

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 6th February, 2013</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 - 10)

To approve the minutes of the meeting held on 16 January 2013.

**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. **12/3570N High Ash, Cappers Lane, Spurstow CW6 9RP: Erection Of Two Agricultural Buildings for High Ash Farm Ltd** (Pages 11 - 16)

To consider the above planning application.

6. **12/3832N Egerton Hall Farm, Shay Lane, Egerton SY14 8AE: Retrospective Application for Erection of Mare Accommodation, Stallion Barn, Horse Walker, Surfacing of Lorry Parking and Ancillary Building Cladding for Harthill Stud LLP** (Pages 17 - 28)

To consider the above planning application.

7. **12/4082C Tall Ash Farm Triangle, Buxton Road, Congleton, Cheshire CW12 2DY: Construction of Three New Residential Dwellings (Resubmission Of Application Reference 12/0106C) for P, J & Ms M Hudson** (Pages 29 - 40)

To consider the above planning application.

8. **12/4143C Waggon And Horses, West Road, Congleton CW12 4HB: Removal of Condition 4 (Maximum Vehicle Weight) on Planning Permission 12/3234C - Alterations and Extension to Existing Building for Tesco Stores Ltd** (Pages 41 - 46)

To consider the above planning application.

9. **12/4309N 1, Checkley New Farm, Turncocks Lane, Wrinehill CW3 9DD: Proposed Steel Portal Framed Building for the Housing Of Grain for Neil Moore, EWH Moore** (Pages 47 - 54)

To consider the above planning application.

10. **12/4373N Site Adjacent Sunnybank Car Park, Pym's Lane, Crewe: New Build Showroom With Associated Car Parking for Steve Elliot, Bentley Motors Ltd** (Pages 55 - 62)

To consider the above planning application.

11. **12/4391N 416, Newcastle Road, Shavington, Cheshire CW2 5EB: Construction of Two Single-Storey Buildings to be used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes together with Car Parking (Amendments to Approved Applications 10/0714N and 10/4539N) for Mr John Parton** (Pages 63 - 72)

To consider the above planning application.

12. **12/4566N Land off Beswick Drive, Crewe, Cheshire: A Student Accommodation Facility With Associated Car Parking, Access And Landscaping. The Facility Will Provide 195no. Bedrooms Over Five Floors And 48no. Parking Spaces for David Smythe, Swansway Garages Group** (Pages 73 - 86)

To consider the above planning application.

13. **12/4749C 63, Fields Road, Alsager ST7 2LX: Demolition of Extensions and Refurbishment of Original Dwelling House. Construction of New Detached Dwelling House within the Garden Curtilage for Mr & Mrs Goodall** (Pages 87 - 96)

To consider the above planning application.

14. **12/4750C 63, Fields Road, Alsager ST7 2LX: Demolition of extensions and refurbishment of original dwelling house. Construction of new detached dwelling house within the garden curtilage (Conservation Area consent) for Mr & Mrs Goodall** (Pages 97 - 102)

To consider the above planning application.

15. **12/4833C The Brambles, School Lane, Sandbach, Cheshire CW11 2LS: All Matters Included; Appearance (Materials e.g Brick Finish) tbc for Christine Simms** (Pages 103 - 110)

To consider the above planning application.

16. **12/4860C Land Adjacent To Ivy House, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Construction Of Two New Dwellings for Arthur Davies** (Pages 111 - 118)

To consider the above planning application.

17. **12/4907C 15, Back Lane, Brereton CW11 1RP: Ground Floor Front Porch, Ground Floor Rear Porch, Replacement Roof to Existing Sun Room, Existing Shower Room at Ground Floor Level, Internal Alterations: Remove Non Load Bearing Wall Between Kitchen and Dining Room and Replacement Garage (Attached to Existing Garage at 13 Back Lane by Agreement) for Mr N Curtis** (Pages 119 - 124)

To consider the above planning application.

18. **Amendments to S106 Legal Agreements for Affordable Housing**  
(Pages 125 - 126)

To consider the proposed delegation of amendments to legal agreements considered by Area Committees in respect of affordable housing tenure.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 16th January, 2013 at Lecture Theatre, Crewe Library,  
Prince Albert Street, Crewe, Cheshire CW1 2DH

**PRESENT**

Councillor M J Weatherill (Vice-Chairman, in the Chair)

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

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor D Brown

**OFFICERS PRESENT**

Nigel Curtis (Principal Development Officer - Highways)  
Daniel Evans (Principal Planning Officer)  
Rachel Goddard (Senior Lawyer)  
David Malcolm (Southern Area Manager – Development Management)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors G Merry, D Bebbington, R Cartlidge and S McGrory

**111 DECLARATIONS OF INTEREST**

With regard to application number 12/4530C, Councillor Rhoda Bailey declared that she had been contacted by objectors but had not discussed the application.

Councillor P Butterill declared that, notwithstanding the publication in the press of a letter from her regarding development on Greenfield sites, she had kept an open mind with respect to all the applications on the agenda for the current meeting, and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also declared that she was a member of Nantwich Town Council and Nantwich Civic Society.

With regard to application number 12/4371C, Councillor P Groves declared that he had been contacted by planning consultants acting for the applicant but had not discussed the application.

With regard to application number 12/4069C, Councillor A Thwaite declared that he had been contacted by a director of Wainhomes but had not discussed the application.

With regard to application number 12/4371C, Councillor A Thwaite declared that he had been contacted by the applicant but had not discussed the application. Councillor Thwaite also declared that he had received correspondence with respect to this application from Fiona Bruce, MP.

**112 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 12 December 2012 be approved as a correct record and signed by the Chairman.

**113 12/4069C LAND TO THE REAR OF CANAL ROAD, CONGLETON:  
ALTERATION TO DWELLING TYPES AT PLOTS 10-17, SWANS  
REACH, WOLSTANHOLME, CANAL ROAD, CONGLETON FOR  
WAINHOMES (NORTH WEST) LTD**

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

Note: Councillor D Brown (Ward Councillor), Mrs K Jarvis (objector) and Mr P Sedgwick (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr A Miller (supporter) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Miller to speak.

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

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

The proposed development fails to achieve an adequate quality of design to justify approval of planning permission. The proposal represents an intrusive form of development that would have an adverse impact on the character and appearance of the area and the streetscene. The proposal is thereby contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review (2005).

114 **12/4371C 1, BOUNDARY LANE, CONGLETON CW12 3JA:  
DEMOLITION OF EXISTING 3-BEDROOM BUNGALOW AND  
DETACHED GARAGE AND DEVELOPMENT OF TWO 3-BEDROOM  
HOUSES AND ONE 4-BEDROOM DETACHED HOUSE FOR MR J  
HAYES, NORTHMEADOW LTD**

Note: Councillor D Brown (Ward Councillor), Mrs S Cooper (objector) and Mrs C Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mrs D Rogan had registered her intention to address the Committee on this matter but did not speak.

Note: Mr J Angus (supporter) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Angus to speak.

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

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

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of landscaping scheme
4. Implementation of the approved landscaping scheme
5. Boundary treatment details to be submitted to the LPA and approved in writing
6. Remove PD Rights for extensions and alterations to the approved dwellings, including garage conversion
7. 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
8. Pile Foundations operations limited to Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil and method statement
9. All bathroom, en-suite and landing windows to be obscure glazed and non opening, Plot 3 side elevation bedroom windows to be obscure glazed and retained as obscure glazed
10. The Applicant provides a pedestrian footway link along the frontage of the site with Maxwell Road.

Note – Contaminated Land

Note - A S278 Agreement will be required for the provision of the footway along Maxwell Road.

115 **12/2764N POOL VIEW BRADFIELD GREEN EARDSWICK LANE,  
MINSHULL VERNON, CHESHIRE CW1 4QX: DEMOLITION OF  
SHIPPON AND CONSTRUCTION OF TWO NEW HOUSES AND ONE  
DETACHED GARAGE, ALTERATIONS TO EXISTING ACCESS AND  
NEW SEPTIC TANK FOR MR P K STUBBS**

Note: Following the Principal Planning Officer's introduction, Councillor M Martin declared that she knew the wife of the applicant and withdrew from the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

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

1. Standard Time
2. Approved Plans
3. Details of materials to be submitted
4. Landscape scheme
5. Landscape implementation
6. Details of boundary treatments
7. Obscure glazing to side facing windows
8. Hours of construction
9. Details of pile driving and hours
10. Land contamination assessment

116 **12/3415C SITE OF ELWORTH WIRE MILLS, STATION ROAD,  
SANDBACH CW11 3JQ: CHANGE OF USE FOR ENTIRE SITE TO  
RESIDENTIAL USE FOR ALLISTER BOOTE**

Note: Mr R McGinnes (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.

Committee Members also noted that the reference to affordable housing under 'CIL Regulations' in the officer's report was an error and should be deleted.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:
- A provision of 30% affordable housing to be provided with a tenure mix of 65% affordable social rent and 35% intermediate tenure



- A contribution towards local education provision £54,231 for Primary provision and £65,371 for Secondary provision
- A commuted sum in lieu of onsite children's play space of £5,640.71 for enhancement and £18,387.60 for maintenance
- Management Company for onsite amenity space

and the following conditions:

1. Standard outline time
  2. Reserve matters time
  3. Submission of access, appearance, landscaping, layout and scale (all reserved matters)
  4. Number of units limited to 30 dwellings, with 200% car parking
  5. Remove PD Rights for extensions and alterations to the approved dwellings, and outbuildings
  6. Drainage scheme to be submitted and approved in writing
  7. Development to be carried out in accordance with noise mitigation report
  8. 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
  9. 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 and method statement
  10. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
  11. A major development construction phase environmental management plan
  12. Dust Control
  13. Ground levels to be submitted
  14. Approved plans
  15. Provision of cycle parking
  16. Provision of bin storage
- (b) That, 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 Development Management and Building Control Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**117 12/3727N MANOR ORCHARD, FLOWERS LANE, LEIGHTON, CREWE  
CW1 4QR: OUTLINE APPLICATION FOR RESIDENTIAL  
DEVELOPMENT FOR D AND S WOOD**

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

Note: Mr G Willard (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr B Carless (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Carless to speak.

The Committee considered a report regarding the above planning application and an oral update by the Principal Planning Officer, including comments from Councillor D Bebbington, who was unable to attend the meeting.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

A scheme for the provision of 1 affordable housing unit

- The type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

and the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Approved Plans
5. No principal windows to side facing elevation adjacent to Manor House
6. Hours of construction
7. Hours of any pile driving activities
8. Retention of Hedgerow boundary to Flowers Lane
9. A scheme to minimise dust emissions arising from construction activities
10. Noise mitigation scheme
11. Maximum of 4No dwellings
12. Provision of pedestrian access point

**118 12/4082C TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON, CHESHIRE CW12 2DY: CONSTRUCTION OF THREE NEW RESIDENTIAL DWELLINGS (RESUBMISSION OF APPLICATION REFERENCE 12/0106C) FOR P, J & MS M HUDSON**

Note: Mr I Pleasant and Mr I Wickett (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 an oral report of the site inspection.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to consideration of whether a Section 106 agreement is required to secure affordable housing

and the following conditions:

1. Time (Standard)
2. Plans
3. Details of materials to be submitted
4. Hours of construction
5. Hours of piling
6. Piling method statement
7. Prior submission and approval of site compound position
8. Landscaping (details)
9. Landscaping (Implementation)
10. Boundary treatment
11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)
12. Construction management plan
13. Drainage
14. Levels
15. Tree protection adherence
16. Incorporation of bat box features
17. Plans showing access arrangements onto Buxton Road
18. Prior to first occupation development of the new access must be completed.

**119 12/4530C 38, CONGLETON ROAD NORTH, CHURCH LAWTON ST7 3BA: PROPOSED TWO HOUSE BUILDING PLOTS FOR MR C LAWTON**

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

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

Note: Mr J Webster had registered his intention to address the Committee on this matter but did not speak.

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

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

The proposed development would represent an overdevelopment of the site which would result in a cramped form of development which would be harmful to the character and appearance of the area. As such, the proposal would be contrary to policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review 2005 and the general design policies within the NPPF.

120 **12/4584C BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH CW10 9EX: REDEVELOPMENT OF FORMER BOOSEY'S GARDEN CENTRE TO PROVIDE CLASS A1 RETAIL BUILDING, CAR PARK AND SERVICE YARD (REVISIONS TO PREVIOUS SCHEME 11/2164C) FOR OPTIMISATION DEVELOPMENTS LTD**

Note: Mr G Stear (objector) and Mr G Glennon (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 update by the Southern Area Manager – Development Management, including comments from Councillor S McGrory, who was unable to attend the meeting.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

- A financial contribution of £25,000 (prior to the commencement of development) towards local bus services;
- The submission and implementation of a travel plan and an associated financial contribution of £5000 towards monitoring

and the following conditions:

1. Approved Plans.
2. Materials as detailed in the application.
3. Compliance with submitted landscape plan.
4. Compliance with submitted Tree and Hedgerow Protection Measures.
5. Compliance with submitted for external lighting scheme.
6. Town Centre Signage Scheme.
7. Restriction of net retail floorspace.

8. Restriction on convenience and comparison split. (No more than 280sqm for comparison goods)
9. No subdivision of units.
10. Local Labour Agreement. (In accordance with the letter from jobcentreplus dated 5<sup>th</sup> November 2012)
11. Prior to first opening, the developer will provide the agreed improvements to the traffic management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on the Bryan G Hall Drawing No. 11/370/DE/100/001 Rev D in this application.
12. Prior to first opening, the developer will provide the agreed improvements to the pedestrian route management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on Bryon G Hall drawing numbers: 11/370/DE/600/001 Rev D (earthworks), 11/370/DE/700/001 Rev D (pavement), 11/370/DE/600/002 Rev C (cross sections), 11/370/DE/1100/001 Rev D (kerbing), 11/370/DE/1200/002 Rev D (pedestrian signing) in this application.
13. Detailed scheme for public realm enhancements between the application site and Middlewich Town Centre (along Newton Bank and Chester Road) extending to include pavement surfaces, new trees and street furniture, enhanced lighting and new directional signage. Details agreed within 2 months of the store opening and implemented within 3 months of the details being agreed.
14. Site access fully constructed prior to first occupation.
15. Pedestrian access fully constructed prior to first occupation.
16. Car park surfaced, laid out and available for use prior to first occupation.
17. Cycle hoops to be fully installed and available for use prior to occupation.
18. Service yard to be surfaced and available for use prior to occupation.
19. Restriction on deliveries:  
0700 and 2000 Monday to Saturday, 0800 and 1700 on Sundays, Bank or Public Holidays.
20. Compliance with the details contained within the submitted Acoustic Matters Report by Belair Research Limited.
21. Implementation of the acoustic screening around the site perimeter prior to first occupation.
22. Proposed Store Opening Hours  
07.00 – 22.00 Monday to Saturday  
10.00 – 17.00 on Sundays and Bank Holidays
23. Public Art to be submitted and agreed (in discussion with Town Council).
24. Landscaping scheme for rear of site and implementation.
25. Scheme for air conditioning units to be submitted and approved.

- 121 **DEVELOPMENT OF NEW AGRICULTURAL MACHINERY DEALERSHIP COMPRISING OF SHOWROOM, WORKSHOP, PARTS COUNTER, ANCILLARY RETAIL SALES AND OFFICE BUILDING; EXTERNAL NEW AND USED VEHICLE DISPLAY AREAS; CAR PARKING AND ASSOCIATED LANDSCAPING, FOLLOWING DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES ON SITE AT WARDLE BRIDGE FARM, NANTWICH ROAD, WARDLE, CW5 6BE**

Note: Mr P Walton (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding application 12/3294N, which had been approved by the Southern Planning Committee in November 2012.

The applicant was seeking to remove conditions 12 to 14 of the previous resolution, as the cost of the additional highways works would render the scheme unviable.

RESOLVED – That consideration of this matter be DEFERRED to a future meeting of the committee, to enable the applicant to discuss the issues with Highways officers.

The meeting commenced at 2.00 pm and concluded at 6.10 pm

Councillor M J Weatherill (Vice-Chairman, in the Chair)

Application No: 12/3570N  
Location: High Ash, CAPPERS LANE, SPURSTOW, CW6 9RP  
Proposal: Erection of two agricultural buildings  
Applicant: High Ash Farm Ltd  
Expiry Date: 11-Jan-2013

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

- Principle of Development
- Character, Appearance and Landscape
- Residential Amenity
- Highway Safety
- Public Rights of Way

**1. REASON FOR REFERRAL**

This application is to be determined by the Development Control Committee it is a major development of over 1000sqm.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site forms a farm complex located within the Open Countryside to the west of Nantwich and is accessed via Cappers Lane. The site comprises a mixture of traditional brick and more modern agricultural buildings and a large three storey farm house. This application specifically relates to an area directly to the north of the farmstead where there are existing farm buildings. The site is accessed via recently formed new access from Cappers Lane. A public right of way crosses the site.

**3. DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 2 agricultural buildings at High Ash Farm, Cappers Lane, Spurstow.

**4. RELEVANT HISTORY**

**12/1322N** - CHEESE MAKING RELOCATION – Refused 05-Jul-2012

**12/0131N** – Planning permission refused for Replacement Dwellinghouse Including Demolition of Existing Dwellinghouse on 16<sup>th</sup> February 2012.

**11/0055N** – Planning permission refused for Application for the Erection of a Temporary Cabin Accommodation on 17<sup>th</sup> March 2011.

**10/1333N** – Planning permission refused for The Erection of Temporary Cabin Accommodation on 16<sup>th</sup> July 2010.

**09/3724N** – Outline Planning Permission approved for New Agricultural Machinery Shed, New Slurry Holding Tank n 22<sup>nd</sup> March 2010.

**09/3722N** – Planning permission approved for Alteration and Extension to Existing Farmhouse, Delineation of Residential Curtilage and Conversion of Existing Farm Buildings to Cheese Making Room with Covered Link to Cheese Finishing, Packaging and Storage Room on 12<sup>th</sup> February 2010.

**09/2823N** – GDO Application determined that details not required for a new access on 2<sup>nd</sup> October 2009.

**P94/0469** – GDO Application determined that details not required for agricultural shed on 29<sup>th</sup> June 1994.

## **5. POLICIES**

### **Local Plan Policy**

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.14 (Agricultural Buildings Requiring Planning Permission)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Parking and Access)

RT.9 (Footpaths and Bridleways)

### **Other Material Considerations**

National Planning Policy Framework (2012)

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

**Environmental Health** – No objection

**Strategic Highways Manager** – No comments received

**Public Right of Way** – No objection



**United Utilities – No objection**

## **VIEWS OF THE PARISH COUNCIL**

No objection, however, the Parish Council feel that the roofs of the buildings should be coloured green to blend in with the surrounding countryside.

## **7. OTHER REPRESENTATIONS**

None

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

Planning, Design and Access Statement  
Protected Species Survey

## **9. OFFICER APPRAISAL**

### **Principle of development**

The principle of agricultural buildings that are essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 28 of the National Planning Policy Framework states that local planning authorities should:

*'promote the development and diversification of agricultural and other land-based rural businesses'.*

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

These policies aim to protect the openness of the countryside and safeguard it from inappropriate forms of development and ensure that the design of the new buildings is sympathetic to the existing agricultural character of the site, surrounding landscape and the wider area by virtue of being appropriate in form and scale and utilising sympathetic building materials. They also seek to ensure that neighbouring amenity and highway safety are not adversely affected.

