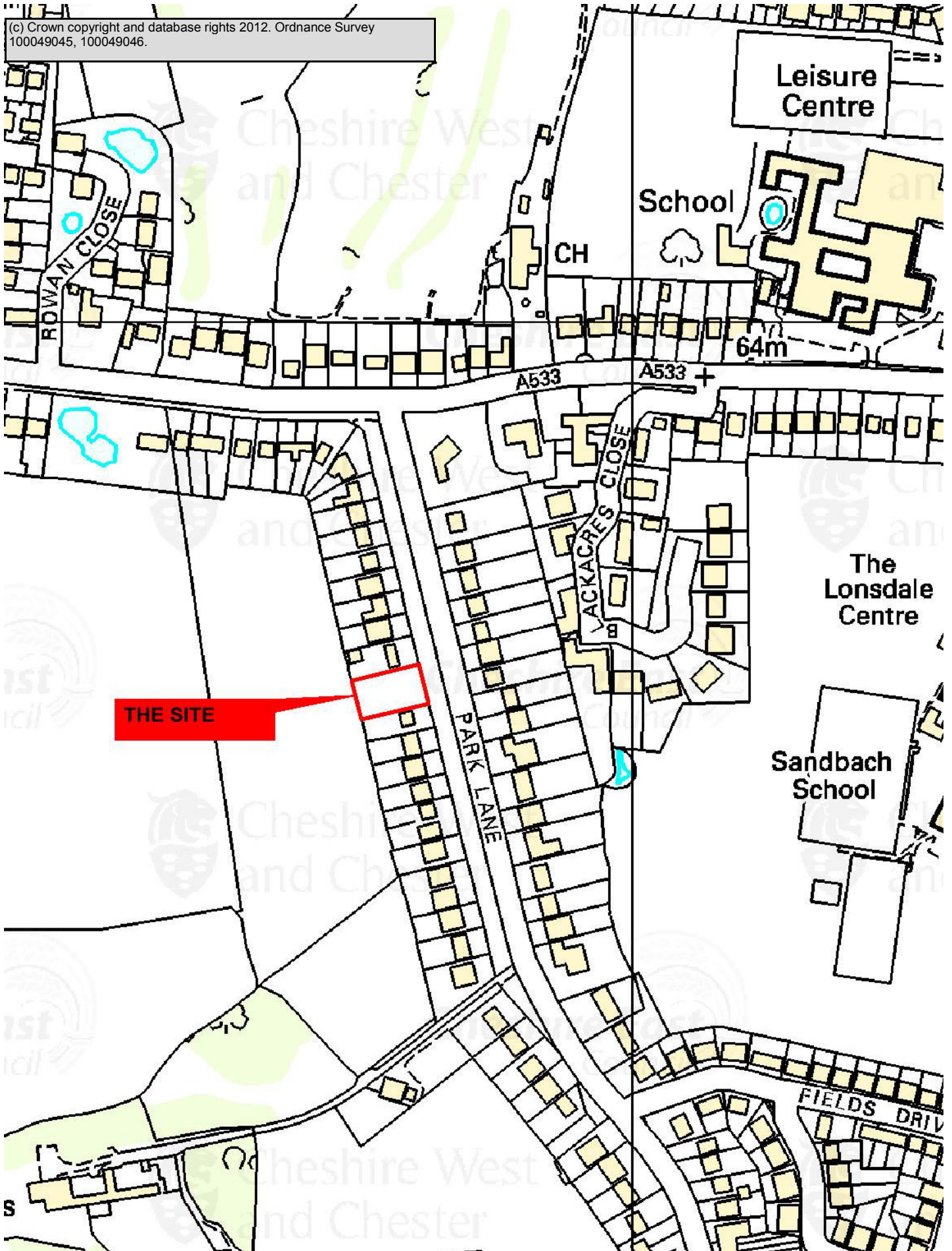
The site is located adjacent to the Abbeyfields site which is subject to an ongoing appeal. It is not considered that the approval of this single dwelling would prejudice the position on that appeal given the strategic nature of the Abbeyfields proposal compared to the small scale of this proposal.

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

The application site is situated within the Open Countryside where the proposal for a detached dwelling would not fall within the categories contained in policy H6 (Residential Development in the Open Countryside and Green Belt). The proposal however would not be unduly detrimental to neighbouring residential amenity, and would tie in with the existing pattern of ribbon development along Park Lane which falls within the Settlement Zone Line of Sandbach. The site is in a sustainable location immediately adjacent to the Settlement

Boundary and in proximity to local services, amenities and the Town Centre. The thrust of the National Planning Policy Framework is a presumption in favour of sustainable development and the proposal would contribute to the Council's housing land supply. The principle of a dwelling on the site is accepted and the proposal is therefore recommended for approval accordingly, subject to the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Two Storey Dwelling
5. No habitable windows to side facing elevations (north and south)
6. Hours of construction
7. Hours of any pile driving activities
8. Tree Protection
9. Construction details of vehicular crossing
10. Vehicular crossing to be re-constructed prior to occupation of the dwelling



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Application No: 12/2532N

Location: Red Acres, WINDMILL LANE, BUERETON, CW3 0DE

Proposal: Construction of 9No. Affordable Homes in Conjunction with Housing Association on Land within Open Countryside as a Rural Exceptions Site with Associated Access Road and Car Parking

Applicant: MARK ELLIS, MARKDEN CITY HOMES LTD

Expiry Date: 18-Sep-2012

### **SUMMARY RECOMMENDATION**

#### **Refuse**

#### **MAIN ISSUES**

- Principle of Development
- Impact on Character and Appearance Open Countryside/Landscape
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Impact on Protected Species
- Impact on Drainage/Flooding

### **1. REASON FOR REFERRAL**

This application is to be determined by the Southern Planning Committee as the application has been called in by Cllr Bailey. The application has been called-in *"in view of concerns relating to drainage, particularly storm water"*.

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

The application site comprises a detached two storey dwelling, brick outbuildings, timber and steel framed farm buildings and paddock land which is located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is adjoined by residential development to the south and east. To the north and west is the wider open countryside. The southern site boundary is predominantly hedgerow, while the eastern boundary is also defined in part by a hedgerow. The site is currently accessed from a driveway off Windmill Lane.

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

This application proposes the construction of 9 dwellings as a rural exception site. The scheme includes 1 4-bedroom dormer bungalow, 4 3-bedroom two storey semi detached dwellings, and 4 2-bedroom semi-detached dwellings. 4 dwellings would be rental units and 5 dwellings would be shared ownership units. The site would be accessed via a driveway from Windmill Lane between

Red Acres and No.7 Windmill Lane. The bungalow would also have a detached garage. The scheme also includes off street parking for the remaining dwellings, landscaping, and a retained vehicular access to field to the west.

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

**11/3520N** – Planning permission approved for Proposed New Bungalow on Infill Plot and New Vehicular Access to Existing House on 17<sup>th</sup> November 2007.

**P07/0909** – Outline Planning permission approved for One Dwelling on 15<sup>th</sup> August 2007.

#### **5. POLICIES**

##### **National Planning Policy**

National Planning Policy Framework (2012)

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

NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy))  
Policy TRAN.9 (Car Parking Standards)

##### **Other Documents**

Interim Planning Policy on the Release of Housing Land

Interim Planning Statement: Affordable Housing

Local Development Framework – Development on Backland and Gardens Supplementary Planning Document

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

**Environment Agency** – No objection subject to condition relating to the submission of a risk assessment and further pre commencement works.

**Environmental Health** – No objection subject to conditions relating to hours of construction condition, piling, lighting and contaminated land

**United Utilities – No Objection**

**Strategic Highways Manager – No response received at time of writing report**

## **7. VIEWS OF THE PARISH COUNCIL**

Make General comments that:

- 1) Access to the field at the rear of the development is restricted and not suitable for agricultural traffic.
- 2) Access for this machinery would be difficult and dangerous as playing children and parked cars would be on the road.
- 3) There is no effective bus service for working families so each property would need two parking spaces ( see 2) above )
- 4) Residents are concerned that adequate measures must be taken to prevent flooding of Windmill Close, particularly for storm waters and overflow from the proposed sewage system.
- 5) Where will the sewage system overflow to if/when it floods?
- 6) Windmill Lane is derestricted. A speed limit should be imposed in Buerton for safety with the increase in traffic from this development.
- 7) All rented properties would better reflect the needs of the community.
- 8) As an asset to prospective residents, should the developers not make a financial contribution towards the planned childrens play ground soon to be installed on the old school playing field .

## **8. OTHER REPRESENTATIONS**

23 letters of objection received from nearby residents, the salient points being that:

- The site is in Green Belt
- Significant development of 10 houses and a shop
- Will significantly reduce the remaining green belt and open countryside
- Would devastate lives of people in Buerton
- Impact on House Prices
- Area liable to flooding
- Drainage at present is unable to support rain water
- Destruction of wildlife and protected species
- No demand for housing in Buerton
- Houses for sale in the area
- Total lack of employment and employment opportunities in area
- No amenities in area
- Sewage system cannot cope with any further housing as over capacity
- Unsustainable transport in area
- Windmill Lane is a narrow road
- Roads in disgraceful state of repair
- Violation of health and safety laws
- Little or no facilities to support development
- Skid marks on road
- Treatment plant would be a hazard and will require disposal of roughage

- Noise nuisance
- Potential land contamination
- Windmill Lane is not 30mph
- Land used for keeping chicken and ducks
- Bungalow will have a visual impact on properties on Windmill Close
- Loss of privacy
- Bungalow is reserved for current landowner
- Is shop still proposed
- Road safety concerns with farming activities
- Layout and parking will lead to obstructions
- Will hedgerow be removed?
- Will existing small holding activities be moved
- Will there be any streetlighting?
- Bus service is not regular
- Cannot realistically walk to Audlem
- Windmill Lane subject to flooding
- Cycling to Audlem is dangerous
- No longer a primary school in village
- Direct loss of privacy for No.7 Windmill Lane from dormer bungalow
- Concerns over construction traffic

3 letters of support:

- constitutes the only means whereby those of relatively low income can ever access the bottom rungs of the property ladder.
- Interest is more than houses applied for
- Only takes up small proportion of site. Remainder would remain as small holding
- Drainage can be clarified
- Wildlife survey has been submitted
- No proposal for a shop
- Site in ownership of applicant not Markden Homes
- No intention to extend development to the west
- House prices in area are not affordable

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

- Supporting Statement
- Protected Species Survey
- Flood Risk Assessment

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site lies solely within the Open Countryside, as define by the Local Plan Proposals Map, on the edge of the settlement of Buerton. Buerton itself does not benefit from a Settlement Boundary and is also whitewashed as Open Countryside. Policy NE.2 of the Local Plan restricts development in Open Countryside locations and residential development is



generally (subject to certain criteria) an inappropriate form of development in such locations. An exception to Open Countryside Policy is for the provision of affordable housing.