### **Character, Appearance and Landscape**

The buildings are to be sited to the north of the farmstead adjacent to an existing farm building. The nearest of the proposed buildings will replace one that was approved under outline planning permission ref; 09/3721N. The second building will be positioned alongside with a gap in between to create a narrow yard area to allow access to the rear of the farmstead.

The topography of the land on which these buildings would be sited slopes away in a northerly direction and the buildings will sit lower than the existing complex and higher ground which also rises to the east. The levels will be altered slightly, by a small amount of cut and fill but this will not be significant.

It is considered that these buildings will be well screened by the topography of the land when viewed from the east and will be screened to the south by the existing farmstead. From the north, the building would be viewed against the backdrop of the existing buildings and their orientation (i.e. orientated east – to west) will mean that their prominence from the west will be minimised. However, given the scale of buildings proposed it is recommended that a scheme of landscaping be conditioned to further reduce the impact on the development, which will be in accordance with Local Plan Policy.

The appearance detail submitted is for a mixture of low level concrete panelling, concrete boarding and box profile metal sheeting for the elevations, and natural grey coloured cement fibre roofing. These are considered to be appropriate materials in this setting.

### **Residential Amenity**

There are no residential properties in close proximity to the site that would be adversely affected by the proposed development, except for that associated with the existing farmstead. There have been no objections raised from Environmental Health.

### **Highway Safety**

The site is accessed from a new access off Cappers Lane. It is not considered that the proposed development would give rise to any significant adverse impact on highway safety. Buildings are sited to allow safe internal movement within the farm complex.

### **Public Rights of Way**

The development would be visible from Brindley Footpath's 5 and 11, and Spurstow Footpath 13 which will pass the buildings at close proximity. Agricultural buildings are not uncommon structures within such settings and it is therefore considered that the development would not have a significantly detrimental impact to the visual amenity of the area as viewed from these footpaths. Public Rights of Way have no objection.

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

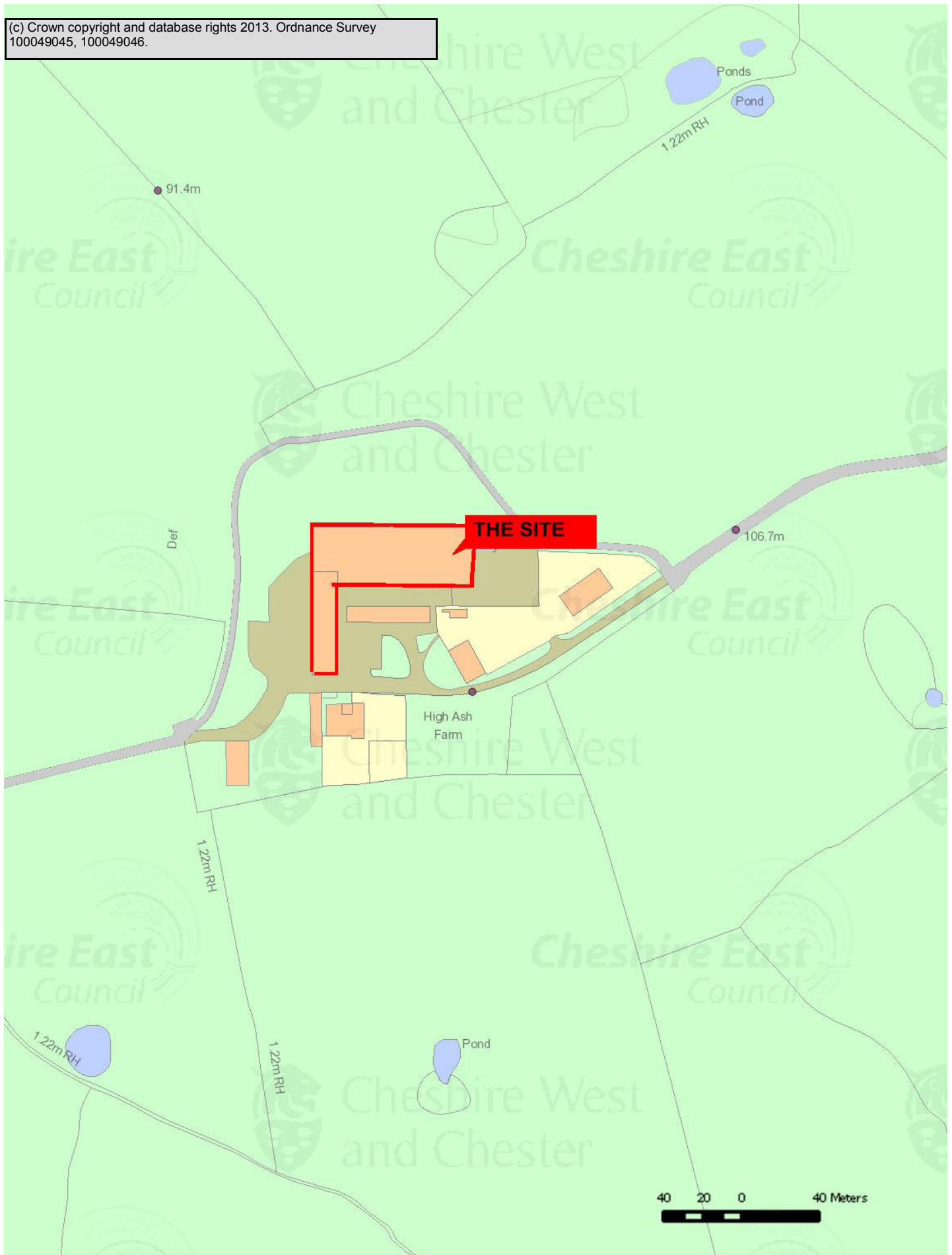
The proposed development is for agricultural purposes and required for the expansion of agricultural operations on the site. The buildings are appropriately sited given the proximity of existing structures, the topography of the land and natural screening, and they would not have a significantly detrimental impact on the character and appearance of the Open Countryside. The proposed development would not result in a loss of amenity to neighbouring properties or highway safety issues. It is therefore considered that the proposed development would be in compliance with the relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1 Standard Time Limit (3 Years)**
- 2 Accordance with plans including levels**
- 3 Landscaping scheme to be submitted**
- 4 Landscaping scheme to be implemented**
- 5 Materials as per application**

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Application No: 12/3832N

Location: EGERTON HALL FARM, SHAY LANE, EGERTON, SY14 8AE

Proposal: RETROSPECTIVE APPLICATION FOR ERECTION OF MARE ACCOMMODATION, STALLION BARN, HORSE WALKER, SURFACING OF LORRY PARKING AND ANCILLARY BUILDING CLADDING

Applicant: HARTHILL STUD LLP

Expiry Date: 07-Feb-2013

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to receipt of ecological survey, no objection from the Council's Ecologist and conditions

**MAIN ISSUES**

- **Highways**
- **Archaeology**
- **Ecology**
- **Landscape and Visual Impact**
- **Design Issues**
- **Drainage and Flood Prevention**
- **Amenity**

**1. SITE DESCRIPTION**

Edgerton Hall Farm forms part of the Bolesworth Estate. The built portion of the site comprises a number of existing buildings including a large steel framed building clad with asbestos fibre cement sheet, a corrugated steel clad Dutch Barn in poor repair as well as a brick built former shippoon and ancillary stables. The site also has an existing outdoor manege.

The land forming part of the holding extends to 300 acres and is part grazed, part arable cropped. The grazed portions are fenced with post and rail fencing.

The farm had been let to the same family since 1968 and has had a variety of uses including dairy, arable, fruit growing and Christmas tree production. For the last 20 years, the principle use of the buildings has been for equestrian purposes providing both DIY and full Livery. In addition an established cross country ride has been in place for this period providing jumping facilities for resident and visiting horses.

In 2011 the farm tenancy came to an end and Harthill Stud LLP took a lease of the land and buildings. The site at Egerton now provides accommodation for stallions, mares and foals and young stock of a variety of ages. Over the last 12 months, the new tenants have undertaken a programme of refurbishment and improvement in order to bring the facility up to a standard considered essential for both efficient working and the high standards of cleanliness and horse health which are essential to a breeding establishment.

## **2. DETAILS OF PROPOSAL**

This is a retrospective full application for the following works:

- Mare Barn for housing in-foal mares during winter
- Extension to an existing steel portal framed shed for housing stallions
- A horse walker
- Timber cladding to an existing steel Dutch Barn
- Surfacing of a parking area on the opposite side of Shay Lane for users of an existing cross country / farm ride.

## **3. PREVIOUS RELEVANT DECISIONS**

There are no relevant previous relevant decision notices relating to this site.

## **4. PLANNING POLICIES**

### **National policy**

National Planning Policy Framework

### **Local Plan policy**

BE1 (Amenity)  
BE2 (Design Standards)  
BE3 (Access and parking)

## **5. OBSERVATIONS OF CONSULTEES**

### **Highways Authority:**

There are no highway comments or objections

### **United Utilities**

No comments received at the time of report preparation

### **Environment Agency**

No comments to make on the proposed development.

## **Environmental Health**

No objection to the application. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

## **Archaeology**

- A particular concern in this instance due to the presence of a medieval moat to the east of the main complex (CHER 326/1), the north-east corner of which includes the remains of a 14<sup>th</sup>-century chapel which is a Grade II Listed Building. There have also been significant finds of prehistoric material from the immediate area .
- There has clearly been much recent development (hard standing, fencing, sheds, horse walker, etc) on the site which does not appear on recent aerial photographs from 2010 but the primary concern is with the new stabling that is being erected to the south of Shay Lane and west of the entrance to the stud. In this area, an extensive area has been stripped and stoned with foundation pits excavated for the new portal frame. A large amount of spoil has also been stockpiled. The archaeologist has inspected all of these features but was unable to detect anything of archaeological significance although too much should not be read into this as the stoning of the site made spotting any remains almost impossible. It is certainly the case that if this development had come about through normal planning procedures, the archaeologist would have advised the maintenance of a developer-funded watching brief in view of the proven archaeological potential of the area and the guidance contained in the new National Planning Policy Framework, with particular reference to Paragraph 141 contained in section 10 (Conserving and Enhancing the Historic Environment). At the same time it must be acknowledge that the bulk of the disturbance has already occurred and it would now be difficult to secure any meaningful archaeological mitigation through the planning process.
- Whilst on site, the archaeologist took the opportunity to check the status of the chapel referred to above. Some new fencing has been erected in this area but he is pleased to report that the fragmentary moat and remains of the chapel have not been compromised during any recent works. He would be grateful if the sensitivity of this area could be brought to the attention of the owners and the importance of avoiding any disturbance in or around the statutorily-protected chapel.
- Significant earthmoving appeared to be in progress immediately to the south of the hall garden and adjacent to its access track (east of the main entrance referenced above). Whilst the intention of these works was in

unclear some sort of bunding at the limits of the domestic area may be being constructed

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

None received at the time of report preparation

## **7. OTHER REPRESENTATIONS:**

A letter has been received from Hampton Springs Fishery which is a neighbour to Egerton Hall Farm making the following objections:

1. The first fishing lake is approx. 50m from the substantial new mare barn which has been constructed without any planning permission or indeed any discussion with Hampton Springs as one of the closest neighbours.
2. Disruption and interference to the business from the noise (day & night) generated from the new unit. The open plan nature of the building via the four large doorways (4m x 3.5m approx.) on both the westerly and easterly elevations will mean that substantial noise from the breeding mares and machinery moving in and out of the buildings will carry to the first fishing lake on the complex. The new unit is also on higher ground approx. 2m which will mean that the noise will travel even further. Customers travel a long way to come and fish in tranquil surroundings for the day.
3. The new unit also has a very large amount of strip lights which shine a considerable way onto the house and yard at the fishery. This is mainly due to the large doors and open slatted Yorkshire boarding exacerbated by the elevated position.
4. They have concerns over where the horse manure will be stored (usually outdoors) and its possible impact via runoff into the adjoining brook. There is a Site of Special Scientific Interest (SSSI) 1.5miles downstream (Bar Mere).
5. No landscape plans have been submitted to mitigate the visual effect of this development. They feel that a large soil bund along the boundary planted with mixed evergreen shrubs and trees would help soften the visual impact and noise problem.
6. It is disappointing that as neighbours given the scale and close proximity of this development no consultation or discussion has taken place. The fishery has been there 15 years and they feel that the noise and lighting issues will have a detrimental impact on the fishery and house.
7. Four very large galvanised steel sliding doors (approx 4m x 3.5m) have been erected onto the shed. These are aesthetically displeasing and as the doors are of a slightly raised elevation they reflect the afternoon sun on to our ground floor windows and yard. They are not in keeping with the setting of the shed in the countryside and with existing buildings. It may be appropriate to cover the doors with flat black plastisol type sheeting.
8. No attempt has been made to minimise the impact of the rotational exercise structure on the countryside and we would suggest that some screening trees are planted. These would also help mitigate the noise of the horse walker when in use and its visual impact.



9. There does not seem to have been any consultation with the Environment Agency as to the siting of the shed or with regard to soakaways and runoff into the adjoining brook. This could be of importance given the sensitive nature of the Site of Special Scientific Interest downstream at Bar Mere. It is also of importance to the fishery as the brook is their boundary and runs the entire length of the property and therefore any inputs are of concern as fishery discharges are monitored downstream by the Environment Agency.

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

- Planning Statement
- Design and Access Statement

## **9. OFFICER APPRAISAL**

### **Main Issues**

The main issues in the consideration of this application are the acceptability in principle of the proposed equestrian development and its impact on highway safety, archaeology, protected species, residential amenity of neighbouring occupiers and the surrounding landscape as well as its acceptability in design terms.

### **Principle**

The site is located within the Open Countryside, where Policy NE.2 of the Local Plan states that only development which is essential for the purposes of inter alia, outdoor recreation, or for other uses appropriate to a rural area will be permitted. It is generally considered that equestrian development falls within this category.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF 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. We must accommodate the new ways by which we will earn our living in a competitive world."* 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, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking

this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of 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. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“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. 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. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

*The NPPF places particular emphasis on supporting a prosperous rural economy. It states at paragraph 29 that “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic

development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The site also appears to have an established history of equestrian use and therefore the principle of the development is considered to be acceptable.

### **Highways**

The highway officer has considered the application and raised no objection and it is therefore considered that the proposal is acceptable in terms of access, parking and traffic generation.

### **Archaeology**

The site is known to have some significant archaeological potential. However, given that the application is retrospective the Council's Archaeologist does not consider that there would be any benefit in securing further archaeological mitigation as any vulnerable deposits will already have been disturbed and exposed strata covered over.

However, it is considered to be worth reminding the Estate of the sensitivity of this location, with particular reference to the ruined chapel (a Grade II Listed Building) and fragmentary moat (CHER 326/1), which lie to the east of the farm complex and immediately west of the Bickley Brook. Clearly any unauthorised intrusion into this area would be very damaging so the Estate might find it beneficial to check that their own records are in order with regard to this particular constraint.

It is considered that this could be added as an informative to the decision notice.

### **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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The Council's ecologist has examined the application and commented that the farm outbuildings and barns to be subject to works have the potential to support legally protected species. A suitable ecological appraisal and report should therefore be submitted to the Council to allow determination of the application. This has been requested from the applicant and further update on this matter will be provided to Members prior to their meeting.

### **Landscape and Visual Impact**

The site is situated in open countryside and has no protective landscape designation. The development is viewed in the context of an established equestrian facility. The cladding to the Dutch barn, the stallion barn extension and the horse walker are all set back from the road and have relatively limited landscape impact.

The new mare barn and associated hard standing is more prominent when viewed from Shay Lane in the vicinity of the site access although an existing mature hedge provides some screening of the building for the residential properties on the north side of Shay Lane and there is a belt of trees to the south west separating the building from the fishing lakes to the south. The impact of the building could be mitigated by some additional planting, to include for example, a hedge adjoining the driveway and tree planting between the building and the stream to the west of the site, which could be secured by condition.

The neighbouring occupier has raised concern about the visual impact of the building and has requested the construction of a bund, planted with evergreen species between his property, directly to the west of the site, and the new building. It is considered that this, in itself, would constitute an incongruous feature. However, the ground level falls way sharply to the west of the building, to a level area alongside the stream. It is considered that there is potential to re-grade this slope slightly and to make it shallower by adding material onto the level area alongside. This would increase the ground level on which the planting referred to above would take place and would thereby improve the level of screening offered. Rather than evergreens, as suggested by the objector, however, native species would be more appropriate and should be used.

However, care would need to be taken to ensure that any earthworks took place outside the Root Protection Areas of the existing mature trees alongside the brook as defined by the current British Standard 5837: Trees in Relation to Construction. It is therefore considered that the condition requiring submission of a landscaping scheme for the site, should include, inter alia, details of screen planting and existing / proposed levels for the area between the mare barn and the stream and Root Protection areas for existing trees along the stream.

The surfaced horse box parking area is readily visible from Shay Lane, together with extensive recently erected post and rail fencing. This would also benefit from screen planting. A roadside native species hedge is proposed but no specification is provided. Again planting could be secured by condition.

Adjacent to the former farmhouse there is extensive earth mounding on site which does not appear to have consent, and does not form part of this application. A further planning application for these works has been requested from the applicant.

### **Design Issues**

The form of the new and altered buildings is similar to many modern agricultural buildings, and will not appear out of keeping with the rural setting. The horse walker is a relatively low structure, which is akin to many structures such as cattle pens and silage clamps which would be associated with a typical modern farmstead.

The design and materials are typical of this type of rural building and the specified cement sheets, Yorkshire boarding, steel sheets, brick and concrete blocks would be harmonious with the surrounding buildings. In addition, in view of the dilapidated

condition of the existing buildings, the proposal will largely enhance the appearance of the site and the environmental quality of the surrounding area.

The neighbouring occupier has expressed some concerns about the galvanised finish of the doors to the new mare barn and it is agreed that their light colour and potential to reflect sunlight will increase the prominence of the building within the landscape. This could be addressed however, through a condition requiring these to be clad in a dark coloured plastisol material.

### **Drainage and Flood Prevention**

The occupier of the neighbouring property has expressed concern about the proximity of the development to the adjacent brook, SSSI and fishery, particularly with regard to matters of flooding and potential pollution / contamination of watercourses.

The Environment Agency has been consulted on the proposals and raised no objection. Notwithstanding this, given the nature of the development, there is potential for contamination to occur from manure and therefore a condition is recommended requiring details of manure storage to be submitted and agreed.

### **Amenity**

Concern has been raised by the neighbouring occupier with regard to noise from the site, including that generated by the horse walker, and light pollution. In the absence of any objection from the Environmental Health Department, it is not considered that a refusal on amenity grounds could be sustained. However, the screen planting, referred to above, which would be secured by condition, would assist in mitigating both noise and light pollution generated from the site.

It is noted that light emits from the interior of the building through the slots in the Yorkshire Boarding, with which it is clad, and through the skylights. Whilst this does not warrant a refusal on amenity grounds it does add to the prominence of the building within the landscape at night. This could be mitigated, however, through the addition of further boarding to the interior of the building in a "hit and miss" arrangement and the application of a darker material to the skylights. This could be achieved by condition.

Furthermore, conditions could also be applied to control external flood lighting, which in turn would limit activities which be carried out after dark and the associated noise.

### **Other Matters**

A significant amount of earthworks, including raising of ground levels and construction of bunding appears to have taken place to the west of the application site around the farmhouse. This does not form part of the current proposals, although it does constitute an engineering operation requiring planning permission,

and should not therefore be consideration in the determination of the application. A separate application for these works has been requested from the developer.

## **10. CONCLUSIONS**

Whilst the Council cannot endorse the unauthorised works which have been carried out at this site and the potential harm which may have occurred, particularly to ecological and archaeological interests, for the reasons given above and subject to compliance with the recommended conditions, it is considered that this development, which is the subject of this application, is acceptable and in accordance with the relevant local plan policies and the provisions of the NPPF.

## **11. RECOMMENDATIONS**

**APPROVE** subject to receipt of an acceptable ecological survey, no objection from the Council's Ecologist and the following conditions

- 1. Plans**
- 2 Application of dark coloured plastisol to galvanised doors of mare barn**
- 3. Application of internal "hit and miss" Yorkshire Boarding to mare barn**
- 4. Application of darkened material to rooflights**
- 5. Submission of landscaping / boundary treatment scheme for the whole site, to include, inter alia, details of screen planting and existing / proposed levels for the area between the mare barn and the stream and Root Protection areas for existing trees along the stream.**
- 6. Implementation of landscaping / boundary treatment scheme.**
- 7. No external floodlighting without consent**
- 8. Submission, approval and implementation of scheme for storage and disposal of manure**

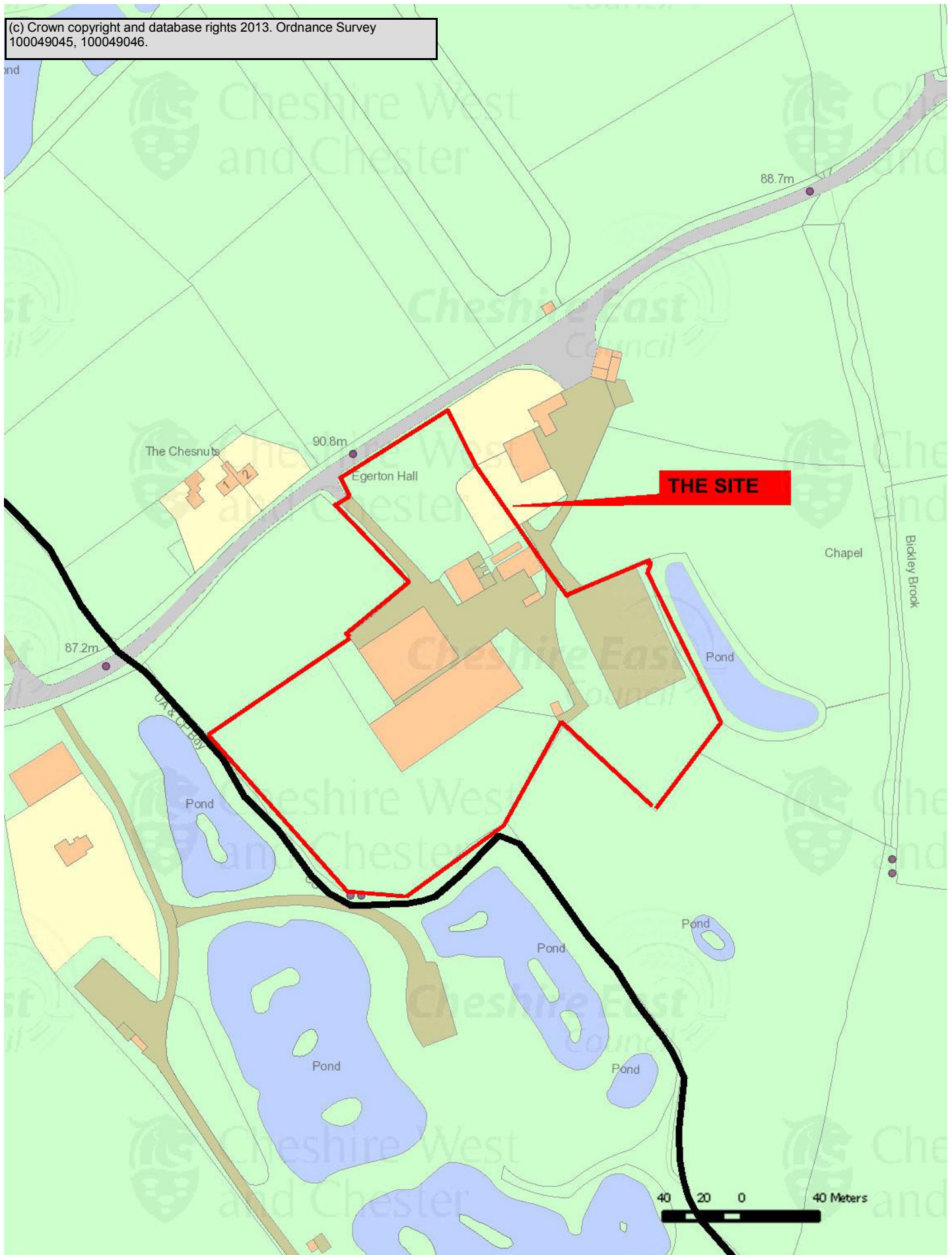
**If an acceptable ecological survey is not received or the Council's Ecologist objects to the scheme REFUSE for the following reasons:**

- 1. The proposal would have a detrimental impact on protected species contrary to Policy NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

## **INFORMATIVE**

- Importance of avoiding any disturbance in or around the statutorily-protected chapel.**
-

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Application No: 12/4082C

Location: TALL ASH FARM TRIANGLE, BUXTON ROAD,  
CONGLETON, CHESHIRE, CW12 2DY

Proposal: Construction of three new residential dwellings (Resubmission of  
Application Reference 12/0106C)

Applicant: P, J & Ms M Hudson

Expiry Date: 19-Dec-2012

### SUMMARY RECOMMENDATION

**APPROVE** subject to conditions

#### MAIN ISSUES:

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon a Public Right of Way
- The impact upon protected species
- The impact upon trees

### REASON FOR REFERRAL

The Cheshire East Council's Scheme of delegation advises that for '*applications involving a significant departure from policy which a Planning Committee is minded to approve*' should be referred to Strategic Planning Board for determination. As this development is for new dwellings in the Open Countryside, it does represent a departure from local plan policy. However, given that the proposal relates to just 3 units and lies adjacent to a large new housing development currently under development, it is not considered to be a **significant** departure. As such, the application has been referred to Southern Planning Committee as a departure from policy only.

At the Southern Planning Committee meeting held on the 16<sup>th</sup> January 2013, members resolved to approve this application but delegated the decision to consider a s106 to provide affordable housing. The application has been referred back to Members for a further update on this matter and to advise that in this instance the affordable housing requirement is not required.

The site is within the area covered by Congleton Town Council which is a settlement with a population of over 3,000, therefore in accordance with policies the trigger for affordable housing would not apply in this case unless it was over 15 units. It has subsequently been confirmed that there is no affordable housing requirement, and the recommendation to **approve without a legal agreement** is made.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a triangular shaped field on the southern side of Buxton Road (A54), Congleton within the Open Countryside.

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the erection of 3 detached dwellings.

## **RELEVANT HISTORY**

**12/0106C** - Construction of Three New Residential Dwellings – Withdrawn 15<sup>th</sup> February 2012

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

H6 – Residential Development in the Open Countryside and the Green Belt

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation (Statutory Sites)

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments.

The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011).

Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010.

Cheshire East 2010 Strategic Housing Market Assessment (SHMA).

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

**Strategic Highways Manager** – Plan SCP/11248/F01 is acceptable, but the entry radii on the Proposed Site Plan 792-101D differs in showing tighter and unacceptable radii.

**Environmental Health** – No objections subject to a number of conditions including; the prior submission of details of the site compound, hours of construction, pile foundation hours and method statement and a contaminated land informative.

**United Utilities** – No objection, subject to informatives

**Public Rights of Way** – No objections, subject to a condition regarding interference with the public right of way.

## **VIEWS OF THE TOWN COUNCIL:**

**Congleton Town Council** – No objections, subject to highways satisfaction

## **OTHER REPRESENTATIONS:**

**110 Buxton Road, Congleton** – Details received via an attachment which cannot be opened.

**10 Tall Ash Triangle** – Object to the proposal on the following grounds;

- Contrary to Open Countryside planning policy
- Site is not sustainable location

Also has concerns regarding highway safety & recommends removal of permitted development rights.

**12 Tall Ash Triangle** – Object to the proposal on the following grounds;

- Would set a precedent of semi-rural housing
- Unit would have more bedrooms than surrounding properties
- Highway / pedestrian safety
- Amenity – Overlooking

## **SUPPORTING INFORMATION:**

Planning Statement  
Design and Access Statement  
Sustainability Statement  
Access arrangements & associated technical note  
Environmental Survey  
Land contamination questionnaire  
Utilities / drainage maps

## **OFFICER APPRAISAL**

## Principle of Development

The site is designated as being within the Open Countryside. Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted in the Open Countryside if it falls within one of a number of categories including;

- Agriculture and Forestry
- Facilities for outdoor sport, recreation & tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

The proposed development is for the erection of 3 new detached dwellings and as such, is subject to Policy H6 as per above. Policy H6 of the Local Plan advises that residential development within the open countryside will not be permitted unless it falls within one of the following categories;

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

As the proposal fails to fall into any of these categories, the development is deemed to be contrary to the Local Plan.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. Accordingly the previous application for development of this site (12/0106C) was refused.

Since, the determination of this application, the National Planning Policy Framework (NPPF) has been published, which is an important, new, material consideration.

Paragraph 49 of the NPPF advises 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 to deliverable housing sites.*’

Given that Cheshire East Council cannot currently demonstrate a five-year supply of deliverable housing sites, the relevant policies in the Local Plan cannot be considered up-to-date, and as such the original determination that the application was contrary to Policy H6 and therefore PS8 no longer apply.

Paragraph 14 of the Local Plan advises that for decision making, the presumption in favour of sustainable development means *'Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...specific policies in this Framework indicate development should be restricted.'*

Paragraph 55 of the NPPF refers in new housing development in the countryside. Paragraph 55 advises that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities...Local planning authorities should avoid new isolated homes in the countryside...'*

As such, the Framework restricts new housing in the countryside if it is deemed to be isolated. As a result, the acceptability in principle of this application turns on whether the proposed development site is considered to be isolated or unsustainable.

On page 6 of the applicants Sustainability Statement, it has been advised that the North West Development Agency accessibility toolkit has been used which advises the desired distances to local amenities. It is advised that the site lies within the recommended distances for: A Post Office, Cash Point, Primary School, Leisure Facilities, Public House and Bus Stop. It is also advised that a *'...medical centre, pharmacy, public car park and childcare facilities are available in Congleton Town Centre and therefore can be easily reached via the bus route from Buxton Road.'* It is further pointed out that a larger housing scheme further away from these facilities has not long gained approval (08/1317/OUT and 11/0471C). The Sustainability report also details the Social, Environmental and Economic benefits of the proposal, the 3 pillars of sustainability, under the NPPF.

With regards to Social benefits, page 7 of the Sustainability Report advises that the development site is within close proximity to a canal and the countryside which brings aesthetic and leisure benefits. Furthermore, it is advised that the development would sustain local businesses, community facilities and public services.

In terms of Environmental benefits, it is advised on page 8 of the Sustainability Report that due to the location of the site, and its transport links, it would promote the reduction of use of the private car. It is advised that the dwellings themselves *'...promote and encourage energy efficiency by providing well insulated, double-glazed housing...'* Furthermore that *'Where possible, natural resources will be used in the design, prudently sourced and where achievable, materials will be sourced locally, reducing the carbon footprint of transportation...'*

With regards to biodiversity, the applicant proposes to retain the existing trees where possible and provide new trees where retention is not possible.

Economically, it is advised that the increased population the development would bring would boost the 'vitality and viability' of both Buglawton and Congleton.

Although this proposal is located on a site classed as 'Open Countryside', it is contrary to Policy H6 and therefore the overarching Policy PS8 of the Local Plan. However, given that the NPPF places greater emphasis on sustainability above all other matters, which it is considered that this site would be, the development is considered to be acceptable in principle.

## Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

The three neighbouring properties to the development site are No.106 Buxton Road, which would be approximately 11.8 metres to the southwest of House No.3, No.93 Buxton Road, which would be approximately 24 metres to the northwest of House No.3 and No.110 Buxton Road which would be approximately 13.8 metres to the east of House No.1.

With regard to the impact upon No.106 Buxton Road, on the side elevation of House No.3, which would be the closest house to this neighbour, there is a ground floor door to a dining room and a first floor bathroom window proposed. Between House No.3 and this neighbour at present is a conifer hedge that is approximately 2 metres tall. On the relevant side elevation of No.106 Buxton Road is small a secondary window to a lounge. Due to the 11.8 metre separation distance, the existing boundary treatment and because the only window that would be impacted on this neighbouring property would be a secondary lounge window, it is not considered that the ground floor door would create any issues for this neighbour in terms of privacy. In order to prevent any overlooking into this neighbours private amenity space, it is proposed that the first floor bathroom window be obscurely glazed, secured via condition, should the application be approved. With reference to loss of light, because this neighbour is positioned to the northwest of the closest proposed dwelling, it is not considered that any loss of light would be created to this side. In relation to visual intrusion, because the only window on the relevant side elevation of No.106 Buxton Road would be a secondary lounge window, which would be over 11 metres from the development and would be screened by an existing conifer hedge, it is not considered that the proposal would be visually intrusive for this neighbour.

With regards to the impact upon No.93 Buxton Road, because the closest proposed unit to this neighbour would be approximately 24 metres away, it is not considered that any amenity issues would be created to this side.

With regards to the impact upon No.110 Buxton Road, on the side elevation of House No.1, which would be the closest house to this neighbour, there is 1 ground window proposed. This window would serve as a secondary sitting room window.

Between House No.1 and this neighbour at present is a hedge and fence approximately 1.2 metres tall. On the relevant elevation (principal elevation) of No.110 Buxton Road are 7 openings. These include 2 first floor windows, 4 ground floor windows and a door. One first floor window serves a bathroom, whereas the other window is a secondary bedroom window. At ground floor level, there is a workshop window, a utility room window, a W.C window, a front door and a dining room window. It is advised within SPG2 that between a flank elevation and a

main window, a gap of 13.8 metres should be achieved. This gap is achieved in this instance; furthermore, the most impacted windows on this neighbouring dwelling, the windows that would directly face the flank elevation of House No.1, currently serve a workshop, a utility room and a bathroom, all of which are not considered to be principal habitable rooms. As such, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy or visual intrusion. With regards to loss of light, because the closest dwelling would be to the west of this neighbour, there is potential for a loss of light to be created to this side towards the end of each day. However, the main habitable windows to the property would be to the southeast of House No.1 and as such, would not be impacted. As a result, it is considered that the proposal would not detrimentally impact this neighbour by reason of loss of light.

There would be no other amenity issues created to any other sides.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including; the prior submission of details of the site compound, hours of construction, pile foundation hours and method statement and a contaminated land informative. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

### **Design and Layout**

The proposal is for 3 detached, two-storey, 4-bedroom dwellings which would all front onto Buxton Road.

- House 1 would be positioned approximately 19 metres to the south of Buxton Road and would have a footprint of approximately 93 metres squared and would have a hipped roof approximately 8.1 metres in height.
- House 2 would be positioned approximately 19 metres to the south of Buxton Road, would have a footprint of approximately 103 metres squared and would have a part dual-pitched / part catslide roof approximately 7.8 metres in height.
- House 3 would be positioned approximately 7 metres to the south of Buxton Road, would have a footprint of approximately 95 metres squared and would have a dual-pitched roof approximately 7.7 metres in height.

With regards to the scale of the surrounding units, No.106 Buxton Road has a footprint of approximately 95 metres squared, No.93 Buxton Road has a footprint of approximately 76 metres squared and No.110 Buxton Road has a footprint of approximately 124 metres squared. Therefore the range of footprint of the surrounding units is from 76 metres squared to 124 metres squared. As all 3 of the proposed units would fall within this footprint range, the scales of the dwellings are deemed to be acceptable.

All 3 units have a height of 8.1 metres or below. Planning history searches show that No.106 Buxton Road to the west of the site has a height of 9.5 metres and No.110 Buxton Road has a height of approximately 7.5-8 metres. No.93 Buxton road, across the road from the site is a two-storey property located in an elevated position and No.97 Buxton Road is a split level

bungalow. As such, considering this variation in heights in surrounding properties, the heights of the dwellings proposed are considered to be acceptable.

In relation to materials, the specifics of these have not been detailed and as such, should the application be approved, it is recommended that a condition be added to the decision notice requesting that materials be submitted for subsequent approval.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2.

### **Highways and Parking**

The Strategic Highways Manager originally raised concerns about the proposal. No turning facility was to be provided which would have required visitors and deliveries to reverse back onto the main road to exit the site. There is no safe parking opportunity on Buxton Road given the level of traffic and the blind summit.

In addition, the proposed site plan showed a very tight entry and exit radii which would be unacceptable for movements off a busy 40pmh road as they would involve vehicles braking almost to stop to enter the site.

As a result of these comments, a revised layout scheme was provided to try and address these issues. In response to this revised plan, the Strategic Highways Manager has advised that the revised plan is acceptable however, there are still concerns regarding the radii. A further revised plan has been received to nullify this later concern. As such, it is now considered that the proposed development adheres with Policy GR9 of the Local Plan.

### **Landscaping and Trees**

The Council's Landscape Officer originally advised that insufficient information had been submitted in order to fully assess the impact of the development upon trees. It was advised that a topographical survey, soil assessment, tree survey, tree categorisation, tree constraints and root protection areas identified to influence design, an Arboricultural Impact Assessment and a Arboricultural Method Statement were required.

In light of this information, the applicants submitted much, but not all of the required data.

In response, the Council's Forestry and Landscape Officer advised that *'The additional arboricultural information indicated that the dwelling on plot three would be outside the crown spread of adjacent trees but would encroach into a section of the root protection area of one specimen. The applicant's arboricultural consultant judges this encroachment to be acceptable, subject to tree protection measures.'*

*On the basis of the submitted information, subject to a condition requiring adherence to the tree protection measures proposed, I do not consider there are arboricultural grounds to refuse the application.*

*I remain of the view that it would be advisable to secure details of proposed levels.'*

As such, subject to the conditioning of tree protection and levels, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

### **Ecology**

The Council's Nature Conservation Officer originally advised that insufficient information had been submitted in order to fully assess the ecological impacts of this development. It was



advised that an Extended Phase 1 Habitat Survey, a desk based study, a great Crested Newt Survey/assessment, mitigation proposals and proposals for ecological enhancement were required.

In light of this information, the applicants submitted the required data.