Policy RES.8 states that planning permission may be granted for the provision of affordable housing as an exception to NE.2 subject to a number of criteria. To qualify as an affordable housing scheme there must be an identified local need for affordable housing; the site must be in a sustainable location, immediately adjacent to an existing settlement boundary or, exceptionally, within or adjoining the built up area of other rural settlements; and the scale, layout and design must be appropriate to the settlement.

The National Planning Policy Framework 2012 identifies that LPA's should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing, including through rural exception sites where appropriate. Local Plan Policies are considered to be consistent with the NPPF with regard to facilitating the delivery of affordable housing schemes in sustainable locations where there is an identified need.

### *Housing Need*

The Interim Planning Statement on Affordable Housing states that any application should be supported by an up to date Housing Survey of the Parish. This application has not been supported by a full survey and as such fails to satisfy that requirement. There is some evidence that a community consultation exercise was carried out but not in the form of a full survey.

Notwithstanding this, as part of this application, consultation has been carried out with the Housing Strategy and Needs Manager who has raised no objection to the proposal. With regard to need they have identified that:

- A rural housing needs survey was carried out in 2007 for the Audlem Ward, including the Buerton Parish. Questionnaires were sent out to 201 households in the Parish with 46 questionnaires returned. This represents a return rate of 22.8%. This identified that there were:
  - 5 hidden households. These are households that contain at least one adult who wish to form a new household within the Parish or Cheshire East.
  - 3 households who had moved out of the Parish who would wish to return if cheaper accommodation was available.
- Buerton comes under the Audlem sub area of the SHMA 2010. The SHMA identifies that for the sub area of Audlem there is an annual affordable housing need of 6 new homes each year between 2009/10 – 2013/4.
- Cheshire Homechoice, which is the choice based lettings system for allocating social housing across Cheshire East, currently has 2 applicants who have selected Buerton as their first choice
- This number appears low but it is likely that the reason is that there are only 10 affordable properties in Buerton and 4 of these are bungalows.
- On 3<sup>rd</sup> April 2012, Markden Homes and Plus Dane carried out a consultation event and interested residents were invited to express interest in the properties. 13 people have registered an interest in the properties and all appear to have a local connection.

In addition to this, the Cheshire East Housing Enabling Officer, has stated that there is a need in the area. The evidence available to Housing suggests that there is some need for affordable

housing within the area. However, it is clear from this evidence that some of the need identified does refer to the wider Audlem ward of which Buerton Parish is part.

In summary, there is a need for some affordable housing in the Buerton Parish as identified above. Although there is no up to date Need Survey submitted with the application, which is a Local Plan Policy requirement, there has been no objection from Housing. In the light of this it would be difficult to sustain refusal of the scheme on the grounds of lack of need.

### *Sustainability of Site*

Policy RES.8 identifies that rural exceptions schemes may be acceptable where the site is in a sustainable location immediately adjacent to the settlement boundary. Buerton is a settlement which does not benefit from a settlement boundary and as such the scheme does not satisfy that criterion. Policy RES.8 goes on to state that, exceptionally, the site be within or adjoining the built area of other rural settlements. This is echoed within the Interim Planning Statement on Affordable Housing. The application site is located adjacent settlement of Buerton and as such would satisfy that exceptional criteria, in terms of the site itself. However, the criteria makes it clear that any site should be sustainable. Again, this is also reflected in the Affordable Housing Statement, and is a key principle of the NPPF.

Buerton is a small, isolated village within the Open Countryside, which comprises ribbon development along Woore Road, frontage development along Windmill Lane, and three cul-de-sacs off Windmill Lane. There are approximately 80 dwellings within the settlement. While there are a reasonable number of dwellings within the settlement, the level of services that the settlement offers, such as schools, shops, public houses etc is nil. The only exception to this is a bus service between Whitchurch and Audlem which passes the site and an area of open space. The bus service does not appear to be a regular service through Buerton. Within the settlement is a former primary school which has closed in recent years.

The nearest larger settlements to the application site which do offer extended amenities and services are Audlem, which is approximately 3km to the west along the A525, and Woore, which is approximately 5km to the east along the A525. These settlements are considered to be of a distance which is not realistically walkable due to the distance and lack of footpaths. Cycling is also considered to be unrealistic due to the traffic volumes and narrow winding nature of this, largely de-restricted road.

In the light of the above it is considered that this is an unsustainable location.

### *Conclusion of Principle of Development*

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development. Whilst an up to date survey has not been submitted it is considered that from the evidence available that there is some need for affordable housing in Buerton and the wider Audlem sub-region. However, the extent of this need is not so acute as to outweigh the significant failure of the site in terms of its sustainability. Therefore, it is considered that the application site does not represent a viable affordable housing exception site on sustainability grounds, and is thus contrary to Policy RES.8 and the principles of the NPPF.

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

The application site is located in the Open Countryside and residential development, by its very nature, has the potential to cause harm to the character and appearance of the open countryside. The application site forms a mixture of residential curtilage and small holding. Within the small holding are a number of timber and steel framed sheds. These existing buildings occupy much of the application site. The proposed development would be contained to the east and south by existing residential development. In addition the scheme would replace existing buildings on the site which are in agricultural use. The proposed development would not extend significantly beyond the northern and western extents of existing built development on the site and therefore built residential development on this site is unlikely to represent a significant incursion into the Open Countryside or to cause demonstrable harm on the landscape character. While it is appreciated that the character of the site would change from rural to urban, the harm, due to site characteristics is likely to be limited. In addition there has been no objection from the Council's landscape consultation on these grounds.

The nature of surrounding development comprises bungalows to the south and two storey detached dwellings to the east. The scale of the proposed properties which includes a detached dormer bungalow and 4 blocks of two storey semi detached properties would not be considerably out of character with adjoining development. The appearance of these buildings is relatively simple and they would not be in any way prominent. The layout of the development, in terms of its cul-de-sac approach would reflect the pattern of existing development within the settlement, which is characterised by cul-de-sacs off Windmill Lane, and as such is considered to be appropriate.

When viewed from Windmill Lane views of the proposed development would be limited as the proposals are sited to the rear of existing development. There would be some change in character from Windmill Lane due to the creation of the site access. However, it is unlikely that this would cause demonstrable harm to the character of the area.

Precise details of the scheme relating facing materials, hard and soft surfacing, landscaping and boundary treatment could be secured through appropriate conditions.

### **Impact on the Amenity of adjacent properties and future occupants**

According to the SPD on backland and garden development a separation distance of 21m between principal elevations and 13m between principal and flank elevations is sufficient to achieve an adequate standard of privacy and amenity between dwellings. The proposed dwellings would be sited to the west of existing dwellings on Windmill Lane. Unit 3 is sited directly to the rear of Kilderkin House at a right angle to it. A distance of 18m would be achieved from the gable of unit 3 to the rear elevation of this dwelling which is an acceptable spacing standard. In addition the dwelling itself is sited approximately 8m from the shared boundary and would not be overbearing.

Unit 1 would be sited to the rear of Red Acres and there would be a distance of 16m between the proposed flank elevation of Unit 1 and the rear elevation of Red Acres which is also an acceptable spacing standard.

The proposed bungalow would be sited along the southern boundary of the site. At its closest this dwelling would be between 1m and approximately 3.5m from the boundary with No.10 Windmill Close. The bungalow would have an eaves height of 2.5m and a maximum height of 6m. The dwelling would be 31m from the rear of No.10 Windmill Close. The submitted plans indicate that

11 Windmill Close has an L shaped curtilage. The proposed dwelling would therefore not consume the entire rear boundary of that property, and as such there is an intervening boundary between the amenity space of No.10 Windmill Close and the proposed dwelling. While the proposed dwelling is close to this rear boundary, as the dwelling would be a bungalow and given the layout of the residential curtilages, it is considered that the amenity impact on that dwelling through overbearing appearance would not be sufficient to justify a refusal. In addition the dwelling is sited at a satisfactory distance from the rear elevation of properties on Windmill Close.

Concern has been raised about the amenity impact on No 7 Windmill Lane as a result of the proposed dormer windows and overlooking. That property is 36m from the proposed dwelling and its garden is 28m away. This is such a distance which would not result in amenity issues to cause harm to that dwelling. In addition, No.7 Windmill Lane is not immediately to the front of that property.

Within the site, the spacing between dwellings are generally in accordance with the standards set out above. However, there is a distance of 20m between facing principal elevations between units 1 and 2, and 3 and 4, which is slightly below the suggested spacing standard. Given the layout and position of private driveways this would not cause an unacceptable level of amenity for these properties.

No objection has been raised by Environmental Health however they have suggested a number of conditions which could be attached to any permission.

### **Contaminated Land**

Discussions have been ongoing with the Contaminated Land Officer and an update will be provided on this matter.

### **Impact on Highway Safety**

The site of the proposed development is shown to be accessed from Windmill Lane. No comments have been received from the Strategic Highways Manager with regard whether the proposed development would cause any harm to highway safety. An update will be provided at Committee.

A minimum of two off street parking spaces should be provided for each dwelling which can largely be achieved. However, it is noted that this may not be achievable for Unit 8. Two spaces could be achieved in the curtilage of this property through the repositioning of the garden shed and this could be secured by condition.

### **Impact on 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
- 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.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the nature conservation resource. Proposals for development that would result in the loss or damage of any site or habitat which supports protected species will not be permitted, unless this is compensated by the provision of a similar feature. In addition Policy NE.9 (Protected Species) states that development will not be permitted where it would have an adverse impact on protected species 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 states that LPA's should aim to conserve and enhance biodiversity.

The application has been supported by a Protected Species Report. This has been considered by the Council's Nature Conservation Officer. The buildings subject to this planning application do not for the most part appear to offer significant roosting opportunities for bats. Whilst bats are active around the site no evidence of roosting bats was recorded during the surveys undertaken. Bats do not present a constraint on the proposed development.

With regard to Barn Owls, concern has been raised that the proposed development would lead to a loss of foraging habitat for barn owls and it would be difficult to retain sufficient rough grassland habitat within the development site to maintain the current barn owl interest. It is therefore suggested by the Nature Conservation Officer that the adverse impact of the proposed development upon barn owls be offset by means of a commuted sum of £2,000 payable to the local barn owl group. The commuted sum would be used to implement barn owl conservation work in the Borough and should be secured through a section 106 agreement associated with the development of the site if the proposal is deemed to be acceptable.

### **Impact on Drainage and Flooding**

Concern has been raised with regard to the drainage of the site and the implications that the proposed development would have on flooding in the area. Consultations have been carried out with United Utilities and the Environment Agency with regard to these issues.

United Utilities have stated that they have no objection to the proposed development. They also state that where possible this should be drained on a separate system with only foul drainage being connected to the foul sewer. Full drainage systems can be secured by condition.

With regard to flooding the Environment Agency have also raised no objection to the proposed scheme. They do note that the application site is within 60m of a watercourse which may be controlled waters which may have been affected by contamination from past uses. They have therefore suggested a condition to be attached on any permission for a remediation strategy to be submitted to deal with the risks associated with contamination.

In the absence of any objection from both these bodies it is considered that the proposed development can be satisfactorily drained and would not result in any flood risk, and it is not considered that a refusal on drainage grounds could be sustained.

### **Other Matters**

Comment has been made that a contribution should be made towards a proposed equipped childrens playspace in the area. Policy RT.3 identifies that in small residential developments occupied in schemes of less than 50 people reasonable contributions will be required towards the provision of childrens playspace and casual recreational open space public open space improvements. There is no existing equipped play space in the area and a small contribution towards improvements could be considered to be reasonable in this instance if minded to approve the application.

## **11. CONCLUSIONS**

Whilst it could be argued that there is some level of need for affordable housing locally, the application proposals do not represent a sustainable form of development. The application site is located on the edge of the village of Buerton which is within the Open Countryside. The absence of a settlement boundary suggests that the village is not a sustainable settlement. On occasion an exception to this may be acceptable where the site is adjacent or within other rural settlements in sustainable locations. In this instance, the village of Buerton only offers an extremely limited level of services and facilities and any nearby services and facilities are in the settlements of Audlem and Woore which are remote and poorly accessible from the site. It is considered that the level of need and any other material considerations would not outweigh this harm identified. The proposed development would therefore be contrary to Policy NE.2 (Open Countryside), and RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the Interim Planning Statement: Affordable Housing and the National Planning Policy Framework 2012.

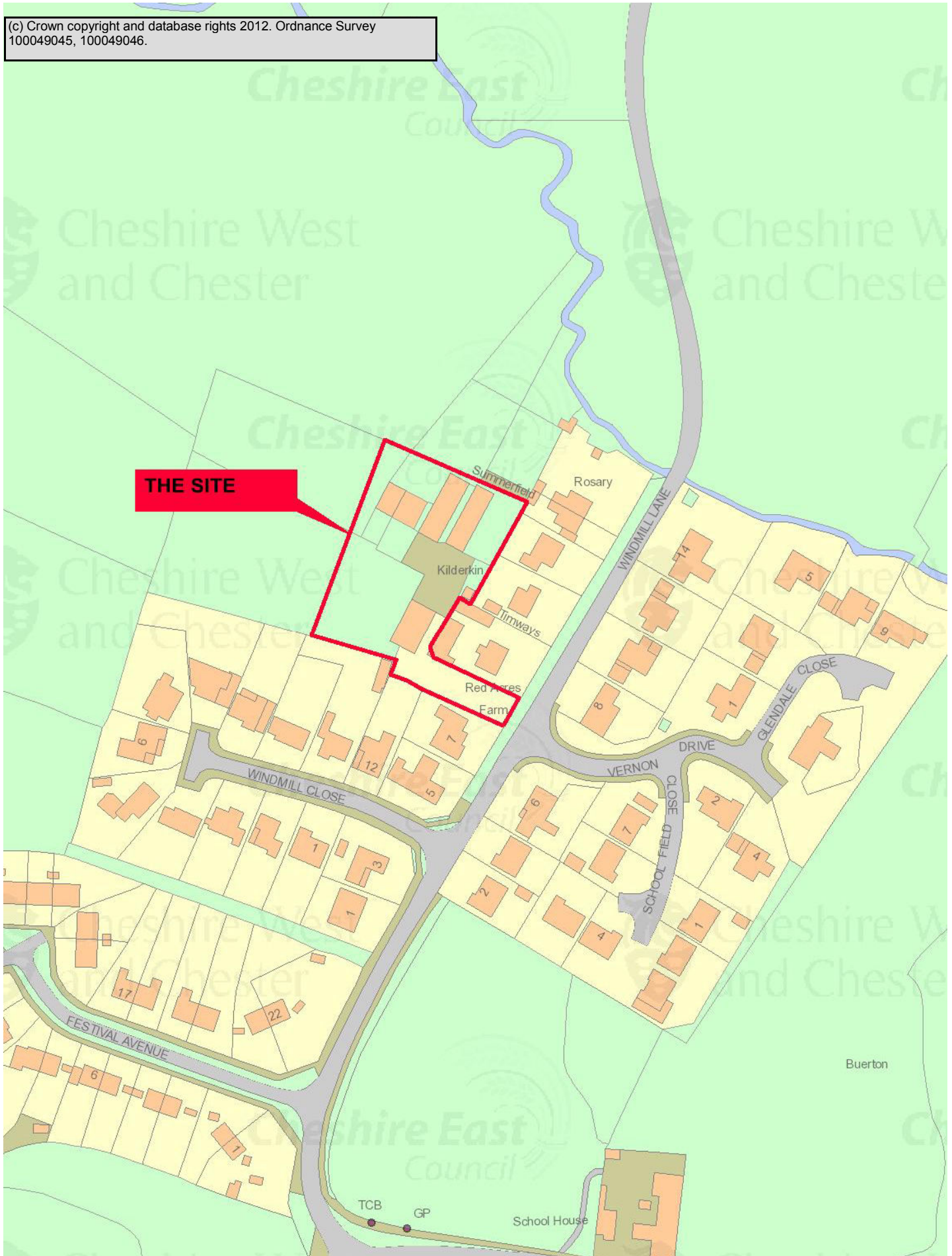
## **12. RECOMMENDATIONS**

### **REFUSE for the following reason:**

1. In the opinion of the Local Planning Authority the application proposals do not represent a sustainable form of development. The application site is located on the edge of the village of Buerton which is within the Open Countryside. The absence of a settlement boundary suggests that the village is not a sustainable settlement. On occasion an exception to this may be acceptable where the site is adjacent or within other rural settlements in sustainable

locations. In this instance, the village of Buerton only offers an extremely limited level of services and facilities and any nearby services and facilities are in the settlements of Audlem and Woore which are remote and poorly accessible from the site. It is considered that the level of need and any other material considerations would not outweigh this harm identified. The proposed development would therefore be contrary to Policy NE.2 (Open Countryside), and RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the Interim Planning Statement: Affordable Housing and the National Planning Policy Framework 2012.

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Application No: 12/2560N

Location: LEIGHTON HOSPITAL, MIDDLEWICH ROAD, LEIGHTON, CREWE, CHESHIRE, CW1 4QJ

Proposal: Proposed development consists of: New build theatres, Recovery & CCU and associated plantroom connected to the existing treatment centre building. New VIE plant in connection with new theatre development. Extension to the existing energy centre to accommodate new theatre development. 2No New bed lifts within an existing courtyard area off the existing main hospital street. Refurbishment of Ward 6A with associated demolition of part of Ward 6A to enable construction of new theatre development. New hospital site wide parking rationalisation with associated landscaping

Applicant: Paul Swindells, Mid Cheshire Hospitals NHS Foundation Tr

Expiry Date: 26-Oct-2012

**SUMMARY RECOMMENDATION:**

**APPROVE with conditions**

**MAIN ISSUES:**

- **Principle of Development**
- **Design and Layout**
- **Amenity Access and Parking**
- **Landscape**
- **Ecology**
- **Drainage and Flooding**
- **Noise, Air Quality and Contaminated Land**

**1. SITE DESCRIPTION**

The Leighton Hospital Site is located within 5km of the North West of Crewe, within a rural setting. The hospital is the only major development within the immediate area. The hospital site is accessed off the A530 Middlewich Road or Smithy Lane which bound the West and South of the site.

The application relates to the existing Treatment Centre which was built in 2003 and is situated in the North West area of the site, adjacent to the access road off the A530 Middlewich Road. The building occupies 4000m<sup>2</sup> of the hospital site, and is mainly on one storey, but with a two storey plant space to the eastern and rear block. The building is designed around a central courtyard and can be split into a number of linear blocks located around this courtyard. A feature entrance spine cuts through the

courtyard and provides double height space within the reception area. The building is accessed via the western elevation, and circulated internally from a point within the centre of the courtyard.