In response, the Council's Nature Conservation Officer advised that the submitted ecological assessment was acceptable and he does not envisage there being any significant ecological issues associated with the proposed development. The applicant's ecologist does however suggest that bat boxes are incorporated into the development and as such, a condition requiring such features is proposed should the application be approved.

As such, subject to this condition, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

### **Right of Way**

The Council's Public Rights of Way (PROW) Officer originally objected to the application due to a lack of information. This additional information was subsequently submitted and was deemed to be acceptable by this consultee subject to a condition regarding the developer's obligations. It is recommended that this be added as an informative. As such, subject to this informative, it is considered that the development would adhere with Policy GR16 of the Local Plan.

### **CONCLUSIONS**

In conclusion, therefore although the development is contrary to the Congleton Borough Local Plan First Review 2005 Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and the Green Belt), it adheres with the NPPF.

Whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance with relevant local plan policies.

It is considered that the proposed development is of a suitable design, located in a sustainable location which would not have a detrimental impact upon neighbouring amenity, highway safety or protected species. As such, the proposed development adheres with the following policies within the Congleton Borough Local Plan First Review 2005: GR1 (General Criteria for Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR16 (Footpath, Bridleway and Cycleway Networks), GR20 (Public Utilities) and NR2 (Wildlife and Nature Conservation (Statutory Sites)).

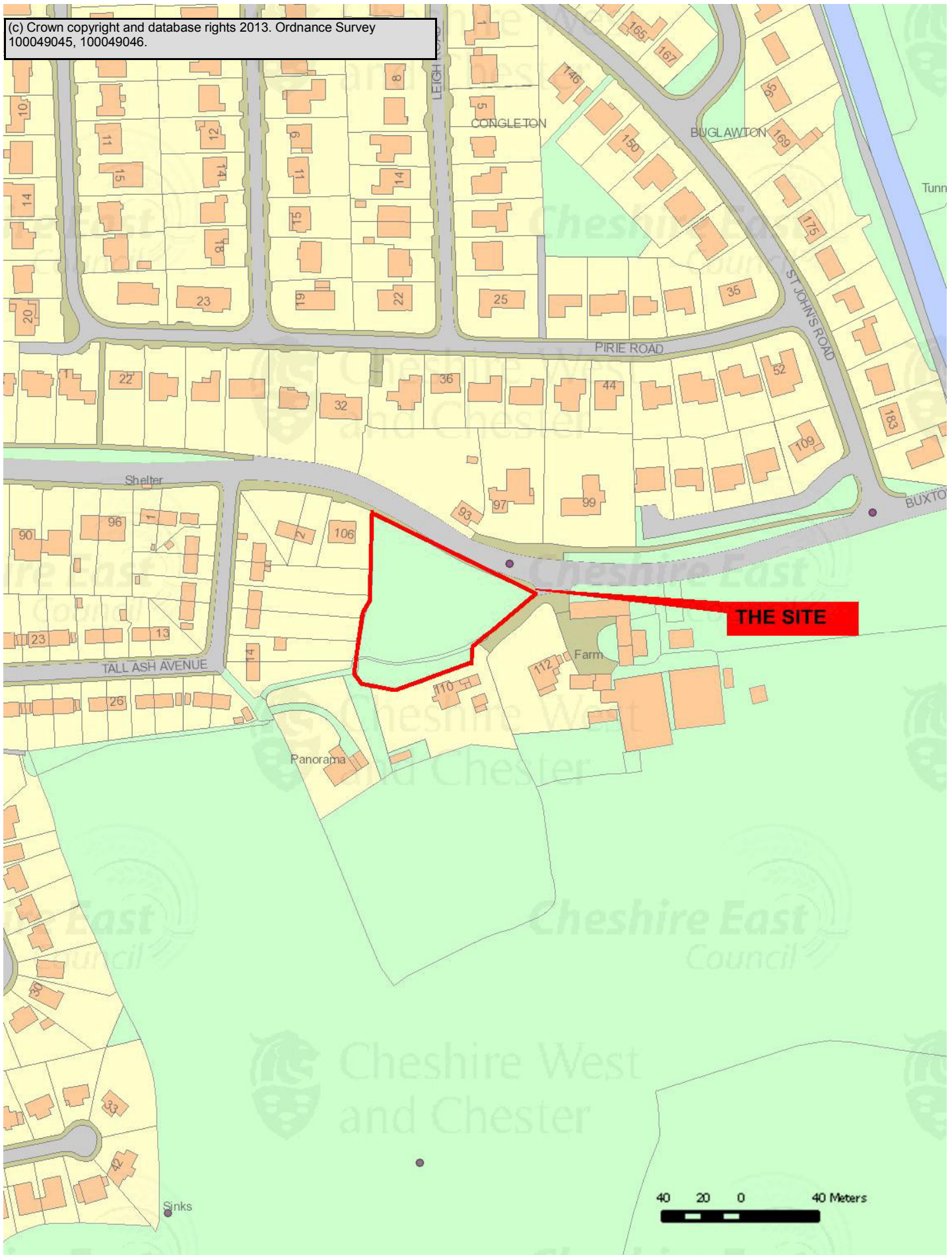
### **RECOMMENDATION**

**APPROVE** subject to conditions.

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials**
- 4. Hours of construction**
- 5. Hours of piling**
- 6. Piling method statement**
- 7. Prior submission and approval of site compound position**
- 8. Landscaping (details)**

- 9. Landscaping (Implementation)**
- 10. Boundary treatment**
- 11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)**
- 12. Construction management plan**
- 13. Drainage**
- 14. Levels**
- 15. Tree protection**
- 16. Incorporation of bat features**

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Application No: 12/4143C

Location: Waggon And Horses, WEST ROAD, CONGLETON, CW12 4HB

Proposal: Removal of Condition 4 (Maximum Vehicle Weight) on Planning Permission 12/3234C - Alterations and extension to existing building

Applicant: TESCO STORES Ltd

Expiry Date: 24-Dec-2012

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

Whether the condition meets the tests outlined in Circular 11/95

**1. REASON FOR REFERRAL**

This application has been called in for determination by the Southern Planning Committee by Local Ward Councillor Gordon Baxendale, as he considers that the removal of the condition is contrary to the planning conditions laid down by the Southern Planning Committee.

**1. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of the Waggon and Horses public house and associated car park, located on the traffic island bounded by West Road and Holmes Chapel Road in Congleton. The former Jewson's builder's merchant is located directly to the south of the site, with the roundabout to the west and residential properties to the north and an adjacent vehicle sales and repair business. The site is within the Congleton Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review.

**2. DETAILS OF PROPOSAL**

At the Southern Planning Committee meeting of 10<sup>th</sup> October 2012, Members resolved to grant planning permission (ref; 12/3234C) for the alteration and extension of the Waggon and Horses public house on West Street in Congleton. The changes and extensions were to facilitate changing the premises into a convenience store, although it is important to note that changing the use does not require the benefit of planning permission. As such, the previous approval was just

to consider the extension and alteration of the building and not the use. This application seeks to remove condition no. 4 of the said approval. This states that:

*‘The maximum weight of vehicles delivering to the site shall be restricted to a maximum weight of 7.5 tonnes.*

*Reason: In the interests of highway safety and in compliance with Policies GR1, GR9 and GR10 of the adopted Congleton Borough Local Plan First Review 2005.’*

### 3. RELEVANT HISTORY

12/3234C - Alterations and extension to existing building – Permitted 16-Oct-2012

12/4145C - Removal of Condition 5 (Hours of Delivery) and 6 (Hours of Operation of Business) on Application 12/3234C - Alterations and extension to existing building – Withdrawn 21-Dec-2012

### 4. POLICIES

#### Local Plan Policy

PS4	Towns
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6 & GR7	Amenity & Health
GR9 & GR10	Accessibility, Servicing and Parking Provision
GR17	Car Parking
GR18	Traffic Generation
S2	Shopping and Commercial Development Outside Town Centres

#### Other Material Considerations

National Planning Policy Framework

Circular 11/95: The Use of Conditions in Planning Permissions

### 5. CONSULTATIONS (External to Planning)

#### Strategic Highways Manager

No objection - As this application is only considering the extension to the building and not the proposed convenience store, the attachment of condition 4 cannot be substantiated. Therefore, I would have to raise no objections to this application.

### 6. VIEWS OF THE TOWN COUNCIL

Refuse – in the interests of amenity having regard to the location of the site and also for reasons of safety in respect of highways concerns.

### 8. OTHER REPRESENTATIONS

Representations have been received from 9 addresses objecting to this application on the following grounds:

- Will have a significant effect on road safety
- Local highway network already very busy
- Highway safety
- There will be 4-5 deliveries per day
- How will large vehicles enter and leave the site in a forward gear
- Increase in the number of vehicles and foot traffic
- Increased hours of business will encourage anti-social behaviour e.g. like the co-op in Buglawton
- Delivery vehicles will cause disturbance and noise pollution
- Reduced car parking
- Tesco should sponsor and pay for the maintenance of the adjacent roundabout and pelican crossings and surrounding areas
- Tesco should pay for the bus stop to be moved outside Jewson's
- Provide and maintain suitable waste disposal
- Lighting should be positioned so as to not cause pollution
- A new Tesco will put all the other shops out of business
- There is already a Tesco nearby

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

Planning Statement

## **10. OFFICER APPRAISAL**

### **Background**

The original application was for the extension and alteration of the pub only. The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal or the potential use as a convenience store, as this does not need planning permission.

The key issue for members to consider is whether or not condition number 4 is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects in accordance with para 206 of the National Planning Policy Framework (NPPF) and circular 11/95 which deals with the use of conditions in planning permissions.

### **Assessment**

Condition number 4, states that:

*'The maximum weight of vehicles delivering to the site shall be restricted to a maximum weight of 7.5 tonnes'*

However, the applicant wishes for this to be removed, as some of the delivery vehicles may be larger than 7.5 tonne and therefore they cannot comply with the condition. They argue that it is unnecessary and not relevant to the development which was permitted.

Presently, there are no conditions which limit the weight of delivery vehicles servicing the site. In determining whether a condition is necessary, Circular 11/95 makes it clear that “authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed”.

With respect to relevance, the Circular goes on to state that “it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings. For example, if planning permission is being granted for the alteration of a factory building, it would be wrong to impose conditions requiring additional parking facilities to be provided for an existing factory simply to meet a need that already exists”.

The original application was for a small extension to the pub and as such would not significantly increase the intensity of the use. The development does not change or impact on the delivery arrangements. Despite the desirability of controlling the delivery vehicles, in planning terms, the need for the action would not be created by the new development (i.e. the extension). As such, the condition is not necessary and is not relevant to the development to be permitted.

### **Other Issues Raised by Representation**

The majority of the points raised by representation relate to the use of the site rather than the extension of the pub and the condition imposed restricting delivery vehicle weight. This application is not to consider the change of use of the pub to a convenience store, and as such they are not material to this application and would not warrant a refusal.

## **11. CONCLUSIONS**

The principle of the development has already been accepted. The condition does not meet all of the tests outlined in Circular 11/95 and therefore it is recommended that the condition be removed under Section 73 of the Town & Country Planning Act 1990.

## **12. RECOMMENDATIONS**

**APPROVE with conditions previously agreed except condition number 4.**

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. Deliveries to be to between 0630 to 1900 hours
5. Opening hours to be between 0630 to 2300 hours
6. Details of lighting to be submitted to and approved
7. Details of bin storage to be submitted and approved
8. Details of acoustic enclosure of fans / compressors and noise generating equipment to be submitted and approved
9. Construction hours limited to 0800 to 1800 hours Monday to Friday, 0900 to 1400 hours on Saturdays and no working on Sundays or Public Holidays



10. Submission of a method statement should pile foundations be required
11. Submission of a method statement for any floor floating taking place

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Application No: 12/4309N

Location: 1, Checkley New Farm, TURNCOCKS LANE, WRINEHILL, CW3 9DD

Proposal: Proposed steel portal framed building for the housing of grain

Applicant: Neil Moore, EWH Moore

Expiry Date: 07-Feb-2013

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

- Principle of Development
- Essential for Agricultural Purposes
- Drainage
- Highways
- Design
- Amenity
- Ecology

**1. SITE DESCRIPTION**

The application relates to Checkley New Farm, which is situated to the south of Checkley Lane at Wrinehill and is accessed via an unclassified road. The farmstead comprises a farmhouse, overlooking the driveway to the site, with two large modern portal framed agricultural buildings to the rear, and a disused silage clamp to the side.

**2. DETAILS OF PROPOSAL**

This is a full planning application for a Steel Portal Framed Agricultural Building for the storage of grain which will replace the redundant silage clamp. The proposed building will measure 54.33m wide x 49.44m long and have an eaves height of 7.78m. The building will cover a footprint of 2686m<sup>2</sup>.

**3. PREVIOUS RELEVANT DECISIONS**

There are no relevant previous relevant decision notices relating to this site.

**4. PLANNING POLICIES****National policy**

National Planning Policy Framework

## **Local Plan policy**

- BE1 (Amenity)
- BE2 (Design Standards)
- BE3 (Access and parking)

## **5. OBSERVATIONS OF CONSULTÉES**

### **Highways Authority:**

The Strategic Highways Manager has no comment or objection to make regarding this development proposal.

### **Environment Agency**

The Environment Agency has no comments to make on the proposed development.

### **Environmental Health**

No comments received at the time of report preparation

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

The Parish Council have visited the applicant and site and also spoken to a number of neighbours who in general have no issues with the application. Whilst the PC have no objection to this application it would like to make the following comments.

- The height and scale of the building is much larger than existing and this needs to be taken into consideration.
- A site visit to be made by planning to view the scale of this grain store and how this fits within the surrounding landscape.
- A number of properties will be able to see the structure from a distance restricting view of the open countryside and it is recommended that landscaping in numerous areas is made a condition in order to mask the building especially due to it's height.

## **7. OTHER REPRESENTATIONS:**

- None received at the time of report preparation

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

- Design and Access Statement

## **9. OFFICER APPRAISAL**

### **OFFICER APPRAISAL**

#### **Principle of Development**



The application site is situated within the Open Countryside where policy NE2 (Open Countryside) provides that development which is essential for the purposes of agriculture will be permitted. Policy NE14 (Agricultural Buildings Requiring Planning Permission) relates specifically to agricultural buildings and seeks to ensure, amongst other things, that proposals are: essential for agricultural purposes; appropriately sited and design; provision is made for the drainage of foul, surface water drainage and animal wastes; there is adequate provision for access and movement of machinery and livestock; not detrimental to neighbouring amenity; and should not be readily convertible to residential use.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF 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. We must accommodate the new ways by which we will earn our living in a competitive world.”* 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, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of 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. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“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. 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. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

*The NPPF places particular emphasis on supporting a prosperous rural economy.* It states at paragraph 29 that “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposal is therefore considered to be acceptable in principle as it is in accordance with adopted Local Plan policy and the provisions of the NPPF.

### **Essential for Agricultural Purposes**

The proposed building will be used for the storage of grain and given that this is an established working farm site, it is considered to be essential for the purposes of agriculture. It is not of a design that would make it readily convertible to residential use.

### **Drainage**

In the absence of any objection from the Environment Agency, it is not considered that a refusal on the grounds inadequate provision for foul and surface water drainage or disposal animal wastes could be sustained.

### **Highways**

The Highways Officer has examined the application and raised no objection. Therefore, it is considered that the proposal is acceptable in terms of having adequate provision for access and movement of machinery and livestock.

### **Design**

The proposed building will measure 54.33m wide x 49.44m long and have an eaves height of 7.78m. Although the proposed building is large, the form, scale and appearance are similar to existing agricultural buildings located within the farm unit. The building would be sited to the west of the farm yard within an area occupied by a redundant silage clamp. Therefore the proposal would be sited adjacent to existing buildings, would be seen in the context of the farm complex and would not result in further encroachment of the farm yard into the Open Countryside.

The walls of the building would be constructed of slate blue pvc coated box profile steel sheets and the roof would be finished in fibre cement sheets. Doors would be galvanized steel. With the exception of the doors, the materials that have been selected are dull, natural, colours which will ensure that there is no reflection from the building and that it will blend in with its surroundings. Consequently, the visual prominence will be reduced. The proposed materials are also in-keeping with other newer buildings on the farmstead and the surrounding area generally.

As such it is not considered that the proposal which is for agricultural purposes would be harmful to the character and appearance of the Open Countryside.

### **Amenity**

The proposed development would be some 90 metres from the nearest dwelling 'Cherry Tree House'. There is an existing level of activity from the adjacent agricultural operations and it is not considered that the proposed grain storage building would be any further detrimental to neighbouring residential amenity over and above the existing site arrangements and use. The proposal would comply with Local Plan policies BE1 (Amenity) and NE14 (Agricultural Buildings Requiring Planning Permission).

### **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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is

permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the council's ecologist has examined the application and commented that a pond is located 120m to the South West of the site. From the supporting plans it would appear that there will be no encroachment into the grassland beyond the current hand standing storage area. He is therefore prepared to accept that the risk to GCN is low. If there is to be loss of any current grassland habitats or storage of building materials on current grassland, then an appraisal of the pond and assessment of risk to GCN will be required. However, the submitted plans indicate that this will not be the case.

## **10. CONCLUSION**

The application proposes an acceptable form of development within the Open Countryside which is for agricultural purposes. The proposal would comply with the provisions of Local Plan policies NE2 (Open Countryside), NE9 (Protected Species), NE14 (Agricultural Buildings Requiring Planning Permission), BE1 (Amenity), BE2 (Design) as well as the provisions of the NPPF and is therefore recommended for approval.