The Treatment Centre is finished in terracotta rainscreen feature fin wall; White render; Light Grey insulated cladding panels; Dark grey rainscreen cladding; Dark grey bullnose profile to eaves; Dark grey aluminium window frames, doors and louvres;

It is bounded to the North by the hospital site boundary, the South by existing departments within the hospital estate and to the East and West by Car parks. Approximately 30 metres to the East of the building the existing Energy Centre is located.

## **1. DETAILS OF PROPOSAL**

The application seeks consent for an extension to the treatment centre to provide 8 no. new operating theatres; 14 no. recovery bays; Critical Care ward for 14 no beds; Staff change and rest rooms; Associated non clinical support services; Associated Plant Space and Links to the existing Treatment Centre and the rest of the hospital site.

The existing Treatment Centre occupies a Ground Floor footprint of 4000m<sup>2</sup> with the proposed extension to the South and East occupying 3880m<sup>2</sup> at Ground Floor level and 1300m<sup>2</sup> provided at First Floor level to accommodate the necessary mechanical plant. The proposals have been designed to integrate fully with the existing uses of the Treatment Centre and therefore wrap around this building to the East and South. This means access can be created from both the East and South elevations of the existing Treatment Centre, as well as the corridor which links back into the rest of the hospital site.

The proposals require the removal of parts of another building (ward 6a), the accommodation within this being provided elsewhere within the hospital site boundaries. In reference to the existing Treatment Centre, plant space has been located on the first floor to the East of the extension. As a long block wrapping round back into the existing one storey element this forms a U shaped overall plant space which hides the extensive plant required for the uses of the building.

Existing car parking spaces lost by this development will be replaced with the hospital site boundary, which is described within WSP Transport Statement. These are created by reconfiguring the existing car park to the east of the Treatment Centre, the majority of the new spaces created to the south of this car park.

The application also seeks consent for any extension to the existing Energy Centre to meet the requirements of the new facility.

## **2. PREVIOUS RELEVANT DECISIONS**

There is a lengthy history of planning applications at Leighton Hospital the most recent of which are:-

12/1193N	Refurbishment and upgrade of Ward 26 – Approved 4 <sup>th</sup> June 2012
P09/0213	Demolition of Timber Framed Flat Roofed Building and the Provision of Additional Car Parking – Approved 17 <sup>th</sup> June 2009
P09/0153	The Erection of a Single Storey, Free Standing Unit – Approved 24-Apr-2009
P09/0143	Extension Within Internal Courtyard to Form New Maternity Operating Theatre and Associated Rooms to Existing Woman and Childrens Division 21 <sup>st</sup> April 2009
P08/1038	Construction of Reinforced Mass Concrete Pad (Retrospective) – Approved 13-Oct-2008
P08/0588	Provision of a Modular Style Building in an Enclosed Courtyard to Provide Additional Accommodation for the adjacent Pharmacy Department – Approved 30-Jun-2008
P08/0099	Variation of Condition Four on Planning Permission P07/0505 relating to Roof Mounted Plant on the A&E Department Building – Approved 25-Mar-2008
P07/0505	Extension to Accident & Emergency Department – Approved 31-May-2007
P07/0284	Medical records building. Approved 10 <sup>th</sup> April 2007.
P06/1343	Medical Discharge Lounge. Approved 22 January 2007
P06/0787	Oncology Day Centre and Replacement Car Park. Approved 5 September 2006.

### **3. PLANNING POLICIES**

#### **Local Plan policy**

- BE.1 (Amenity)
- BE.2 (Design)
- CF.1 (Leighton Hospital) This relates to land adjacent to the existing hospital site not the application area.
- CF.2 (Community Facilities)

#### **Other Material Considerations**

- National Planning Policy Framework

**4. OBSERVATIONS OF CONSULTEES**

**Environmental Health**

- 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 hours of working
  - 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.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.
- The application area has a history of hospital use and therefore the land may be contaminated. As such, and in accordance with the NPPF, recommend that the following conditions, reasons and notes be attached should planning permission be granted:
  - Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

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

No response.

**6. OTHER REPRESENTATIONS:**

None received at the time of report preparation.

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

## Design and Access Statement

**8. OFFICER APPRAISAL****Principle of Development**

The site, which is located to the north west of the town of Crewe, is “washed over” by open countryside within the Local Plan. According to Policy NE2 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 within the open countryside.

It could be argued that the provision of additional hospital facilities constitute “*essential works undertaken by public service authorities*”. Furthermore, the position of the proposed building is firmly within the built up, brown-field, area of the existing hospital complex, and would be situated, partially on the footprint of the existing Ward 6a, car-park and ancillary grassed areas. It would also be viewed against the backdrop of the existing hospital buildings. Consequently, it is considered that there would be no incursion into undeveloped open countryside, and any impact on the open character and appearance of the surrounding area would be negligible.

The Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark) states that “*Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*”

The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

This has been reinforced through the NPPF, which states that, the purpose of planning is to help achieve sustainable development. “*Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth.*” There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.

According to paragraph 17 of the NPPF, within the overarching roles that the planning system ought to play, a set of 12 core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should,

inter alia, proactively drive and support sustainable economic development, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, protecting the Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Paragraph 19 states that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. 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.”*

The NPPF goes on to state that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century and, inter alia, support existing business sectors, taking account of whether they are expanding or contracting. *“Investment in business should not be over-burdened by the combined requirements of planning policy expectations.”*

The proposed development represents a substantial investment of public funds in infrastructure provision within Crewe and would bring direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction, economic benefits to the construction industry supply chain. The new facility, which will provide replacement state-of-the-art facilities, to replace ageing operating theatre accommodation will allow the hospital to continue to provide quality services going forward into the future and will help to safeguard jobs within the hospital itself in the long term.

It is also important to consider the community benefits arising from such a significant improvement in healthcare provision within the town. The NPPF also stresses the important social role which planning plays, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

These are important material considerations that would outweigh any minimal potential conflict with Policy NE.2. The proposal is therefore considered to be acceptable in principle.

### **Design and Layout**

The existing hospital complex comprises a mixture of single and two storey modern buildings including 1960's flat roofed, prefabricated concrete structures, post-modern buildings of traditional brick and tile construction, dating from the 1980's and 90's and contemporary additions. The Treatment Centre, to which this extension is to be added constructed in 2003 is one of the most up to date and contemporary of the buildings on the hospital site, and as stated above, the proposed extension will wrap around three sides of the existing building. The elevational treatment of the proposed extension has

been designed to reflect the existing treatment centre both in terms of massing and materials.

The most prominent part of the proposed extension is the north east corner, where the building will be visible from the car park, access road and open countryside to the north. This has been articulated using dark grey rainscreen cladding already used on the entrance spine of the existing building, in order to create a focal point and “end-stop” to the building, which will balance the entrance feature at the opposite end of the north elevation.

According to the Design and Access Statement, a long block relating to the plant space on the existing building is located to the South of this corner, maintaining the same proportions and appearance to the existing. A light grey metal cladding will be used for this element, to match the existing.

The single storey elements within the extension will be faced in render with dark grey copings to match those to the North, South and West elevations of the existing. The proportions of the elements are also maintained.

The fenestration to each area reflects the uses within the building. These provide the necessary privacy or views out required by the use. There are essentially three window types to the proposed building as follows:

- *Dark Cladding Vertical Ribbons* – The external floor levels offer full height windows within the operating theatres whilst maintaining the privacy of the users. To further emphasise the feature corner these have been included with the required louvers to the plant space above to form a vertical feature;
- *Horizontal Strip Windows* – These windows are included to operating theatres and recovery wards. They allow for privacy with all areas due to the external levels, whilst affording a view out from the users. The height above ground floor level allows for equipment, beds etc to be placed in front without impacting on the external appearance;
- *Full Height windows to South elevation* – Large full height windows have been included to the Critical Care Unit ward which allows for the maximum natural light to the ward to aid with recovery of patients. Due to the southern orientation, shading has been included, also offering privacy from outside. These windows face into the proposed landscaped area.

The proposed Energy Centre extension has been designed to reflect the existing, the form being extruded to the North, with elevations of buff brick and dark cladding. The existing roof profile will also be replicated. A 16m high chimney is also proposed as part of the Energy Centre extension, this will be located on the eastern side of the building.

The demolition of ward 6a will leave a gable end on the south east corner. This will be faced in render which corresponds with the proposed Theatre and CCU extension that it will face. Window replacements are also planned for the remaining parts of this building.

It is therefore concluded, that the elevational detailing of the proposal is acceptable and in keeping with the character of the development on the existing site and therefore complies with Policy BE2 of the adopted Local Plan and advice within the NPPF in respect of design.

With regard to layout, the extension itself is surrounded by existing buildings and is mainly visible from the access road off the A530 Middlewich Road and the car park to the North of the site. The proposed extension to the Energy Centre will also sit in front of the long East elevation. Therefore, as stated above, the proposal will be viewed against the backdrop of existing development and will not impact on the character and appearance of the surrounding open countryside. Therefore the layout and siting of the proposed new buildings are considered to be acceptable and also in accordance with Policy BE2 of the adopted Local Plan and advice within the NPPF in respect of design.

### **Amenity**

There are no nearby residential properties which could be affected by the proposed extensions. The locations and layout of the extensions take into account the constraints of the site the function of the proposed building. The layout provides pleasant external day spaces. The extensions have been designed to comply with current NHS guidelines and, as detailed above, an adequate standard of amenity will be achieved and retained for the existing and proposed rooms, within the ward complex including those fronting on to the courtyard which will be created between the proposed new theatre block and the truncated Ward 6a.

### **Access and Car Parking**

The existing treatment centre and car park is accessed directly off the A530. Given that the proposal involves primarily a replacement of existing out-dated facilities within the hospital, there is no intention to increase staff or patient number due to the extended footprint. Consequently, it is not considered that the scheme will result in an intensified use of this access or significant additional traffic generation on the surrounding highways network.

The amount of additional car parking is a key issue in determining this application. The proposed footprint of the extension results in the loss of circa 90 spaces. It is the intention to replace these spaces with the reconfiguration of existing car parks within the hospital site. No additional spaces will be provided. However, this is considered to be acceptable given that the proposal will not increase the number of patients

The hospital already has a Travel Plan in place which has been operating for a number of years to reduce dependency on car based travel.

On the basis of the above it is considered that the proposal complies with Policy BE.3 (Access and Parking) and that a refusal on highway safety grounds could not be sustained. However, comments from the Highways Department had not been received at the time of report preparation and a further update will be provided to committee Members at their meeting.



## **Landscaping**

The existing landscaping on the site consists of a mixture of hedging, shrubbery and some ornamental trees. The proposed extension is located within an existing car park and therefore impact on existing landscaping will be minimal.

With regard to hard landscape proposals, the scheme includes a brick sett pathway around the building which corresponds with that to the existing Treatment Centre building, maintaining ease of pedestrian movement around the hospital site. The proposals also include for the reconfiguration of existing vehicular routes to accommodate the new building.

The site plan outlines the broad soft landscaping proposals and consists mainly of grassed areas, hedgerows and shrubs. To the South of the site, and within the existing courtyard, there is a small garden used for the recovery of patients. Due to the demolition of part of the existing building (Ward 6 and 6a) this garden will become part of a larger landscaped area.

A condition is recommended to require a full scheme of landscaping to be submitted and approved.

## **Ecology**

Given that the proposal involves alterations to modern buildings and development predominantly on the footprint of existing buildings, hard surfaced car park and ancillary grass verge areas, it is not considered that any ecological issues are raised.

## **Drainage and Flood Risk**

Comments from United Utilities and the Environment Agency were awaited at the time of report preparation. However, given that the building is located within the existing complex, is a replacement for existing facilities and is sited predominantly on the footprint of the existing buildings and car parking, it is not anticipated that any drainage or flooding concerns will be raised. However, a further update will be provided to Members at their meeting.

## **Noise, Air Quality and Contaminated Land**

With regard to matters of noise, air quality and contaminated land the application has been considered by Environmental Health officers, who have raised no objection subject to the imposition of appropriate conditions. It is therefore not considered that a refusal on these grounds could be sustained.

## **9. CONCLUSION**

The site is located within the Open Countryside where there is a presumption against new development, unless it falls into one of a number of categories, including "*essential works undertaken by public service authorities*" which it is considered would include a hospital extension. The proposal would also have significant economic,

community and social benefits which would outweigh any conflict with Open Countryside policy.

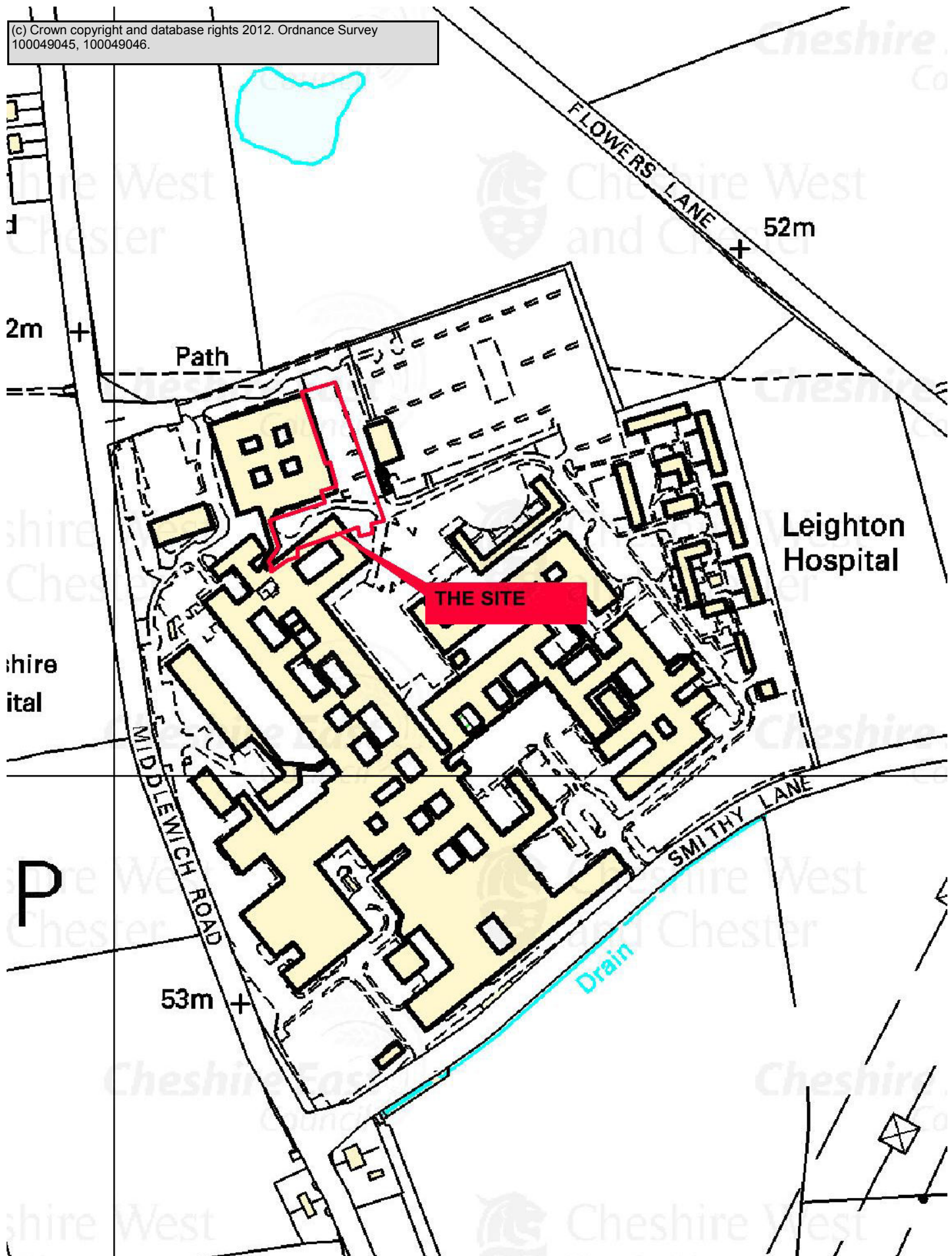
The proposal reflects the character and appearance of the existing development on site and is considered to be acceptable in design terms. It will not have any adverse impact in terms of amenity, highway safety, landscape ecology, drainage and flooding, noise, air quality or contaminated land. The proposal is considered to represent sustainable development and as a result, having regard to the provisions of the NPPF, there is a presumption in favour of granting planning permission. Accordingly it is recommended for approval subject to conditions.

## **10. RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Standard**
  - 2. Materials including surfacing materials**
  - 3. Provision of Replacement parking**
  - 4. Covered Cycle Storage Facilities**
  - 5. Submission of landscape scheme**
  - 6. Landscape Implementation**
  - 7. Submission / approval and implementation of Environmental Management Plan**
  - 8. Submission / approval and implementation of details of the location, height, design, and luminance of any proposed lighting**
  - 9. Submission / approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities**
  - 10. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and Environmental Health be contacted for advice.**
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Application No: 12/2786N

Location: Bentley Motors Ltd, PYMS LANE, CREWE, CHESHIRE, CW1 3PL

Proposal: Installation of Roof Mounted Solar PV System

Applicant: Mr A Robertson

Expiry Date: 03-Oct-2012

**SUMMARY RECOMMENDATION**

**Approve with conditions**

**MAIN ISSUES**

- Principle of Development
- Design - Character and Appearance
- Impact on Amenity of Adjacent Properties

**1. REASON FOR REFERRAL**

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

**2. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of Bentley Motors, a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. The factory site consumes a significant area which is contained by Pym's Lane to the north, a railway to the south, Sunnybank Road to the west and an area of open space to the east. There are other areas outside of this area which are within the applicant's ownership for car parking and ancillary development. There are numerous large factory buildings within the site. The application site itself relates to six buildings within the site which vary in terms of their size. One of the buildings is the main frontage building on Pym's Lane which is Art Deco and is on the Council's Local List of Historic Buildings.

**3. DETAILS OF PROPOSAL**

This application proposes the installation of solar PV panels to be fixed to the south facing roofs of six buildings. These six buildings comprise of 3 brick built Art Deco buildings situated at the front of the site (G1, B1, C1) and 3 portal industrial buildings located in the far southeast corner of the site (A5, A6 and F1). The installation would achieve a potential annual output of 3MWp. The

proposals would generally be used to meet on site demands but on occasion would be fed into the National Grid. There would be a potential saving of 1980 tonnes of carbon per year.

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

There is an extensive history for the site. However, the only application of relevance is planning ref; 11/1042N, which was approved by the Southern Planning Committee in 2011. This granted planning permission for the installation of a similar roof mounted solar PV system, but involved the larger plant buildings occupying the remaining part of the site. This proposal seeks permission for an additional installation on some of the smaller buildings at the site.

#### **5. POLICIES**

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

BE.13 (Buildings of Local Interest)  
NE.19 (Renewable Energy)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)

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

National Planning Policy Framework

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

**Strategic Highways Manager** – None received at time of writing report

**Environmental Health** – None received at time of writing report

**Civil Aviation Authority** – None received at time of writing report

#### **7. VIEWS OF THE PARISH COUNCIL**

None

#### **8. OTHER REPRESENTATIONS**

None received at time of writing report

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

Design and Access Statement submitted, the salient points being:

- Located on existing south facing roofs
- Used to meet on site demand and on occasion fed into National Grid
- Would save 1380 tonnes of Carbon per year

- Site can be seen for some distance but site is consistent and tidy geometry to grid iron layout.
- Open fields to east with residential development beyond, to south is the Crewe to North Wales mainline railway and beyond that is residential development.
- Will be installed on buildings G1, B1, C1, A5, A6 and F1 and would be mechanically fixed to the roofs through a light-weight support framework.
- No generation of noise or increased traffic movements
- Output potential of 3MWp

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Policy NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan states that development which is for the generation of power from renewable energy sources will be permitted, subject to satisfying a number of criteria relating to impact on the character of the area, highway safety, the amenities of nearby properties and landscape considerations. The proposed development is for solar panels and is therefore acceptable in principle providing there is no significant harm to those areas identified.