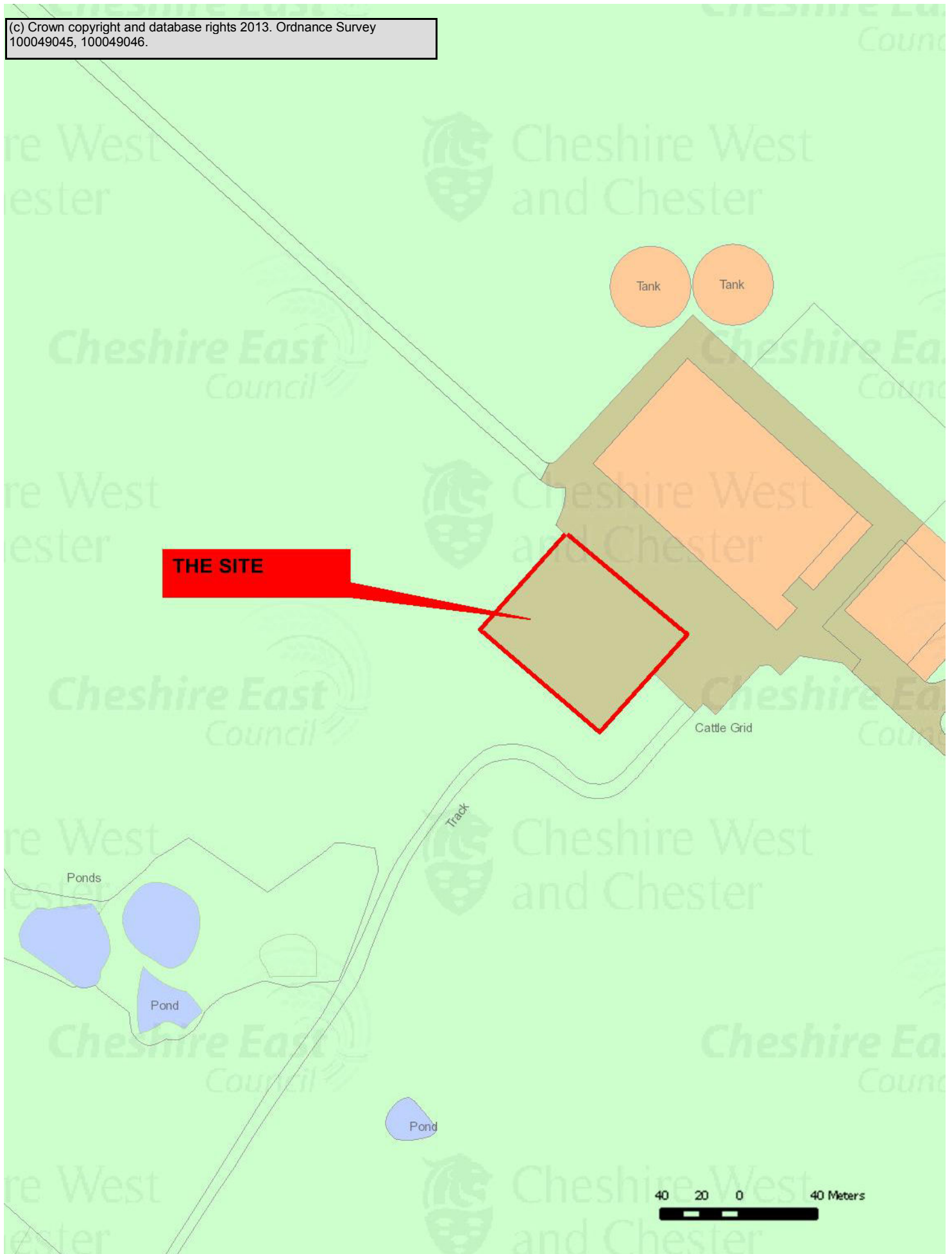
## **11. RECOMMENDATION**

**APPROVE** subject to the following:

- 1. Standard Time**
- 2. Approved Plans**
- 3. Materials as Application**



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Application No: 12/4373N  
Location: SITE ADJACENT SUNNYBANK CAR PARK, PYMS LANE, CREWE  
Proposal: New build showroom with associated car parking  
Applicant: Steve Elliot, BENTLEY MOTORS LTD  
Expiry Date: 11-Feb-2013

**SUMMARY RECOMMENDATION****APPROVE subject to conditions****MAIN ISSUES**

**Principle of Development**  
**Design Considerations and Landscaping**  
**Parking, Highway Safety and Traffic Generation**  
**Impact On Protected Species**  
**Impact on Residential Amenity**

**REFERRAL**

This application is to be determined by the Southern Committee as it is a major development of over 1000sqm.

**1. SITE DESCRIPTION**

This application relates to a 0.83 ha site situated on the south side of Pym's Lane, Crewe. The site is rectangular in shape and is relatively flat with field boundaries defined by hedgerows and a post and rail fences.

The site is adjoined to the east by a car park and to the south and west by a Greenfield land all within the ownership of the applicant, Bentley Motors, whose main production facility is directly to the east. On the opposite side of Pym's Lane, is the Pym's Lane Waste Recycling Centre as well as other industrial and commercial units and associated parking further along.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation as designated in the Cheshire Waste Replacement Local Plan.

## **2. DETAILS OF PROPOSAL**

Full planning permission is sought to construct a new build showroom with associated ancillary parking for Bentley Motors.

## **3. RELEVANT PLANNING HISTORY**

P06/0022 – Outline Planning permission approved for Industrial Storage and Distribution (B1, B2 and B8) on 13<sup>th</sup> January 2006.

## **4. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
TRAN.3 Pedestrians  
TRAN.8 Existing Car Parks  
TRAN.9 Car Parking Standards

### **Other Material Policy Considerations**

The Cheshire Waste Local Plan

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions relating to hours of construction / use, a scheme to minimise dust emissions during demolition / construction and contaminated land.

### **Highways**

No objection

### **United Utilities (UU):**

No objection

### **Sport England**

No comment

**Natural England:**

Refer to Standing Advice

**Environment Agency:**

No comment

**6. VIEWS OF THE TOWN COUNCIL**

N/A

**7. OTHER REPRESENTATIONS**

None received

**8. OFFICER APPRAISAL**

**Main Issues**

The main issues in the consideration of this application is the principle of the suitability of the site for use as a showroom, the partial loss of a waste site allocation, the impact that the proposals would have on the character and appearance of the area, highways and parking, ecological considerations and neighbouring amenity.

**Principle of Development**

The application proposes the erection of a showroom facility for the adjacent Bentley Motors. The showroom would be separate from the main factory plant and would assist in the longer term vision and future expansion of Bentley Motors. In terms of the local plan, the site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

In terms of compatibility, the use of this land is for a purpose which is ancillary to the adjacent employment use at Bentley Motors and is therefore considered to be acceptable and complimentary in principle when considering the proposal against the Crewe Local Plan. This end of the Pym's Lane area is predominantly commercial / industrial and therefore the proposal would not conflict with neighbouring uses.

However, owing to its location near to the Pym's Lane Household Waste and Recycling Centre, the site comprises part of a waste allocation (WM16A) in The Cheshire Waste Local Plan. As such, the site has been considered suitable in principle for the development of a range of waste management facilities with the purpose of forming part of an integrated network of sites capable of making adequate provision for waste arising within Cheshire. Thus, the potential loss of part of this allocation for potential future waste management use needs to be considered.

The Council's spatial plans section has confirmed that whilst the site subject of this application is partly within a waste allocation, the site is not actually safeguarded for waste use. The site is positioned in the corner of the allocation and as such, this application only results in a partial loss. Additionally, the applicant already owns the entirety of the site. Taking these factors into account, it is unlikely that the site would come to fruition as a waste site and therefore the site is not considered deliverable in the short to medium term. Furthermore, the proposal would only amount to a partial loss of the allocation, and there is scope within existing adjacent allocations (WM16A to the southwest) to accommodate future waste proposals.

The Council's Waste Strategy Manager has confirmed that they are not aware of any future plans to extend the adjacent Pym's Lane Household Waste and Recycling facility into the allocation relating to this site and as such it is considered that this partial loss would not impact on the borough's strategic provision of waste sites. This is supported by the fact that since the site was identified; no further progress has been made in terms of considering the potential of bringing forward the site for waste uses. Additionally, it is unlikely that site would be capable of being delivered for waste given that it is already within the ownership of Bentley Motors.

It is also important to acknowledge that the proposals will assist in the economic growth of Bentley Motors, a large local employer who are seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main and production areas of the plant to enable future growth. As such, there are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. It is considered that such benefits would outweigh the loss of the site for potential waste uses. The principle of this development is therefore considered to be acceptable and in line with local and national policy.

### **Design and Landscaping Considerations**

The Showroom building is a single storey simple rectangular box form with glazed curtain wall cladding on all four sides. An additional layer of curved woven stainless steel mesh panels would be applied over part of the north, east and west elevations for brand identification.

The frontage along Pym's Lane is defined by post and rail fence and as such the existing site is already evident from within the street. The introduction of the proposed building will alter the appearance of this part of Pym's Lane. However, it is considered that the proposed building will serve as a gateway to the commercial and industrial facilities that characterise this end of Pym's Lane and will help with the visual transition towards the main Bentley production plant. In any event, the proposed building will be single storey and set back slightly from the road as to not appear too intrusive.

There are no landscape designations on the application site. In the Cheshire Landscape Character Assessment the site lies within the Landscape character type 7: East Lowland Plain, specifically in the Wimboldsley Character Area 5. The site is typical of the character type of a predominantly flat, large scale landscape. The Landscape Officer considers that the site has the landscape capacity to accommodate the proposed development provided that details of any proposed peripheral mounding and a detailed landscape scheme are secured by condition.

Having regard to pattern and character of the existing development in the area, in design terms, it is not considered that the proposals will harm the visual appearance of the site or surrounding area. Subject to appropriate landscaping of the boundaries, which could be secured by condition, it is considered that the proposal would be respectful to the surrounding landscape.

### **Parking, Highway Safety and Traffic Generation**

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

Access to the showroom is to be provided off an internal road served by an access off Pym's Lane that will cater for the car currently proposed under planning ref; 12/4426N. The new access can provide the required level of visibility to the facilities proposed although there is need to remove two existing trees in order for the visibility splays of 2.4m x 120m to be achieved. There will be sufficient parking spaces provided for the showroom with its own ancillary parking and as such will be self contained. The Strategic Highways Manager has recommended the provision of a footway and a pedestrian crossing further along Pym's Lane, but is considered that these would not be required as a consequence of this development. The scheme is found to be in compliance with local plan policy BE.3.

### **Impact on Protected Species**

The Council's Nature Conservation has considered the application. Having regard to the surroundings, the Nature Conservation Officer considers that whilst the proposal will result in the loss of some grassland, the impact will only be at the local level. Further, he notes that a significant length of new hedgerow is proposed as part of the development. A suitably managed native species hedgerow would go some way to towards compensating for the loss of biodiversity associated with the proposed development. This will be secured as part of the landscaping scheme. There may be potential for breeding birds and therefore a condition relating to breeding birds is recommended. Consequently, the scheme is deemed acceptable in term of nature conservation considerations.

### **Impact on Residential Amenity**

The surrounding uses are predominantly commercial and industrial and therefore the proposal will not directly impact on the amenity afforded to any nearby residential uses. The scheme is therefore deemed to be compliant with local plan policy BE.1.

## **10. REASONS FOR APPROVAL**

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local

employer. Whilst the site does form part of a site waste allocation in the Cheshire Waste Replacement Local Plan, it is considered that this partial loss would not impact on the borough's strategic provision of waste sites and the benefits of the scheme would outweigh this loss. The design of the proposals would not impact detrimentally on the character, appearance or landscaping of the site. The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways and parking and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

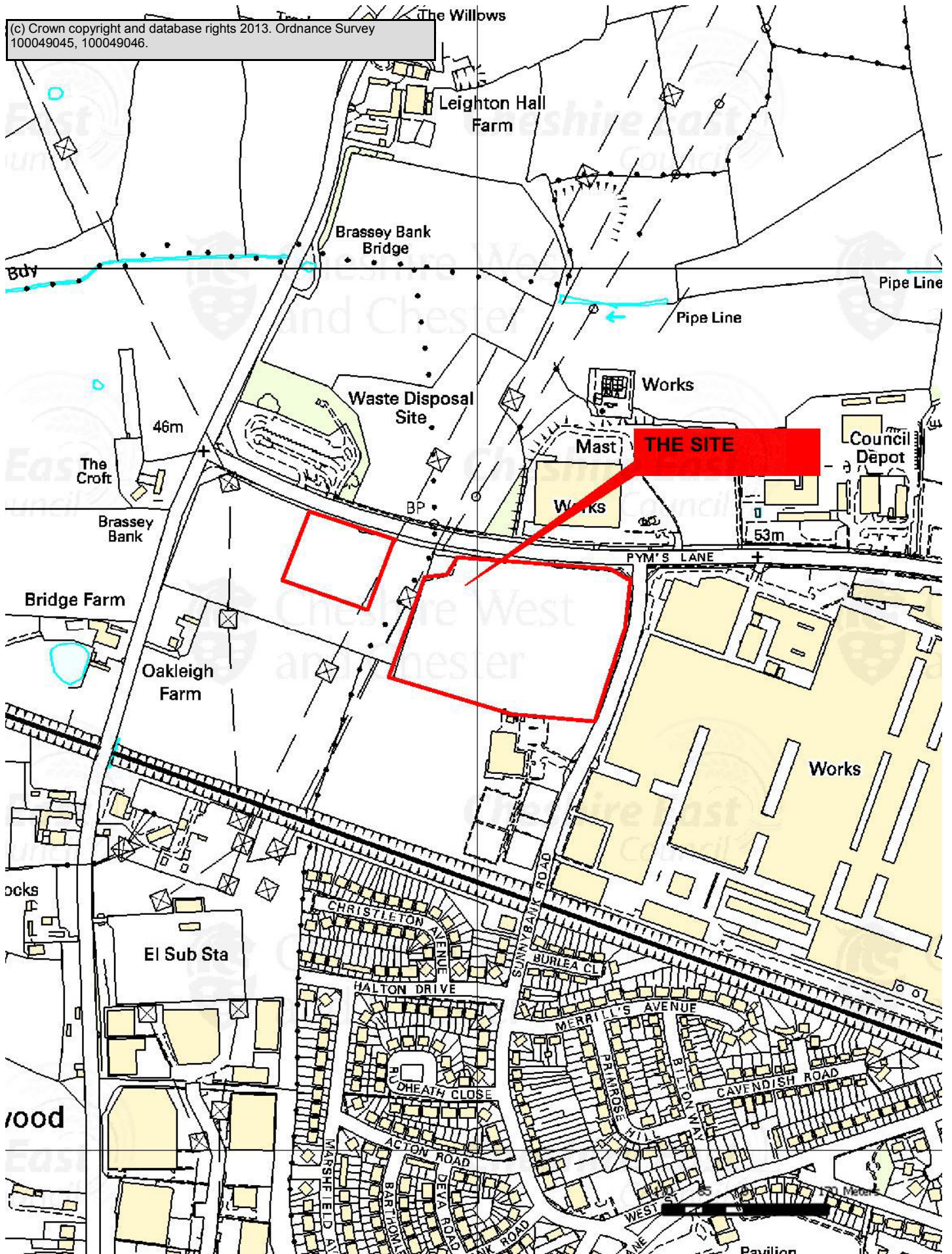
## **11. RECOMMENDATION**

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

- 1. Standard 3 year time limit**
- 2. Accordance with Amended Plans**
- 3. Materials to be submitted**
- 4. Landscaping submission – to include native species and details of any mounding**
- 5. Landscaping implementation**
- 6. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 7. Construction of Access in accordance with approved plans**
- 8. Hours of construction limited**
- 9. Hours of operation limited**
- 10. Details of lighting to be submitted prior to first use**



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Application No: 12/4391N

Location: 416, NEWCASTLE ROAD, SHAVINGTON, CHESHIRE, CW2 5EB

Proposal: Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (Amendments to approved applications 10/0714N and 10/4539N)

Applicant: Mr John Parton

Expiry Date: 10-Jan-2013

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

- Principle of development
- The impact upon neighbouring amenity
- The impact upon the character and appearance of the site and the wider Open Countryside
- Trade counters
- Highway safety/parking provision

**REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Brickhill for the following reason;

*'I have called in the application for detailed planning permission for the new warehouses behind the Esso Garage on Newcastle Road Shavington. Outline permission was as you know given on appeal after we had refused it.*

*This is not a vexatious call in of an application which has already got outline planning permission. I do expect you to give full permission for the building, as there is little else that can be done as far as that is concerned, as long as it matches the existing development.*

*I hoped that you would consider carefully two detailed aspects of the development:-*

*1. Hours of working and the hours when building should take place. The nearby nursery is very busy at weekends.*

*2. The access onto Newcastle Rd both during the building work and thereafter.*

*I am particularly concerned with the access to Newcastle Road. There is a blind corner on the Hough side of the garage and this entrance is currently and badly marked for ingoing traffic only. Outgoing traffic is supposed to go under the garage canopy and out onto the road at the Shavington end of the garage. Not all drivers observe the signs. If vehicles emerge using the entry route, then traffic approaching from Hough – legally doing 40 mph – often cannot see them in time to stop.*

*During building works it is possible that vehicles will be employed which are too high to go under the canopy of the garage and therefore must leave the site via the dangerous entry route. I hope the committee will consider what conditions to impose in these circumstances. I do not think local people will tolerate a semi permanent set of traffic lights which would cause unnecessary delays to the vast majority of road users. So some other safety precautions need to be employed or a complete ban put on high vehicles. In any case the signage banning exit through the entry way needs to be improved.*

*Perhaps Highways can advise on this. In the unlikely event they say there is no need, then I suggest you draw that to the attention of the director.*

*There may be some doubt as which ward this application belongs to. However as ward councillor of one and parish councillor of the other, I have taken it upon myself to bring these matters to your attention. Unless you wish me to attend your meeting, I do not think I have anything more to add'*

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

The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is an ESSO petrol filling station, to the west of the site is a car garage (ABP) and a children play centre (Playworld). To the north-east of the site is 418 Newcastle Road which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

## **2. DETAILS OF PROPOSAL**

The proposal is for the erection of two single storey buildings that would be used for B1 and B8 purposes.

Building 1 would form two units and would be sited to the front of the site. Building 1 would have a length of 20 metres, a width of 13.3 metres and a ridge height of 5.6 metres. This building is as approved as part of application 10/0714N.

Building 2 would be located to the rear of the site and would have an L shaped footprint with a footprint of 282.8sq.m.

## **3. RELEVANT HISTORY**

10/4539N - Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes – Refused 14<sup>th</sup> February 2011 – Appeal Lodged – Appeal Allowed 5<sup>th</sup> July 2011

10/0714N - Construction of Single-Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage & Distribution) Purposes – Approved 22<sup>nd</sup> April 2010

P08/1158 - Construction of Car Show Room and Display Area (Amendment to Approval P07/1028) – Approved 2<sup>nd</sup> December 2008

P07/1028 - Renewal of P02/1157 Construction of Car Showroom and Display Area – Approved 11<sup>th</sup> September 2007

P07/0615 - Change of Use to Childrens' Playcentre and Mezzanine Floor – Approved 10<sup>th</sup> July 2007

P06/0399 - Outline Application for Two Dwellings – Refused 7<sup>th</sup> June 2006

P02/1157 - Renewal of Permission for Showroom and Car Display Area – Approved 18<sup>th</sup> December 2002

P97/1018 - Renewal of permission for car showroom and display area – Approved 5<sup>th</sup> February 1998

P96/0694 - Installation of storage boxes – Approved 1<sup>st</sup> October 1996

P93/0064 - Car showroom and display area – Approved 11<sup>th</sup> March 1993

7/19701 - Various illuminated advertisements – Approved 26<sup>th</sup> July 1991

7/19112 - Internally illuminated gantry sign – Approved 9<sup>th</sup> January 1991

7/19057 - Re-development of Shavington Service Station – Approved 29<sup>th</sup> November 1990

7/17204 - Re-development of existing service garage to replace canopy and buildings and alterations to vehicular accesses – Approved 12<sup>th</sup> October 1989

7/16083 - New workshop premises including showroom – Approved 3<sup>rd</sup> November 1988

7/11265 - 8 dwellings – Refused 27<sup>th</sup> September 1984

7/04952 - Extension to showroom, new pump island new canopy and valeting bay – Approved 29<sup>th</sup> March 1979

7/04724 - C.O.U. part of garage premises to display area for the sale of vehicles – Withdrawn 17<sup>th</sup> November 1978

#### **4. POLICIES**

##### **National policy**

The National Planning Policy Framework

##### **Local Plan policy**

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

E.6 – Employment Development in the Open Countryside

TRAN.9 - Car Parking Standards

##### **Regional Spatial Strategy**

DP1 (Spatial Principles)

DP3 (Promote Sustainable Economic Development)

DP7 (Promote Environmental Quality)

RDF1 (Spatial Priorities)

MCR4 (South Cheshire)  
EM18 (Decentralised Energy Supply)

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

**Environmental Health:** Request conditions in relation to contaminated land, construction hours, pile driving, external lighting, acoustic enclosures for fans and no external working.