Developments for renewable energy schemes which help to address climate change are encouraged in the National Planning Policy Framework (NPPF). Para 98 of the NPPF states that when considering planning applications, the Local Planning Authority should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy” and should “approve the application if its impacts are (or can be made) acceptable”.

With regard to buildings which are locally listed, the NPPF seeks to conserve heritage assets in a manner appropriate to their significance. Section 12 of the NPPF expands further stating that local authorities should take account of the desirability of new development. Where there is harm caused to the heritage asset this should be balanced against any public benefits of the scheme.

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

### **Design - Character and Appearance**

The application site is a large factory sited on the edge of Crewe. The scale of the site means that it is visible from a wide area. The proposed solar panels, would be sited entirely on the south facing roofs of six of the smaller buildings located on the Pym's Lane frontage and towards the rear south-east corner of the site. Views of the south facing roofs are available from nearby residential streets and properties. However, the impact would not be significantly greater than that which was approved by virtue of planning ref; 11/1042N and the proposal would not add significant bulk to the existing buildings.

The key consideration is the visual impact of the proposed installation on the front Art Deco buildings (B1, C1 and G1), which are the most significant parts of this complex. The visual impact

on B1 will be minimised by the presence of a parapet as it is flat roofed and as such the installation will be screened somewhat from Pym's Lane.

In the case of buildings C1 and G1, these have a dual pitched roof behind the parapet detail which would result in the south facing pv panels of the locally listed building being visible from parts of Pym's Lane when approaching from the side. In the case of these frontage buildings, the use of pv panels which are entirely black should be conditioned, to ensure that their visual impact is minimised in the presence of the locally listed building when viewed from the main road and approaches to the building from the side.

Whilst the proposal to use pv panels on the rear side building and on the adjacent rear buildings (A5, A6 and F1) will result in their introduction on buildings which form part of the curtilage to the complex, given their distance from the main road frontage of the locally listed building there would be no perceptible impacts and will tie in with the installation approved by virtue of planning ref 11/1042N.

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

There are residential properties located to the north, east and south, the nearest of which is some 50m from the proposed development. The proposed development is a renewable energy source which does not generate any noise output and would not add significant bulk to the existing buildings. Due to the nature of the development there would be no amenity issues relating to disturbance, pollution, visual intrusion or traffic generation.

## **11. CONCLUSIONS**

The proposed development is for a solar panel installation on the south facing roofs of Bentley Motors. The setting and nature of the site would mean that the proposed development would not cause material harm to the character and appearance of the area. There would be no amenity issues arising from the proposed development and would provide significant benefits through the reduction of carbon emissions, which would outweigh any harm in the change in character and appearance of the site. The proposed development is therefore considered to be in compliance with the relevant local plan policies and guidance contained within the National Planning Policy Framework.

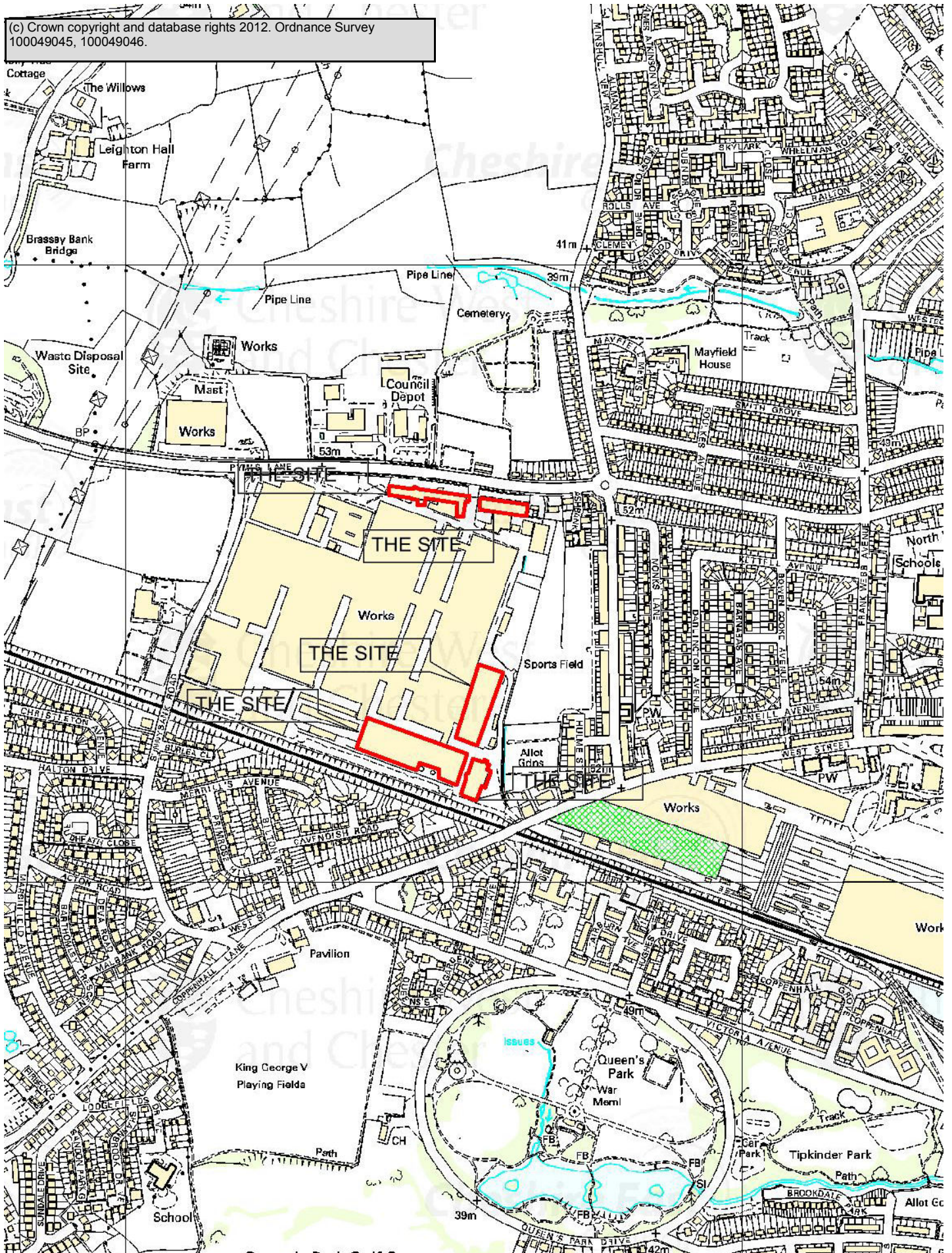
## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Standard time limit (3 years)**
- 2) Development to be carried out in accordance with approved plans**
- 3) Materials / colours as submitted for buildings A5, A6, and F1**
- 4) Materials / colours for buildings B1, C1 and G1 to be black unless otherwise agreed)**



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Application No: 12/2897N

Location: 23, MAIN ROAD, SHAVINGTON, CW2 5DY

Proposal: Two Storey Side and Rear Extensions with Elevational Changes to Front and Raising Roof on Existing Garage to Rear (Resubmission)

Applicant: LLD Ltd

Expiry Date: 21-Sep-2012

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

- Principle of Development;
- Policy;
- Design;
- Amenity;
- Highways; and
- Other Matters

**REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However, Councillor Brickhill has requested that it be referred to Committee for the following reason: –

*'I agree with the Shavington Parish Council that planning committee members might like to consider the effect of this application (to extend the existing house) on the neighbours. They may think as we do that it is a massive overdominating overdevelopment of the site'.*

*'The garage should be a separate application as it is a separate building. In its existing form it is an eyesore and raising its roof will only make it more of an eyesore. If however it was rebuilt of brick in keeping with the surrounding buildings it might be more acceptable'.*

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a two storey red brick detached property, with a gabled roof, finished with a concrete tiles. Located at the front of the property is an area of hardstanding, which the applicant can use to park vehicles. Whilst at the side of the property, adjacent to no. 21 Main Road, is a shared driveway. The applicants property is set in an extensive plot, which is rectangular in form. The area is predominately residential in character and is located wholly within the Shavington settlement boundary.

**DETAILS OF PROPOSAL**

This is a full application for two storey side and rear extensions with elevational alterations to the front of the property and raising roof on the existing garage at 23 Main Road, Shavington.

## **RELEVANT HISTORY**

12/1993N – Two Storey Side Extension(s) with Elevational Changes to Front and Raising Roof on Existing Garage to Rear – Withdrawn – 18<sup>th</sup> July 2012

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Policy**

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RES.11 (Improvements and Alterations to Existing Dwellings)

### **Other Material Considerations**

SPD - Extensions and Householder Development

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

None consulted

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

The Parish Council object to the proposed development on the following grounds

- Over development of the site; and
- Over massing of the house.

## **OTHER REPRESENTATIONS**

1 letter of objection has been received regarding the proposed development. The salient points raised in the letter of objection are:

- Although the new plans have given some consideration to the issue of the right to light to our property, there still remains the issue that the extension to the side of the property will deprive us of the light we have been used to and have expected for the last 53 years;

- The planned extension is in very close proximity to our own property and the building of this extension so near to us will make it oppressive, overpowering and will be excessively imposing upon us;
- The outlook from our dining room and kitchen will be a solid brick walls alongside the whole of the side of our property and garden; and
- By digging down for the footings (foundations) to build the side extension so close to us would probably cause damage to the wall that runs the length of the property.

## **APPLICANT'S SUPPORTING INFORMATION**

No supporting information submitted with the application

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary of Shavington where there is a presumption in favour of extensions to existing dwellings subject to compliance with policies RES.11 (Improvements and Alterations to Existing Dwellings).

### *Policy Context*

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. (Para 64). It is the opinion of the case officer that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within NPPF.