**United Utilities:** No objection. The site must be drained on a separate system with only foul drainage connecting into the foul sewer.

**Cheshire Fire Service:** Access and facilities for the fire service should be in accordance with Building Regulations. The applicant is advised to submit details of the water main installations. Consideration should be given to the design of refuse storage to prevent arson incidents. The fitting of sprinklers is recommended.

**Strategic Highways Manager:** The two proposed buildings are for B1 or B8 usage. The parking requirement is more stringent for the B1 category, and would require 8 spaces for Building 1 and 9 for Building 2. The proposals show 9 spaces for Building 1 (including 2 disabled spaces) and about 50 adjacent to Building 2, though this car park will presumably cater in part for any overspill from the existing uses on the remainder of the site.

Overall, there are no concerns over any shortage of parking or objections in principle. However, to ensure adequate HGV servicing of Building 2, the two northernmost parking bays in front of the building should be replaced by a single HGV bay.

It is noted that there is no convenient crossing point for pedestrians wishing to walk to Hough, who need to cross the main road to gain the footway on the opposite side. There also appears to be encroachment of existing signing onto the highway verge which will impair visibility for exiting vehicles.

I therefore request that this strip be replaced by a hardened verge (in effect a footway) along the site frontage to provide a visibility splay and standing point for pedestrians. All signing within this visibility splay should be removed. These works will require the applicant to enter into an Agreement under S278 of the Highways Act.

## **6. OTHER REPRESENTATIONS**

No representations received.

## **7. PARISH COUNCIL**

**Shavington Parish Council:** The Parish Council has concerns of the amount of new traffic accessing and egressing the site, and alongside the children's play nursery. The Parish Council would also request that any approval should stipulate that any deliveries to the site both during construction and beyond should be made during normal business hours (9am till 5pm).

**Hough & Chorlton Parish Council:** Hough & Chorlton Parish Council would like to make the following comments:



1. Soften landscaping bearing in mind the open countryside vista
2. Safer road access and exit
3. Grave concerns regarding car parking in the area.

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

Planning, Design and Access Statement (Produced by Emery Planning Partnership and dated November 2012)

This document is available to view on the application file.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site stands on the south side of Newcastle Road, located to the South East of Shavington. The application site is located within the open countryside just outside of the Shavington Settlement Boundary. Policy E.6 of the Crewe and Nantwich Replacement Local Plan 2011 encourages appropriate employment development in the Open Countryside and restricts it to small industries, commercial business enterprises within or adjacent to existing groups of buildings, in accordance with policies BE.1 – BE.5.

In this case a previous application (10/4539N) was refused by the Southern Planning Committee against officer advice for the following reason:

*'The Local Planning Authority considers that the proposed development is not an essential form of development within the Open Countryside. As a result the proposed development would have a detrimental to the character and appearance of the open countryside and would be contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'*

An appeal was lodged and the development was allowed with an award of costs against the Council for unreasonable behaviour. As part of his decision the Inspector made the following comment:

*'In this case, whilst the appeal site falls within the definition of open countryside, the proposed development would be sited within an established commercial site of modest size on land already benefiting from a permission associated with the recently approved B1/B8 use within the appeal site. The proposed use has been identified as likely to experience a growing demand in the future and the proposal would not result in an unacceptable encroachment into the open countryside beyond the curtilage of the appeal site.'*

Since this appeal the National Planning Policy Framework has been published. The NPPF includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating 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'*

One of the 12 core principles for planning contained within the NPPF states that:

*'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'*

Given the planning history on this site and the emphasis towards economic development within the NPPF the principle of development is considered to be acceptable.

### **Amenity**

The main residential property affected by the proposed development would be 418 Newcastle Road which is located to the north-east of the site. Given that there would be a distance of approximately 24 metres from the nearest point of 418 Newcastle Road to Building 2 and that the area immediately adjacent to the boundary is a small yard area with ancillary domestic outbuildings (the private garden area of 418 Newcastle Road located to the side of the dwelling) it is considered that the proposed development would not have such a significant overbearing impact or cause significant loss of light as to warrant the refusal of this planning application.

Building 1 has been approved under a separate planning application and this unit would not cause any significant harm to residential amenity.

The B1 use class is a use that can be carried out without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As a result it is considered that the use of the site for a B1 use is acceptable.

The B8 use class relates to storage and distribution and this could potentially impact upon residential amenity. However the units are relatively small with a maximum size of 282.8sq.m. The imposition of conditions relating to hours of operation, loading, no external storage and no external activities would address any concerns over the impact of a B8 use upon residential amenity.

Given the size of the proposed units and the level of existing vehicular movement at the site it is not considered that the proposed development would cause such a significant increase in vehicular movements that would cause such a detrimental level of disturbance to local residents as to warrant the refusal of this application.

### **Trade Counters**

A genuine trade counter could, depending on the circumstances, be considered ancillary to a warehouse (B8) use and therefore even if omitted from a development description could be introduced later without the need for planning permission. But to qualify as a B8 use as applied for, the trade counter must be minor and ancillary to the main use.



In this instance and in order to ensure that the retail element (trade counter) of the proposal is maintained as ancillary and as a subsidiary element in the overall “B8 Use Class” of the site, appropriate conditions should be established to include the following provisions:

- Ensure that no mezzanine floors are provided without the express prior approval of the Local Planning Authority
- When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter will only be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre
- Restriction on the sale of goods to non - food goods.
- Prevent sub-division of the unit

The reasoning behind the use of such conditions would be to ensure that the trade counter element of the proposal is subsidiary and does not impact upon the vitality and viability of Crewe town centre or Shavington Village.

## **Design**

The proposal is similar in form, style and appearance to the units approved under applications 10/0714N and 10/4539N (with glazed elements to its corners on the front elevation). Furthermore the site has a commercial appearance and given the design of the adjacent units it is not considered that the proposed development would appear out of character. As a result it is considered that the proposed development is now acceptable in terms of its design.

The proposed building would be sited within an existing employment area and the development would be viewed against the existing buildings on the site. Therefore it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the wider open countryside.

## **Highway safety/parking provision**

Concern has been raised over the increased vehicular movements on the site upon highway safety. However as part of this application the Highway Authority has been consulted and raised no objection. As a result it is not considered that the proposal would have a detrimental impact upon highway safety.

As part of the proposed development of the site 60 car parking spaces would be provided. The proposed units would require a parking provision of 14 spaces (using a calculation for a B1 use which gives the higher standard), the ABP unit would require a provision of 10.5 spaces (using the B2 use class) and the Play World children’s centre has a condition requiring the provision of 20 spaces. This would give a total parking requirement for the site of 44.5 spaces which is less than the 60 spaces provided.

Although there would be an oversupply of car-parking on the site, the Strategic Highways Manager has not objected in relation to this issue. It is therefore considered that the supply of parking on the site is considered to be appropriate.

The Strategic Highways Manager's request for the provision of a footway to the front of the site is unreasonable. This was not requested as part of the last application and was not secured as part of the appeal for planning application 10/4539N. This will not be secured as part of this application.

## **Trees**

In support of this application a tree survey has been produced. This survey identifies 1 Oak tree and 4 groups of trees which have been identified as Grade B (Moderate Quality and Value) and 1 group of trees which has been identified as Grade C (Low Quality and Value).

As part of this proposed development two groups of trees of Grade B quality would be lost. This is one more group than the previous approval. At the time of writing this report negotiations were continuing and an update will be provided on the scale of the tree removal.

## **10. CONCLUSIONS**

The proposed development is considered to be acceptable in principle despite the site being located within the open countryside. This follows the approval of application 10/4539N at appeal and the support contained within the NPPF for economic development. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity. Finally it is not considered that the proposed development would have a detrimental impact upon highway safety or parking provision at the site.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard time limit 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Surfacing materials to be submitted to the LPA and approved in writing**
- 4. Prior to the commencement of development a Contaminated Land Assessment shall be submitted to the Local Planning Authority and approved in writing and any remediation measures shall be implemented**
- 5. Condition to specify the approved plans**
- 6. The car parking shown on the approved plans to be provided before the unit hereby approved is first occupied**
- 7. Cycle parking facilities to be submitted to the LPA and approved in writing**
- 8. Shower facilities to be submitted to the LPA and approved in writing**
- 9. Drainage details including oil interceptors to be submitted to the LPA and approved in writing**
- 10. External lighting to be submitted to the LPA and approved in writing**
- 11. No external storage**
- 12. When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor**

plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter shall be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre

13. Any ancillary trade sales within the unit shall be restricted to non-food goods and, for the avoidance of doubt, sales of food, clothing, footwear, leisure goods, freestanding domestic furniture and non-bulky electrical goods for domestic use shall not be permitted.

14. Landscaping to be submitted to the LPA and approved in writing

15. Landscaping to be completed

16. Details of any acoustic enclosures to be submitted to the LPA and approved in writing

17. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.

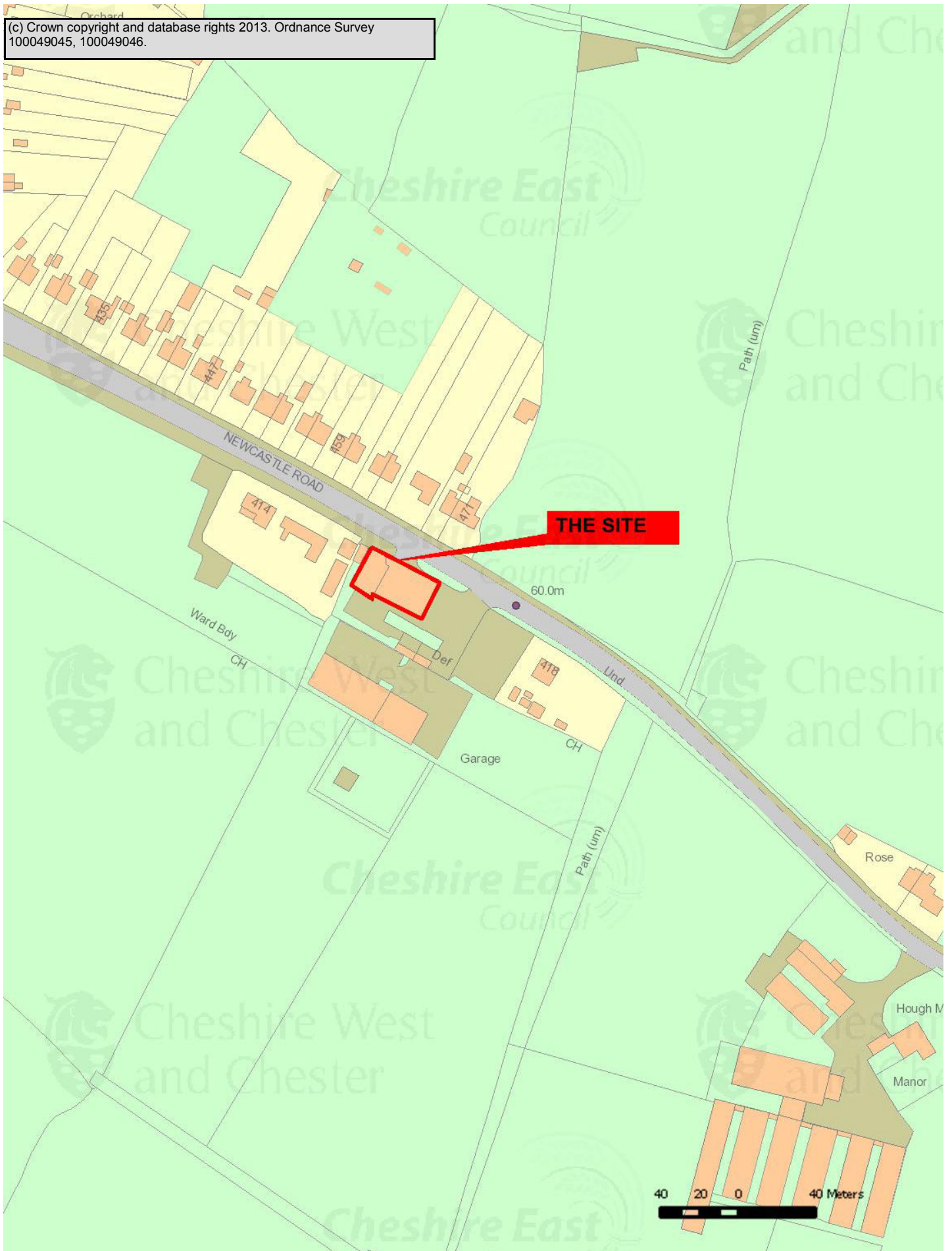
18. Details of any pile driving to be submitted to the LPA and approved in writing

19. The unit hereby permitted shall not operate or be open to the public outside 0800 hours to 2000 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

20. No deliveries shall be taken at or despatched from the unit hereby permitted outside 0800 hours to 1800 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

21. No external activities

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Application No: 12/4566N

Location: Land off Beswick Drive, Crewe, Cheshire

Proposal: The full application seeks permission for a student accommodation facility with associated car parking, access and landscaping. The facility will provide 195no. bedrooms over five floors and 48no. parking spaces.

Applicant: David Smythe, Swansway Garages Group

Expiry Date: 21-Feb-2013

**MAIN ISSUES**

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

**SUMMARY RECOMMENDATION**

**Approve with conditions**

**REFERRAL**

The application is referred to the Southern Planning Committee as it is a major application.

**1. SITE DESCRIPTION**

The application site is an irregular shaped parcel of land which is located to the southern side of Beswick Drive within the Crewe Settlement Boundary. The site is surrounded by a small parade of shops to the north, a hotel to the east and existing student accommodation to the west.

To the south of the site is Valley Brook and the application site is located within a Flood Risk Zones 2 and 3 as identified by the Environment Agency Flood Maps. There is an Oak tree located within the centre of the site with tree cover along the

boundary with Valley Brook. These trees on the site are protected by a Tree Preservation Order.

The site comprises a parcel of vacant land which appears to have been cleared previously and has now partially re-vegetated with grass and scrub.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for student accommodation which would consist of 195 bedrooms. The proposal would consist of a building which would be five stories in height with an S-shaped footprint. The building would include a vehicular access through the building to a parking area which would provide 48 spaces. The proposal would result in the loss of the Oak tree on the site.

This proposal is a resubmission of planning application 12/1456N which was refused by the Southern Planning Committee for the following reasons:

1. *The proposed development relates to the provision of 204 one bed apartments for student accommodation with the provision of 33 off street parking spaces. This level of parking provision is less than half of the maximum standard identified at Appendix 8.1 of the Local Plan and the area suffers from displaced parking from the existing student accommodation. The lack of off-street car parking on the site would further increase displaced car parking and would be detrimental to highway safety and the character and appearance of the area. As a result the proposed development would not be sustainable development and would be contrary to Policy BE.2 (Design Standards) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.*
2. *The application site is located within flood zones 2 and 3 as identified by the Environment Agency. The submitted FRA does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF and does not provide a suitable basis for an assessment to be made of flood risks arising from the development. Furthermore the FRA relies on data from 2008 and is not considered to be up-to-date. In the absence of this information, to allow this development would be contrary to the NPPF, the Technical Guide to the NPPF and Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*
3. *The proposed development would be located in close proximity to an Oak Tree which is protected by a Tree Preservation Order. The submitted arboricultural report suggests that this tree should be reduced by 25% to prevent damage to the tree from the development. The extent of tree reduction to accommodate the proposed development is not considered to be appropriate*

*management in order to retain this tree. Furthermore the tree would be surrounded by hard standing and a retaining wall within the root protection area and together with the buildings to either side the development will have a detrimental impact upon the long term health and well being of the tree. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.*

### **3. PREVIOUS RELEVANT DECISIONS**

12/1456N - The proposal is for a 5,550sqm student accommodation facility consisting of two accommodation blocks with associated car parking, access and landscaping – Refused 28<sup>th</sup> June 2012

10/1588N - Full Planning Application for the Erection of an Office Development (B1 Use Class) with Associated Landscaping, Car Parking and Access Arrangements – Approved 28<sup>th</sup> July 2010

P03/1239 - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24<sup>th</sup> March 2004

P03/0639 - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3<sup>rd</sup> September 2003

### **4. PLANNING POLICIES**

#### **National Policy**

The National Planning Policy Framework

#### **Local Plan Policy**

E.1 (Existing Employment Allocations)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

TRAN.9 (Car Parking Standards)

#### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM18 – Decentralised Energy Supply

#### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

## **5. OBSERVATIONS OF CONSULTEES**

**United Utilities:** No objection

**Highways Authority:** This is a full planning application for up to 195 bedrooms for student accommodation on a site located off Beswick Drive. A previous application was refused with the main highway concerns being parking provision within the site, this application has reduced the number of bedrooms on the site and also increased the number of parking spaces to 48.

With regard to the traffic generation of the proposal, there are no concerns on traffic impact as the number of trips can easily be accommodated on the road network and also consideration has to be given to the existing B1 office consent on the site that has a traffic generation potential.

It is considered that this application is an improvement over the previous application and the increase in the number of spaces has benefit in reducing the likelihood of overspill parking occurring. In addition, the applicant has proposed a number of conditions to control the use of the parking spaces.

Therefore, there are no highway objections raised subject to conditions:

- Staff/Students to be issued with a permit to use the car park, the number of permits not to exceed the number of spaces available.

**Environmental Health:** Conditions requested in relation to air quality, contaminated land, hours of construction and pile foundations.

**Cheshire Wildlife Trust:** Cheshire Wildlife Trust would like to make the following comments;

- CWT commented on a previous application (12/1456N). At that time CWT was concerned that the protected species surveys accompanying the application had not been fully updated via site visits from earlier surveys in 2010. This omission appears now to have been corrected but the Report cover page is still dated April 2012, although the contents indicate that additional site visits were made up to June 2012.
- As noted in CWT's previous response, publication of the full great crested newt survey results from Biota's surveys carried out in 2010 would be of relevance to the current application.
- Once again, reference is made to a full date search having been undertaken in 2010 and included as an Appendix to the Report – no such Appendix is attached.
- See CWT's previous email dated 22 May 2012 – these recommendations remain relevant to the current application. The Valley Brook Corridor is an important component of Crewe's green/blue infrastructure and features in Crewe's Green Infrastructure Action Plan (See Appendix 1, Schedule 4: Watercourses in Crewe).



- Although water voles have not been recorded in this particular section of watercourse, they have been recorded this year (CWT Water Vole Project Survey) in another local brook (Basford Brook) and, given suitable conditions, there is a strong possibility that they could re-colonise streams such as Valley Brook. It is therefore important to ensure, perhaps via a Condition attached to planning permission, that the section of Valley Brook which forms the boundary of this site is enhanced and managed to create optimum conditions for this species.

**Natural England:** This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. Refer to Natural England standing advice.

**Environment Agency:** No objection in principle but would like to make the following comments:

The submitted Flood Risk Assessment (FRA) demonstrates that the discharge of surface water from the proposed development is to be limited to 5 litres/second, with attenuation provided for up to the 1 in 100 years plus climate change event. This is acceptable in principle.

The FRA also demonstrates that the proposed building is outside the 1 in 100 year's fluvial floodplain. Setting the proposed building at a minimum level of 49.41 mAOD will provide an adequate standard of protection from fluvial flooding.

The proposed development will only meet the requirements of the National Planning Policy Framework, if the following measures as detailed in the submitted FRA from Shepherd Gilmour, ref C822/DR/EAJ/V0225 dated November 2012, are implemented and secured by way of a planning condition on any planning permission.

The following conditions are suggested:

- The development shall be carried out in accordance with the submitted FRA and the mitigation measures
- No development until a detailed method statement for removing or the long-term control of Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority.
- No development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.
- No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

## **6. OTHER REPRESENTATIONS**

A letter of objection has been received from Manchester Metropolitan University raising the following points:

- The University has recently reviewed its accommodation strategy in the context of the changes to the way funding has changed within Higher Education. In addition to the introduction of higher student fees there has been a national decrease in undergraduate numbers by 13%
- The University is unable to support further student accommodation in Crewe
- Whilst the recruitment of students is better than the sector average there has been a considerable reduction in numbers and this is more pronounced at the Crewe campus.
- In addition the new fee regime has encouraged more local students to reduce their costs by living at home. MMU has seen a 27% reduction in application from first years to stay in halls. There is now excess capacity within the Halls of residence managed by MMU.
- For International students the situation is more complex as the UKBA has introduced tighter controls on international student's visas. The most optimistic short to medium forecast would be to maintain existing student numbers although this cannot be certain.
- We are entering a period of student number reduction for UK students and at best consolidation for international students. New student halls should only be built if there is a clear demand or it replaces old stock.

One letter of support has been received from the occupants of 34 Gresty Terrace raising the following points;

- Traditional residential areas in the area around MMU and Hungerford Road are increasingly being used as multi occupancy student lets which is leading to a deterioration in these neighbourhoods
- There will be a reduced need for parking as the site is only a walking distance from MMU
- Students generally have lower car occupancy
- Parking on the site could be managed through a tenancy agreement

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

Feasibility Report (Produced by S I Sealy)

Protected Species Survey (Produced by Biota and dated April 2012)

Planning Statement (Produced by AEW Architects and dated November 2012)

Transport Statement (Produced by Shepherd Gilmour and dated November 2012)

Flood Risk Assessment (Produced by Shepherd Gilmour and dated November 2012)

Geo-Environmental Desk Study (Produced by Shepherd Gilmour and dated May 2011)

Aboricultural Survey, Impact Assessment and Method Statement (Produced by Lowther and dated November 2012)

These documents are available to view on the Councils website.

## **8. OFFICER APPRAISAL**

### **Principle of Development**

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. For decision taking this means *'approving development proposals that accord with the development plan without delay'*.

The site is an existing employment allocation and is subject to Policy E.1.1 of the Local Plan. Policy E.1.1 states that the uses on the site should include;

*'B1 and any uses required by and associated with Manchester Metropolitan University. For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities'*

As student accommodation is included within this definition the principle of development is considered to be acceptable.

### **Sustainability of the site**

The site would be sited in a sustainable location alongside the existing student accommodation for Manchester Metropolitan University. The site would have easy access to the university, a shop, food outlets and a public house. The site is therefore considered to be sustainable.

### **Amenity**

There are no residential properties in close proximity to the site. The existing student accommodation and hotel are set at angles to the proposed buildings with sufficient separation distances. As a result it is considered that there will be no impact upon residential amenity.

### **Design**

The proposed building would have an S-shaped footprint and would be 5 stories in height. The building would result in the loss of an Oak tree which is located centrally on the site. There is an existing informal pedestrian route which runs across the site and across a bridge over Valley Brook; this route links the office buildings on the opposite side of Valley Brook to the parade of shops and gym on

the application side of Valley Brook. This route would be maintained as part of the proposed development.

The proposed buildings would be clad in black facing brick with white panels and white glazed bricks to create horizontality across the building. The blocks would be distinguished through the use of different coloured glazed panels which would be located beneath the windows. The shape of the buildings includes a number of steps in the elevations to help to reduce the bulk of the buildings.

The height of the buildings is considered to be appropriate. Although the building would be five storeys in height it would be sited at a lower level to the existing student accommodation. This change in land level would mean that the proposed building would not appear taller than the office buildings to the west or the existing student accommodation. However it is accepted that the building would be taller than the adjacent travel lodge and parade of shops.

The proposed accommodation would be of a modern design and the bulk of the buildings would be reduced through the staggered elevations and the use of different blocks of material. Concerns have been raised previously regarding the prominence of the entrance points to the student accommodation, the plans have now incorporated render panels and canopies to help increase the prominence of the entrance points and this is considered to be acceptable.

The buildings would be of a modern appearance which is acceptable given the appearance of the existing buildings adjacent to the site and the office buildings on the opposite side of Valley Brook. The use of materials such as black brick and render are considered to be acceptable and has been used on the Emperor Court Office Building and the adjacent hotel on the opposite side of Valley Brook.

### **Flood Prevention/Drainage**

The site is located within a Flood Zone and is accompanied by a Flood Risk Assessment. The lack of an up to date FRA in accordance with the technical guidance formed a reason for refusal as part of the previous application. In order to address this reason for refusal an up to date FRA has been provided.

In order to mitigate the impact flood risk impact upon the proposed development the FRA recommends that the finished floor levels of the buildings will be at a minimum of 1.2m above the Valley Brook 1 in 100 year flood event at 48.210 AOD (the existing ground levels vary between 50.00 AOD and 48.00 AOD). Therefore this will position the building outside Flood Zone 3 and into Zone 2.

In terms of the onsite drainage infrastructure the submitted FRA considers that the risk of flooding will be a 'low probability'.

In response to the application the Environment Agency states the FRA demonstrates that the discharge of surface water from the proposed development is to be limited to 5 litres/second, with attenuation provided for up to the 1 in 100 years plus climate change event. This EA states that this is acceptable in principle.

The FRA also demonstrates that the proposed building is outside the 1 in 100 year's fluvial floodplain. Setting the proposed building at a minimum level of 49.41 AOD will provide an adequate standard of protection from fluvial flooding.

The EA and UU raised no objection to the proposal subject to the imposition of planning conditions and as a result the reason for refusal has been addressed.

### **Highways**

In relation to the proposed traffic generation the highways officer considers that there is *'no on traffic impact as the number of trips can easily be accommodated on the road network'*. As a result the impact is considered to be acceptable.

The lack of parking formed a reason for refusal as part of the last planning application. The proposed development would create 195 one bed apartments for student accommodation with a total of 48 off-street car parking spaces. The maximum car parking standards contained within Appendix 8.1 of the Local Plan identify that Use Class C2 (Residential Institutions) requires one car parking space for every three beds. This would give a maximum requirement of 65 spaces to serve the development.

In this case the proposal would provide 1 parking space per 4 bedrooms and the applicant has undertaken a review of the overall parking provision of comparable sites using the TRICS database. This shows that similar developments have an overall parking provision ratio varying from 1 parking space per 2.87 bedrooms to 1 parking space per 6.17 bedrooms.

The submitted Transport Statement also states that the peak use of car parking on the similar sites does not reach the capacity. As a result of this additional information and the increase in parking and reduction in numbers the highways officer does not raise any objection to the parking provision on this proposed development.

Therefore the reason for refusal which was attached as part of the last application has been addressed.

### **Renewable Energy Provision**

As part of this application a feasibility report identified that the 10% renewable energy provision will be met through the use of solar thermal water generation or through the use of combined heat and power (CHP) boilers. This is considered to be acceptable and this issue will be controlled via a planning condition.

### **Trees and Landscape**

The previously application proposed the retention of a prominent protected Oak tree (a B category tree located within the central section of the site) and carrying out a significant reduction of the crown in order to accommodate the tree within the

development proposal. The application was subsequently refused with Reason 3 of the refusal stating that the encroachment of the development would impact upon the root protection area of a protected Oak tree which as a consequence would have a detrimental impact upon the long term health and safe well being of the tree.

The current application now proposes the removal of this protected Oak tree in order to accommodate the position of the student accommodation facility away from a Flood Zone.

A further four trees, a small immature Oak (T1); Willow (T2) and two Hawthorn (T3 and T5) are also proposed to be removed to facilitate the development together with a Group of Alder (G4) to the north of the site. These trees are graded a C category trees and therefore are not considered to present a significant contribution to the wider amenity of the area.

A dead Ash tree (T106) located within the northern section of the site is also recommended for felling due to instability and risk to the adjoining highway.

It is proposed that the removal of the Oak tree is outweighed by the economic benefits of developing this site and mitigated by provision of replacement planting as part of a detailed landscaping scheme submitted in support of the application. The landscape scheme proposes the planting of 7 No. Extra Heavy Standard Himalayan Birch (*Betula jaquemontii*) within the proposed car park, 3 No. Heavy Standard Oak and 3 No. Mountain Ash to the south adjacent to Valley Brook. Additional Management works are also proposed to the area of Willow and Alder trees along the southern boundary adjacent to Valley Brook. This work includes provision for the removal of poor quality Hawthorn and dead Ash. The pollarding and coppicing of Willows along the stream bank and provision for native shrub planting including Hazel, Hawthorn and Blackthorn.

In contrast to the previously submitted scheme this scheme whilst standing at 5 storeys has been re-orientated and positioned so that the mass of the student block presents a less imposing impact on Valley Brook.

The loss of the protected Oak tree will result in a moderate loss to the amenity of the area, however this loss is limited to views of the tree from Beswick Drive and glimpses from Valley Brook via Meadow Bridge.

It is not considered that there would be an impact upon the wider landscape as although some screening vegetation would be lost the development would be seen in the context of the adjacent developments. The landscape proposals included within the application are considered to be appropriate.

## **Ecology**

The protected species survey identifies that there is no evidence of Great Crested Newts, Bats, Water Vole or White Clawed Crayfish. The Councils Ecologist is satisfied that there will be no significant ecological issues associated with the

development subject to the imposition of conditions to secure the recommendations contained within the protected species survey and protective fencing along the boundary with Valley Brook.

### **Other issues**

The proposals would allow a pedestrian link to be retained around the periphery of the site to the Valley Brook which is considered to be an important feature which should be retained.

The comments made by MMU are noted. However in this case the site is allocated for the proposed use within the Local Plan. There is nothing within the NPPF or Local Plan to require an assessment of demand for student accommodation. The proposal will create competition for student accommodation but this is not necessarily a bad thing. The proposal will bring an undeveloped site back into use and provide economic benefits. The proposal is therefore considered to be acceptable.

## **9. CONCLUSIONS**

The site is located within the Crewe Settlement Boundary on a site which is allocated for such uses. As a result the principle of development is considered to be acceptable.

The proposal is considered to be of an acceptable design within a sustainable location and there would be no impact upon residential amenity. There would be no ecological impacts from this development.

The application site is located within flood zones 2 and 3 and an updated FRA has been provided. This meets the requirements of the EA who have raised no objection to the development.

The level of car parking that would be provided is now sufficient to serve this proposed development and the proposal would not impact upon the local highway network.

The site is located within close proximity to an existing Oak tree which is protected by a TPO. The proposed tree would be lost as part of the proposed development. In this case the loss of this tree is considered to be acceptable and would the economic benefits of this development would outweigh the harm caused by the loss of this Grade B tree.

## **10. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

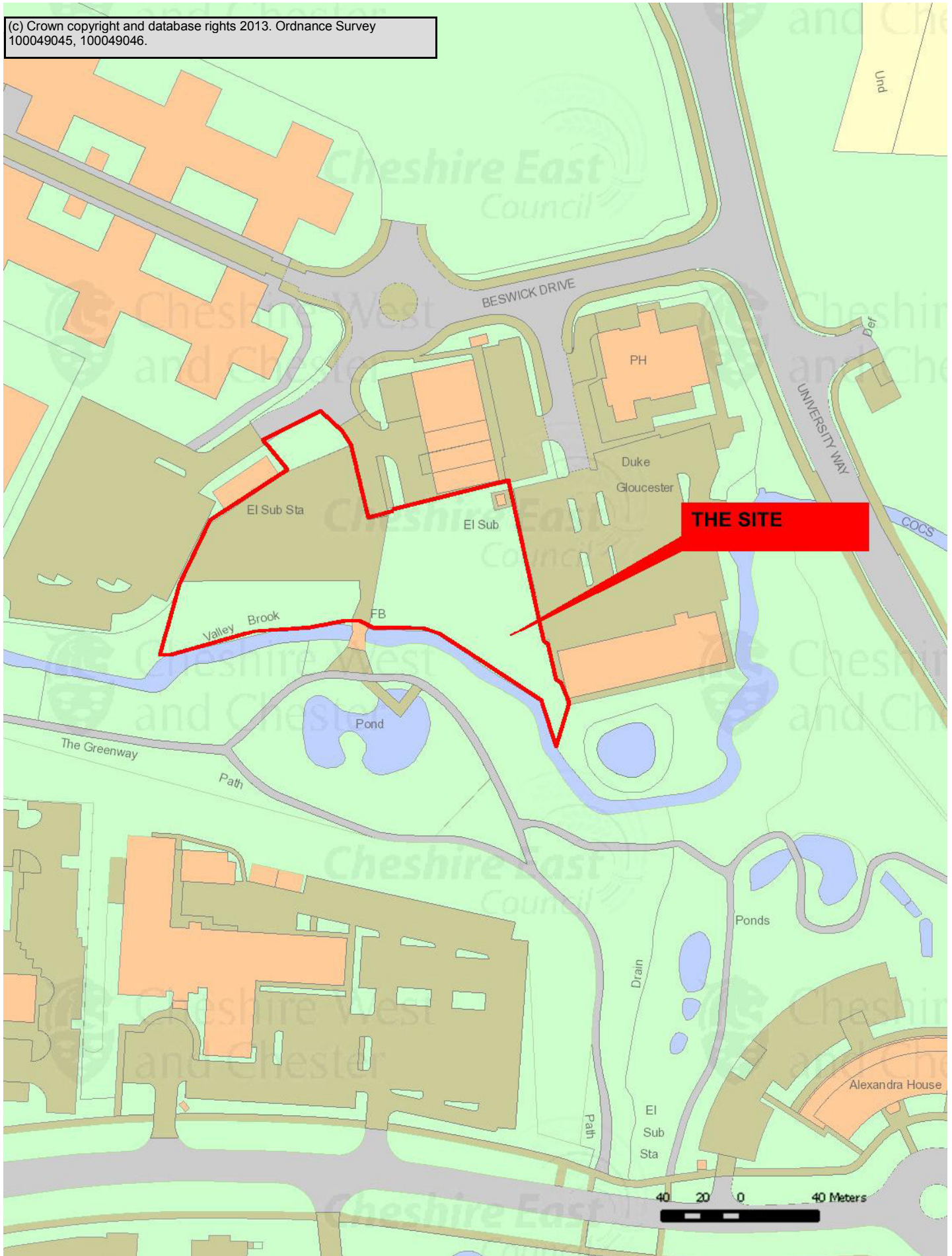
- 1. Standard time limit 3 years**
- 2. Approved Plans**

3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. No development shall take place until a scheme to minimise dust emissions arising from 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 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 construction phase.
6. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment from Shepherd Gilmour, ref C822/DR/EAJ/V0225 dated November 2012 and the mitigation measures detailed within the FRA.
8. No development until a detailed method statement for removing or the long-term control of Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority.
9. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
10. Materials to be submitted and approved
11. Landscaping scheme included within the application to be implemented
12. Boundary Treatment details
13. The parking spaces to be provided on the approved plan should be provided
14. Cycle Parking Details to be submitted and approved by the LPA

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 Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 12/4749C

Location: 63, FIELDS ROAD, ALSAGER, ST7 2LX

Proposal: Demolition of extensions and refurbishment of original dwelling house.  
Construction of new detached dwelling house within the garden curtilage.

Applicant: MR & MRS GOODALL

Expiry Date: 01-Feb-2013

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

- Principle of Development
- Design, and Impact on the Character and Appearance of the Conservation Area / Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on TPO Trees

**1. REASON FOR REFERRAL**

This type of application would usually be dealt with under delegated powers; however Councillor Shirley Jones has called the application into Committee for the following reason,

*'I am 'calling in' this application as Ward Councillor as it has come to my notice that there are strong objections to this proposed development on the grounds of unneighbourliness. The residents of Ashmead who live in bungalows for elderly people are very concerned about the impact the proposed new dwelling will have on the amenities of their homes.'*

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated on Fields Road, within the Alsager settlement zone line. The application site is a former care home and is a substantial detached Victorian dwellinghouse. The building is sited within the Alsager Conservation Area and there are two TPO trees on the site. The building was purchased in 2003 by the current occupier and occupied as a single residential property.

There is a separate Conservation Area Consent relating to the demolition element of the development, application reference number 12/4750C.

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

This proposal seeks full planning permission to demolish the rear and side extensions of the existing building and to construct a one and a half storey dwelling within the curtilage of the building.

### **4. RELEVANT HISTORY**

14772/3 - Change of use from dwellinghouse to private accommodation for the elderly – Approved with conditions 8<sup>th</sup> March 1983

17500/3 - Extensions to existing building to form additional bedrooms ( 6 no )- Approved with conditions 14<sup>th</sup> March 1986

18357/4 - Partial Demolition Of Outbuildings And Construction Of New Gable – Approved with condition 10<sup>th</sup> March 1987

21609/3 - Extension To Provide Three Additional Bedrooms –Approved with conditions 16<sup>th</sup> October 1989

26373/3 - Additional bedrooms and ancillary accommodation to nursing home – Refused 27<sup>th</sup> September 1994

28738/3 - Removing existing doors and rebuilding with window & general repairs (front elevation) – 4<sup>th</sup> February 1997

30757/3 - Single storey extensions to side/rear of existing residential nursing home and two storey extension to front to provide nine additional bedrooms, laundry room, boiler room, staff changing/welfare facilities and new entrance/reception – Approved with conditions 12<sup>th</sup> April 1999

35038/3 - Change of use from nursing home to part residential, part bed/breakfast – Approved with conditions 25<sup>th</sup> November 2002

05/1245/COU - Change of use from former nursing home bedrooms attached to domestic property into office space – Approved with conditions 19<sup>th</sup> December 2005

07/1264/COU - To establish existing Coach House as a separate dwelling from 63 Fields Road – Approved with conditions 7<sup>th</sup> February 2008

### **5. POLICIES**

#### **POLICIES**

##### **National Guidance**

National Planning Policy Framework (March 2012)

## **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns  
H1 & H2 Provision of New Housing Development  
GR1 New Development  
GR3 Density, Housing Mix and Layout  
GR4 Landscaping  
GR6 Amenity and Health  
GR7 Pollution  
GR9 Accessibility, Servicing and Parking Provision  
NR1 Trees and Woodlands  
BH9 Conservation Areas

SPG2 Provision of Private Open Space in New Residential Developments

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

**Strategic Highways Manager** – None received at time of writing this response.

**Environmental Health** – No objections subject to conditions for hours of construction and pile foundations and a note about contaminated land.