The SPD entitled 'Extensions and Householder Development' is another material planning consideration. This document builds upon guidance given above and advocates good quality design.

### **Design**

#### *Side Extension*

The proposed side extension will be erected on the boundary adjacent to no. 25 Main Road. The proposed extension will be erected on an area of hard standing and will be constructed

out of facing brick under a concrete tile roof to match the host property and this will be secured by condition, in the event that planning permission is approved.

According to the submitted plans the proposed extension will measure approximately 1.3m wide and 13.8m deep by 5.1m high to the eaves increasing to 7.2m high to the apex of the pitched roof. The front elevation of the two storey outrigger is set back 800mm from the front elevation of the host property at first floor level. The proposed extension will incorporate a gable element, to match the host property, but the ridge of this extension will be perpendicular to the ridge of the host property. Furthermore, it is noted that the ridge of the extension is flush with the ridge of the host property. It is considered that the set back at first floor level makes the extension appear subservient and helps to reduce its overall bulk and massing.

According to the submitted plans there will be a personnel door on the front elevation of the proposed two storey outrigger, which will replace the front door on the host property and located directly above this is a window. There are no apertures on the gable of the extension facing no. 25. On the rear is a set of French doors, a small window at ground floor level and a slightly larger window at first floor window.

Overall, the elevational treatment is considered to be in keeping with the character and appearance of the existing dwelling and it will not detract from the overall streetscene.

### *Rear Extension*

The proposed extension will be erected above and alongside the existing single storey extension, which is located at the rear of the applicants property. The 2 storey element will measure approximately 3.6m long by 3.5m deep and is 5.1m high to the eaves and 6.6m high to the apex of the pitched roof. (as measured from ground level). According to the submitted plans the eaves will be continued at a similar height to the host building, whilst the ridge is set down by approximately 800mm. The proposed extension will incorporate a Juliet style balcony on the rear elevation of the host property and no other apertures are proposed. It is noted that the extension adds bulk on to the rear of the property, but the majority will be screened by no. 21 Main Road and as a result the impact of the proposed works on the character and appearance of the area will be minimal.

### *Other Alterations*

Other alterations will include the removal of the chimney on the rear elevation, which whilst regrettable does on impact upon the character of the host property. Another alteration is the inclusion of the bay window on the front of the property. Many of the other properties in the locality have bay windows and as such the proposal will not appear incongruous in the streetscene. Furthermore, the front elevation of the property is flat and the inclusion of the bay window breaks up the stolid appearance of this elevation.

### *Garage*

The existing garage is located to the rear of the applicants property and is in a very poor state of repair. The garage incorporates a flat roof and is constructed out of blockwork. The applicant is proposing to increase the eaves height by approximately 1m and the ridge of the garage will be 4.9m high (as measured from ground level). The proposal will comprise a

garage and store room at ground floor level and bedroom, kitchen/diner lounge at first floor level. The garage, due to its increase in height and close proximity to the boundary with no. 21, will appear quite oppressive when viewed from this property. Therefore, the case officer has requested amended plans to show that there will be no increase in eaves height and the garage will just incorporate a pitched roof. The amended plans show that the garage will incorporate a pitched roof measuring 4m high to the apex of the pitched roof. It is considered that the garage will appear subservient and is more in keeping with other garage in the locality.

### *Summary*

Overall, it is considered that there are a number of similar extensions within the locality and across the Borough, it is considered that the proposal will not form an alien or intrusive feature within the streetscene, which is contrary to advice advocated within policy BE.2 (Design Standards) and the NPPF.

### **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.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are no's 21 and 25 Main Road.

It is considered that the proposal will have a negligible impact on the residential amenities of the neighbouring property at number 21 Main Road. The side extension will be screened by the existing dwelling. It is acknowledged that the proposed rear extension is located in close proximity to the common boundary and the extension will project out a further 2.6m. There will also be a slight increase in the height of the existing extension. It is noted that the garage to be extended is also sited immediately alongside this boundary. However, the applicants property is located north of this property and as such the proposal will not result in any demonstrable impact on the occupiers of this property due to a reduction in light. Furthermore, there are no additional windows proposed which would result in any undue overlooking to this side. As such it is considered that the proposal is in accordance with policy BE.1 (Amenity).

The proposed extension will have a marginal impact on the residential amenities of the occupiers of no. 25 Main Road, which is located to the north of the application site. This property fronts onto Main Road and the main ridge runs east to west and is perpendicular to Main Road. There are no side windows in this dwelling and therefore no impact would occur from the side extension. The nearest windows which would be affected by the rear extension are principal windows in the rear elevation serving a dining room and bedroom. According to the submitted plans the proposal will breach the 45 degree code at first floor level by approximately 600mm. It is not considered that this is a significant breach to warrant the refusal of the application. Additionally, given that the scale and height of the proposed steps

down to single storey adjacent to no. 25, it will not appear overly oppressive resulting in a poor outlook when viewed from that property. Furthermore, it is considered given the design, scale, orientation and juxtaposition of the properties, will not have a significant detrimental impact on residential amenity.

It is considered that the proposal will have a negligible effect on other properties in the area.

### **Highways**

The access arrangements will remain unaltered and there is sufficient space for 2no. vehicles to parked clear of the public highway. It is considered that there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at future appeal and as such the proposal complies with policy BE.3 (Access and Parking).

### **Other Matters**

The objector is concerned that the footings for the extension may undermine their property and cause damage to it. Whilst the concerns of the objectors are noted, damage which is caused as a result of the proposal will be a private matter between the two parties and is not a sufficient reason to warrant a refusal of the application.

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

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and the street scene and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1: Delivering Sustainable Development.

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

- 1. Standard**
- 2. Plans**
- 3. Materials**



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Application No: 12/2990N

Location: MUNICIPAL BUILDINGS, EARLE STREET, CREWE, CHESHIRE, CW1 2BJ

Proposal: Proposals to provide level access to the principal elevation of the Municipal Building by re-grading the external path to a gradient of less than 1:20 and introducing new steps within the pavement.

Applicant: Nick Cook, Cheshire East Council

Expiry Date: 28-Sep-2012

**SUMMARY RECOMMENDATION: APPROVE (subject to conditions)**

**MAIN ISSUES:**

- Principal of development
- Impact on the character and appearance of the listed building
- Impact on the surrounding streetscene

## **1. REASON FOR REFERRAL**

Applications for minor development submitted by Cheshire East Borough Council are usually dealt with under delegated powers. However as the last application reference number 12/1730N was considered by the Southern Planning Committee, the Southern Area Manager – Development Manager considered that the amended proposal should also be considered by the Southern Planning Committee for continuity.

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

The application site is a Grade II listed building currently used as the ‘town hall’ in Crewe. The Municipal Buildings are sited within the town centre of Crewe, adjacent to the Vernon Way/Earle Street roundabout and faces onto the Municipal Square. The listing description for the building is,

*‘GV II Council Offices, 1902-1905 by H T Hare in English Baroque style. Yellow sandstone ashlar with stone slate gable roof. 2½ storeys and basement, 5 bays. 3 centre bays recessed for 2 storeys, flanked and separated by giant unfluted Ionic columns. Small Tuscan column mullions to ground floor windows, in outer bays. Deeply recessed semi-circular headed entrance with wrought iron gates and oak screen with double doors. This is flanked by timber mullion and centre-arched transome windows with matching archivolt and cartouche keystones. Pairs of large reclining figures, carved in relief by F.E.E.Schenck, surmount the*

*three centre openings. Cross windows with stone eared architraves at first floor level and segmental bracketted balconies to outer bays. Dentilled and bracketted eaves cornice. Dormer windows to second floor centre bays with small pediments above and fronted by balustraded parapet. End bay windows are bullseyes with egg and dart and festoon treatment. Copings to gables, stone chimneys and cupola with vane and locomotive finial. Interior: Tuscan columns in entrance hall, York stone geometrical staircase, marble Ionic columns and a window in Venetian style in the Council Chamber. Hardwood doors, in elaborate frames, and plasterwork based on festoons and egg and dart moulds.*

*Listing NGR: SJ7067055787'*

This application is for Listed Building Consent to amend the previous approved listed building consent 12/1703N which was recently approved by the Secretary of State on the 10<sup>th</sup> July 2012. Prior to this, Listed Building Consent and Planning Permission were granted for internal alterations to the front of the building (11/1023N) and (11/1024N) approved in 2011.

The 2011 applications permitted alterations to the front suite of rooms (previously the Planning Help Desk and Legal Department), with the 2012 application permitting an internal sesame lift, and a graded path covering the external stairs to the front of the building. During discussions with Building Control and the Highways Department concerns were raised about the 1:20 crossfall on the approved re-graded pavement, and it was considered that it would be difficult for some wheelchair users and ambulant disabled to use.

## **2. DETAILS OF PROPOSAL**

This application seeks Listed Building Consent to provide level access to the principal elevation of the Municipal Building by re-grading the external path. This amended scheme includes re-grading the path to less than a 1:20 gradient, and retaining a flat path surface adjacent to the road frontage. The proposal includes the addition of three steps up to the sloping path into the building. Therefore the path would be graded up towards the front entrance at the sides, with a stepped entrance in front.

As the application is made by Cheshire East Borough Council for alterations to a Grade II listed building, the Secretary of State will make the final decision on the application.

## **3. RELEVANT HISTORY**

12/1730N – Proposals to provide access to the principal elevation of the Municipal Building by re-grading the external path and integrating a Sesame access lift to the internal flight of steps. Refurbishment and minor alterations to the front range of ground floor suite of rooms to incorporate the registrations department. The internal refurbishment work includes redecoration to all the front range of ground floor rooms and reconfiguration to allow access to the suite of rooms to be designated as the registrations department. – Approved by the SOS 10<sup>th</sup> July 2012

11/1024N - Listed Building Consent to Provide Access to the Principal Elevation of the Municipal Building by Integrating a Sesame Access Lift to the External Flight of Steps and a Second Sesame Lift to the Internal Flight of Steps. Refurbishment and Minor Alterations to the Front Range of Ground Floor Suite of Rooms to Incorporate the Registrations

Department. The Internal Refurbishment Work Includes Redecoration to all the Front Range of Ground Floor Rooms and Reconfiguration to Allow Access to the Suite of Rooms to be Designated as the Registrations Department. – Approved by SOS 24<sup>th</sup> August 2011

11/1023N - Proposal to Provide Access to the Principal Elevation of the Municipal Building by Integrating a Sesame Access Lift to the External Flight of Steps and a Second Sesame Lift to the Internal Flight of Steps. Refurbishment and Minor Alterations to the Front Range of Ground Floor Suite of Rooms to Incorporate the Registrations Department. The Internal Refurbishment Work includes Redecoration to all the Front Range of Ground Floor Rooms and Reconfiguration to Allow Access to the Suite of Rooms to be Designated as the Registrations Department. – Approved 5<sup>th</sup> September 2011

10/0511N - Listed Building Consent for Recovering of the Front Section of the Roof to the Original Building - Approved by SOS 4<sup>th</sup> August 2010

P06/0069 - Listed Building Consent for Alterations to Front and Rear Entrances and Internal Alterations – Approved by SOS 3<sup>rd</sup> April 2006

P06/0105 - Listed Building Consent for New Lighting Scheme for the Facades of Municipal Buildings and Market Hall – Approved by SOS 7<sup>th</sup> June 2006

P96/0020 – LBC for handrail to front entrance steps – Approved with conditions 29<sup>th</sup> February 1996

#### **4. POLICIES**

The policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP) are:

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

BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.9 (Listed Buildings Alterations and Extensions)  
TRAN.4 (Access for the Disabled)

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

National Planning Policy Framework

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

**Ancient Monuments Society:** No Objections. However notes that the proposal includes the removal of the existing central balustrade. Request if it is original, could it be retained.

**Highways Department:** This application proposal will need to be the subject of negotiations with CEC Highways Department regarding the management of the works within the public highway. Subject to that proviso the Strategic Highways Manager has no objection to make regarding this application proposal.

**English Heritage:** No Objections. This application should be determined in accordance with national and local policy guidance, and on the basis of internal expert conservation advice.

**Crewe Charter Trustees:** All the Charter Trustees were asked to comment on the attached application. One response was received by the Clerk, from Cllr C Thorley who stated that 'I am happy to support the application'

**6. PARISH/TOWN COUNCIL COMMENTS:** n/a

**7. OTHER REPRESENTATIONS:**

A letter of objection has been received from the occupier of 13 Scott Avenue, Crewe. The main issues raised are;

- The proposal will create more risk to the general public and mobility impaired using the pavement to the front of the building than outweigh any benefit of providing another alternative disabled access to the listed building,
- Lack of transparency as this application would not provide the alternative access,
- There have been numerous applications dealing with the aspect of access to this building over the past months and the fragmented approach is a recipe for disaster,
- Red edge shown on the location plan does not denote the full area of the ramp,
- The footway for pedestrians will be reduced to only 1.2m, 1/3 of its existing width,
- Notes that the Department of Transport (DfT) has issued clear guidelines to Councils for widths of footways. 2000mm allows two wheelchair to pass one another. However where not possible due to physical constraints 1500mm could be regarded as the minimum. This application does not achieve these minimum standards,
- Furthermore, as it is within the Cheshire East Town Centre retail area the footway should be retained to 3000mm to 4500mm.
- This proposal may cause pedestrians to step into the road as the path width is insufficient,
- The drawings submitted with the application do not show the adjacent highway,
- Insufficient space will be available for a wheelchair or buggy to turn safely, after crossing the Municipal Square and turn onto the pedestrian flow past the building,
- No Quality or Road Safety Audit have been carried out,
- The road to the front of the Municipal Building is very busy and becomes gridlocked at times, pedestrians may occupy the carriageway for longer than necessary if there is insufficient room on the footway,
- No tactile paving shown to be provided on the approach to the slopes and steps to warn visually impaired pedestrians,
- Application states that the slopes will have a gradient of less than 1:20. However the plan shows a rise of 430mm being achieved over a distance of 4500mm on west side of entrance landing which equates to a gradient of 1:12.5, and on the east site the entrance landing the 430mm rise is achieved in approx 6600mm a gradient of 1:15.3,
- 1.5m is not a suitable width for a wheelchair user to easily pass by the building, there is a risk an obstruction may cause a wheel chair user to topple over the top step, this should be risk assessed
- No details of if there is to be an automatic door which would be complimentary,



- A drain maybe required with a grill top between the existing level entrance and the new landing, due to possible drainage issues,
- Legal Framework may be required to be drawn up setting out responsibilities for maintenance and liabilities within Cheshire East of the proposed different elements of the footway, as utilities are affected under the area,

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

Design and Access Statement

## **9. OFFICER APPRAISAL**

### **Procedural Matter**

This application is for Listed Building Consent only. The works to the highway/path to the front of the building can be carried out without the need for planning permission under Part 12 Class A of the General Permitted Development Order. However, as the alteration to the path will be attached to the building and may affect the character and setting of the Listed Building it requires listed building consent.

The internal works to the building, including the sesame lift have previously been approved as part of 12/1730N. This application seeks only to amend the external works to the front of the building.

### **Principle of Development**

Policy BE.9 (Listed Buildings: Alterations and Extensions) states that in considering proposals for the alterations or extension of a listed building, the Local Planning Authority should ensure that the proposal respects the scale, materials, colour, detailing and other significant features of the building concerned and that the proposal should not detract from the character or setting of the building.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The Municipal Buildings are listed and currently operate successfully as an office for the Local Council employees and as such any alterations that help to support this use and allow it to continue and meet new legislative requirements should be encouraged, subject to them being sympathetic to the historic integrity of the building.

The principle of development has already been considered to be acceptable by the LPA and the SOS. The proposed application only seeks to alter the design and gradient of the slope to

the front of the building. The alteration will enable improved access and egress by disabled users of the facility. The proposal is considered therefore to be in the public interest. The building itself is currently only open to the public during normal working hours and the intention is to fully utilise the viable uses of the building and open it at weekends in the future as part of the new registration of births, and deaths and for weddings use, which will move into the ground floor offices at the front of the original building. There is currently no disabled access from the front or rear of the original building with only a ramp and lift configuration, within the new building which requires members of the public to walk through the private office area to get to the main desk/reception area of the building. Currently this is only available during normal working hours when the building is open. The alterations will allow the original building to be functional for all users at all times.

The NPPF goes on to note that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Furthermore, the NPPF goes on to state that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

It is considered that whilst the proposal may cause some harm to the setting of the building, this would not be substantial harm to the significance of the designated asset. The works will be carried out to the entrance steps and whilst it is regrettable that these will be covered up for the foreseeable future, the works will be carried out in such a way that they can be uncovered in the future if necessary. However, the inclusion of three steps within the highway will now improve the visual appearance of the slope.

The proposed internal lift and alterations have already been established as considered acceptable in principle through the previous planning and listed building applications. It is therefore considered that the minor harm caused to the listed building is outweighed by the public benefit of creating a more inclusive and viable building which is able to be used both for Council staff and members of the public 7 days a week.

### **Visual Impact upon the Grade II listed building and the surrounding streetscene**

The greatest area of impact from the proposed alterations will be to the front elevation of the building which is a focal point within the surrounding area and from the Municipal Square. The alterations include raising the pathway adjacent to the front of the building in less than a 1:20 gradient to allow level access to the building by all users. The gradient will be such that no handrails are required. The existing small steps and landing area to the front of the building will be covered over with a single pane of stone to match the existing stone. The proposal also includes the provision of 3no. granite steps to the front of the re-graded area to match those on the Municipal Square and leaving an element of the existing pathway adjacent to the highway to allow for safe passing of pedestrians not entering the Municipal Buildings.

Whilst the proposed alterations will undoubtedly have some impact on the setting, character and appearance of the building it is considered that keeping the building in use, and making it



a viable asset of the Local Authority outweighs the initial impact the alterations will have on the building itself. It is also considered that the current proposal is an improvement on the previous design as it will help to retain an element of the former entrance to the building.

Furthermore, several restrictive conditions will be recommended to the Secretary of State to ensure that the materials used and their finished colour is submitted for agreement to ensure they are suitable for the Listed Building. It is therefore considered that the proposed works are acceptable and will not significantly detract from the character or setting of the listed building.

### **Other Matters**

The Ancient Monument Society have raised concerns that the existing central balustrade is to be removed as part of the proposal and if it is an original feature. As it can be seen from the planning history section of this report the handrail to the front of the building is a recent addition approved in 1996. Therefore it is not necessary to require it to be retained.

A number of issues raised within the letter of objection relate to health and safety and the requirements for risk assessments at the site. Whilst it is acknowledged that this may normally form part of the development works as a whole, they are not material planning considerations. Furthermore, as this application is for listed building consent only specific information relating to the impact on the listed building is required as part of the application.

### **Conclusion**

It is considered that the initial harm to the building which will occur due to the need to cover over the front steps will be outweighed by the ability for the building to be used at weekends by all members of the public. It is important to improve the viability of listed buildings and to ensure their continued usage. It is considered that the proposal is acceptable and will have a minimal impact on the character and setting of the listed building. Therefore it is considered that the proposal is appropriate and would not be harmful to the historic integrity of the listed building and in accordance with Local Plan Policy and the National Planning Policy Framework.

### **RECOMMENDATIONS**

**That the proposal should be referred to the Secretary of State with a recommendation of approval subject to conditions**

- 1. Standard (Listed Building).**
- 2. Schedule of works,**
- 3. All new materials to be used to be submitted to approved in writing,**
- 4. Ramp to be constructed in existing surfacing materials and short falls made up with match materials to be submitted and approved in writing**
- 5. Submission of details of proposed brass skateboard deterrent fixings to be submitted and approved in writing**
- 6. Schedule of approved plans**

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