**United Utilities** – No objections

- 7. VIEWS OF THE TOWN COUNCIL** - Alsager Town Council has no objection to this application. Alsager Town Council would recommend that the refurbishment of the new dwelling be completed before the new build work commences. Alsager Town Council would note that the new building is very close to the existing property.

## **8. OTHER REPRESENTATIONS**

- Letters of representation have been received from the occupiers of 8 residences. The main issues raised are;
  - Impact on neighbouring amenity by means of overlooking
  - Would have no objection to a true bungalow being built on the site
  - Happy that the owners are improving the area
  - Conservation Area
  - Not in keeping with surrounding area
  - Plans which have been submitted are not those shown at the public consultation
  - Proposed demolition is welcomed
  - Proposal is un-neighbourly
  - New build is to the southerly aspect of the Close and if too high would deprive residents of sunlight and much need Vitamin D
  - The existing building has rats
- A petition has also been signed by 12 occupiers.

## 9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement  
Heritage Statement  
Tree Survey

## 10. OFFICER APPRAISAL

### Principle of Development

The application site is situated within the Alsager Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot of 63 Fields Road and therefore is considered to be greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

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 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, the proposal is therefore considered to be acceptable in principle and the application turns on 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 conservation area, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily accessed with an

appropriate level of parking provision, and whether the proposal will have an adverse impact on TPO trees.

### **Design and Impact on the Alsager Conservation Area**

No.63 Fields Road is a substantial villa property situated in the Alsager Conservation Area. This is a predominantly residential area, focused upon the Victorian/Edwardian suburbs in proximity to the railway station. The Conservation Area is characterised by a variety of properties of different architectural styles and periods, but there are also a number of larger, higher status villas in the Conservation Area. These buildings provide focal points and key landmark features within the Conservation Area, and include 63 Fields Road.

The agent for the application has researched the history of the building and this has highlighted that it was one of the earlier large Villas, built for the owner of John Maddock and Sons, one of the pottery works in Burslem. What is also clear from that research and from examining the historic maps, is that it had an extensive curtilage and it was orientated toward the south, towards Sandbach Road. This is evident in the architecture of the building, with its more ornate southern frontage. However, over time this setting has been significantly undermined by infill development, impacting upon the individual significance of the building.

The western elevation toward Fields Road, was a secondary frontage and the area to the rear of the building, which is the site of this application, was the working end of the building. The property has gone through various phases of expansion and adaptation. The original part is the most ornate and polite architecturally. This was extended with a wing to the north in the early 1900s (the part proposed to be demolished along with late 20th century extensions), that connected to the coach house to the north. This connection has more recently been changed, with the demolition of much of the coach house and sale of garden land, which is now housing. The frontage part of the coach house remains, converted into a separate dwelling (61A).

The proposals seek to demolish this rear wing and erect a new dwelling to the rear of the retained part of the building, effectively creating 2 independent dwellings. The Heritage Statement explains that several scenarios for retaining and re-using the entire building (except the modern inferior extensions) have been examined but concludes that the only viable solution is to demolish the rear wing, reduce the size of the host building and create the opportunity for an infill dwelling.

The NPPF at paragraphs 137 and 138 specifically discuss Conservation Areas and the buildings and features within them, identifying the opportunities for new development to better reveal their significance (para 137) and that loss of a building or other element which makes a positive contribution, should be treated as substantial or less than substantial harm (para 138). Paras 132 to 134 of the NPPF discuss the approach with regard to substantial and less than substantial harm.

Whilst it is unfortunate that the rear wing is to be demolished, in terms of the significance of the building within the Conservation area, retaining and bringing back into use the most important part of the building, the original Villa, is the primary conservation objective. The proposed demolition will also remove some unsatisfactory later additions that do little for the building, albeit they are largely invisible in the context of the Conservation Area. Therefore it is considered that the harm to the Conservation Area as a whole would be less than substantial, because the main part of the subject building is being retained and restored and the wing being demolished is of a lesser significance. The conservation of the original part of the building also constitutes public benefit in

the context of para 134 of the NPPF. Furthermore, if a high quality of design is achieved for the new build, then this would also help balance any harm arising from demolition.

Consequently, the principle of demolition is accepted in Conservation terms provided the design of the new house is of high enough quality and works as a grouping with original building.

The Heritage and Design Officer considers that the amended scheme is acceptable with some additional elements conditioned. In particular the inclusion of a chimney and fenestration elements similar to the existing properties have helped to create a simple property which will not compete for dominance but will also reflect some of the architectural merits of the surrounding dwellings.

The proposal includes a courtyard at the front of the new dwelling and in front of the retained house. There are some contextual materials in situ and these should be reinforced within a high quality landscape scheme for this space.

The proposal as a whole is therefore considered to be acceptable.

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

#### Loss of Privacy/Overlooking/Overshadowing

The existing building is an imposing 10m high property, with extensions to the south and east. The extensions to the east and south are to be removed as part of this proposal and a new dwelling constructed on the southeast of the site.

The proposed dwelling will be one and half storey with a maximum height of 8.2m at the apex, 3.4m to the eaves. The proposed dwelling will be sited within the curtilage of No.63 adjacent to the rear boundaries of Ashmead Close and Ashmead Mews. The proposed dwelling will be sited much closer to the rear boundaries of these bungalows than the existing situation; however the building would have a reduced height in comparison to the elements of the existing building which are proposed for demolition.

The proposed dwelling would be sited 21m away from the true rear elevations of No.2 and No.4 Ashmead Mews, but reduced to around 18m from the rear of the conservatories. The proposed dwelling will have a principle window at first floor level serving two bedrooms and a large kitchen/dining room at ground floor level. There is an existing 2m boundary fence which would mitigate for any over looking at ground floor level. SPG2: Private Open Space notes that a distance of 21.3m should be maintained between principal and principal windows, reduced to 13.8m between principal windows and flank elevations or elevations with secondary windows. Given that a conservatory is not considered to be a principal window to a habitable room and the first floor windows will face towards the roofs of the opposing bungalows rather than another window, it is considered that although the building will clearly have some impact on the neighbours to the rear it will not have a significantly detrimental impact on their amenity, by means of overlooking or overbearing impact.

Furthermore, the dwelling will be sited adjacent to the rear elevations of No's 3, 4, 5 and 6 Ashmead Close. There will be separation distance of 15m between the rear elevations of the bungalows on Ashmead Close and the side elevation of the new bungalow. The proposed dwelling



will have no principal windows at first floor level only a rooflight serving a bathroom. The new dwelling will have principal windows at ground floor level serving a living room and the kitchen/dinning room. There is a 1.5m boundary fence along the boundary which will help to mitigate for any overlooking. It is therefore considered that the although the dwelling will clearly appear more visible than the current extensions to the building, it will not have a significantly detrimental impact on neighbouring amenity by means of overlooking or overbearing impact.

The demolition of the extensions to the dwelling will have no further increased impact on the adjacent neighbours than that which already exists.

#### Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m<sup>2</sup> of private amenity space for each new dwellinghouse. Both the existing dwelling and proposed dwelling will have the minimum of amount of private amenity space as required.

#### Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction and demolition.

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

The proposal will utilise the existing access to the site with a shared court yard area with parking. The proposal includes two parking spaces for new dwelling and three for the existing dwelling. Notwithstanding the absence of any Highway comments it is considered unlikely that the proposal will have any significant adverse impact on highway safety.

#### **Impact on TPO trees and trees in a Conservation Area**

The development proposals would involve demolition of part of the existing building, the building of a new dwelling on existing garden and amendments to the site layout. The submitted arboricultural information covers 5 trees on the site and 3 trees on adjoining land. Significant trees on site include a prominent grade A1 Beech tree close to the entrance off Fields Road, a mature grade B1 Beech tree in the rear garden and three smaller trees in the rear garden close to the boundary with properties in Ashmead Close. There are three trees located in the garden of 63A Fields Road which overhang the application site; a Beech on the frontage and two Monkey Puzzle trees on the side boundary. The three Beech and two Monkey Puzzle trees are all subject to TPO protection and the remaining trees have a degree of protection under the under the Conservation Area.

The proposed block plan does not show the off-site trees however, the Council's Forestry Officer is satisfied that these trees would have limited impact on the development and should be unaffected by the proposals.

The proposed block plan indicates the three smaller trees to the rear of 63 Fields Road removed. Due to their poor condition, two of these trees are recommended for removal in the tree survey. The third tree, a flowering cherry, is rated Grade C1 in the submission. The loss of this tree would

be regrettable and could impact on the adjoining property resident in Ashmead Close, however the impact on wider public visual amenity would be minimal.

The two protected Beech trees on the site are shown retained. It is considered that the proposed new dwelling would be outside the root protection areas of the trees however, the demolition works on the existing building, the new construction works, and ground works associated with change of hardstanding to soft landscaping could all impact on trees and comprehensive protection measures/ arboricultural supervision would be required. These matters can be addressed by conditions.

The Forestry officer considers that the crown spread of the large Beech tree is greater than indicated on the submitted plans and it is clear that the tree would impact on the garden areas of both dwelling, both by its size, dominance and shading. Both properties would have areas of garden outside the crown spread but shading would be an issue for part of the day. The impact on the private amenity of future occupiers is therefore a consideration and the situation may lead to pressure to prune the tree. It is accepted however, that the tree is a dominating influence on the existing property. It is therefore considered that on balance, and with the addition of several conditions the proposal would not have a significantly detrimental impact on the protected trees, and is therefore considered to be acceptable.

## **11. CONCLUSIONS**

The application site is situated within the Alsager settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity, highway safety or Tree issues arising from the proposal as conditioned. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 & H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision, NR1 Trees and Woodlands and BH9 Conservation Areas and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions,

- 1. Standard time – 3 years**
- 2. External Materials (including a string detail) to be submitted to the LPA and approved in writing**
- 3. The rebuilt gable of the house to be constructed in reclaimed brickwork from the demolished extension and in a bond to match the existing house, to be agreed prior to commencement via sample panel. Mortar and pointing to also be agreed via the sample panel, also include sample of supplementary bricks for the new dwelling to also be approved and sample panel provided**
- 4. Submission of working details of verge and eaves treatments to be agreed to be designed as semi exposed rafter feet and purlin ends with reduced fascia board**
- 5. Prior to commencement of development, working details at scale of 1:10 of entrance doorways into the retained dwelling and the new build to be submitted**

6. A schedule of all windows to be replaced in the retained building, and 1:10 details of all new windows (including sections) to be submitted before commencement. In respect to the new house, 1:10 details of all windows including details of heads and sills.
7. A sustainable design strategy shall be developed as part of the detailed design of the scheme and shall be submitted prior to commencement this shall set out the performance of the development in respect to climate change mitigation and adaptation. This shall focus on building fabric, resource management, the potential for renewable/low carbon energy and in building adaptation measures into the building and landscape design
8. Submission of working details of chimney on new dwelling (1:10)
9. All rainwater goods to be in cast metal, finish to be agreed prior to installation
10. Landscaping Scheme
11. Landscaping to be implemented
12. Tree Protection Measures
13. Implementation of programme of tree works as identified in Arboricultural report.
14. Submission of Arboricultural Method statement to cover a programme of Arboricultural supervision, (including demolition works), no dig ground works within root protection areas and installation of services if within root protection areas.
15. Boundary treatment details to be submitted to the LPA and approved in writing
16. Remove PD Rights for extensions and alterations to the approved dwellings, including garage conversion
17. 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
18. Pile Foundations operations limited to Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil and method statement

**Note – Contaminated Land**

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100049045, 100049046.



Application No: 12/4750C

Location: 63, FIELDS ROAD, ALSAGER, ST7 2LX

Proposal: Demolition of extensions and refurbishment of original dwelling house.  
Construction of new detached dwelling house within the garden curtilage  
(Conservation Area consent)

Applicant: MR & MRS GOODALL

Expiry Date: 30-Jan-2013

**SUMMARY RECOMMENDATION****Approve with Conditions****MAIN ISSUES****- Impact on the Conservation Area****1. REASON FOR REFERRAL**

This type of application would usually be dealt with under delegated powers; however Councillor Shirley Jones has called in the planning application into Committee for the following reason, and for completeness the Conservation Area Consent has also been put to committee.

*'I am 'calling in' this application as Ward Councillor as it has come to my notice that there are strong objections to this proposed development on the grounds of unneighbourliness. The residents of Ashmead who live in bungalows for elderly people are very concerned about the impact the proposed new dwelling will have on the amenities of their homes.'*

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated on Fields Road, within the Alsager settlement zone line. The application site is a former care home and is a substantial detached Victorian dwellinghouse. The building is sited within the Alsager Conservation Area and there are two TPO trees on the site. The building was purchased in 2003 by the current occupier and occupied as a single residential property.

**3. DETAILS OF PROPOSAL**

This application seeks permission to demolish the rear and side extensions of the existing building within the Alsager Conservation Area.

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

14772/3 - Change of use from dwellinghouse to private accommodation for the elderly – Approved with conditions 8<sup>th</sup> March 1983

17500/3 - Extensions to existing building to form additional bedrooms ( 6 no )- Approved with conditions 14<sup>th</sup> March 1986

18357/4 - Partial Demolition Of Outbuildings And Construction Of New Gable – Approved with condition 10<sup>th</sup> March 1987

21609/3 - Extension To Provide Three Additional Bedrooms –Approved with conditions 16<sup>th</sup> October 1989

26373/3 - Additional bedrooms and ancillary accommodation to nursing home – Refused 27<sup>th</sup> September 1994

28738/3 - Removing existing doors and rebuilding with window & general repairs (front elevation) – 4<sup>th</sup> February 1997

30757/3 - Single storey extensions to side/rear of existing residential nursing home and two storey extension to front to provide nine additional bedrooms, laundry room, boiler room, staff changing/welfare facilities and new entrance/reception – Approved with conditions 12<sup>th</sup> April 1999

35038/3 - Change of use from nursing home to part residential, part bed/breakfast – Approved with conditions 25<sup>th</sup> November 2002

05/1245/COU - Change of use from former nursing home bedrooms attached to domestic property into office space – Approved with conditions 19<sup>th</sup> December 2005

07/1264/COU - To establish existing Coach House as a separate dwelling from 63 Fields Road – Approved with conditions 7<sup>th</sup> February 2008

#### **5. POLICIES**

##### **POLICIES**

##### **National Guidance**

National Planning Policy Framework (March 2012)

##### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

BH9 Conservation Areas

BH10 Demolition in Conservation Area

**6. CONSULTATIONS (External to Planning) – None received at time of writing this report**

**7. VIEWS OF THE TOWN COUNCIL** - Alsager Town Council has no objection to this application. Alsager Town Council would recommend that the refurbishment of the new dwelling be completed before the new build work commences. Alsager town Council would note that the new building is very close to the existing property.

**8. OTHER REPRESENTATIONS**

- Letters of representation have been received from the occupiers of 8 residences. The main issues raised are;
  - Impact on neighbouring amenity by means of overlooking
  - Would have no objection to a true bungalow being built on the site
  - Happy that the owners are improving the area
  - Conservation Area
  - Not in keeping with surrounding area
  - Plans which have been submitted are not those shown at the public consultation
  - Proposed demolition is welcomed
  - Proposal is un-neighbourly
  - New build is to the southerly aspect of the Close and if too high would deprive residents of sunlight and much need Vitamin D
  - The existing building has rats
- A petition has also been signed by 12 occupiers.

**9. APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Heritage Statement  
Tree Survey

**10. OFFICER APPRAISAL**

The main issues that require consideration in this application are the impact on the character and appearance of the Alsager Conservation Area. Policy BH10 states that: *"Conservation Area Consent and/or planning permission, as relevant, for the demolition of a building or group of buildings which significantly contribute to the present character or appearance of a Conservation Area will not be granted unless the harm from the loss was outweighed by the public benefits of an approved replacement scheme."*

No. 63 Fields Road is a substantial villa property situated in the Alsager Conservation Area. This is a predominantly residential area, focused upon the Victorian/Edwardian suburbs in proximity to the railway station. The Conservation Area is characterised by a variety of properties of different architectural styles and periods, but there are also a number of larger, higher status villas in the Conservation Area. These buildings provide focal points and key landmark features within the Conservation Area, and include 63 Fields Road.

The agent for the application has researched the history of the building and this has highlighted that it was one of the earlier large Villas, built for the owner of John Maddock and Sons, one of the pottery works in Burslem. What is also clear from that research and from examining the historic maps, is that it had an extensive curtilage and it was orientated toward the south, towards Sandbach Road. This is evident in the architecture of the building, with its more ornate southern frontage. However, over time this setting has been significantly undermined by infill development, impacting upon the individual significance of the building.

The western elevation toward Fields Road, was a secondary frontage and the area to the rear of the building, which is the site of this application, was the working end of the building. The property has gone through various phases of expansion and adaptation. The original part is the most ornate and polite architecturally. This was extended with a wing to the north in the early 1900s (the part proposed to be demolished along with late 20th century extensions), that connected to the coach house to the north. This connection has more recently been changed, with the demolition of much of the coach house and sale of garden land, which is now housing. The frontage part of the coach house remains, converted into a separate dwelling (61A).

The proposals seek to demolish this rear wing and erect a new dwelling to the rear of the retained part of the building, effectively creating 2 independent dwellings. The Heritage Statement explains that several scenarios for retaining and re-using the entire building, except the modern inferior extensions, have been examined but concludes that the only viable solution is to demolish the rear wing, reduce the size of the host building and create the opportunity for an infill dwelling.

The NPPF at paragraphs 137 and 138 specifically discuss Conservation Areas and the buildings and features within them, identifying the opportunities for new development to better reveal their significance (para 137) and that loss of a building or other element which makes a positive contribution, should be treated as substantial or less than substantial harm (para 138). Paras 132 to 134 of the NPPF discuss the approach with regard to substantial and less than substantial harm.

Whilst it is unfortunate that the rear wing is to be demolished, in terms of the significance of the building within the Conservation area, retaining and bringing back into use the most important part of the building, the original Villa, is the primary conservation objective. The proposed demolition will also remove some unsatisfactory later additions that do little for the building, albeit they are largely invisible in the context of the Conservation Area. Therefore it is considered that the harm to the Conservation Area as a whole would be less than substantial, because the main part of the subject building is being retained and restored and the wing being demolished is of a lesser significance. The conservation of the original part of the building also constitutes public benefit in the context of para 134 of the NPPF. Furthermore, if a high quality of design is achieved for the new build, then this would also help balance any harm arising from demolition.

Consequently, the principle of demolition is accepted in Conservation terms and provided the design of the new house is of high enough quality and works as a grouping with original building.

## **11. CONCLUSIONS**

For the reasons given above, it is concluded that the proposed development complies with the relevant local plan policies and the demolition of the building is considered to be acceptable.



## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions,

- 1. Standard time – 3 years**
- 2. The rebuilt gable of the house to be constructed in reclaimed brickwork from the demolished extension and in a bond to match the existing house, to be agreed prior to commencement via sample panel. Mortar and pointing to also be agreed via the sample panel,**
- 3. Method statement for demolition and making good the rear gable wall of the retained part of the building**
- 4. Approved plans**

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Application No: 12/4833C

Location: THE BRAMBLES, SCHOOL LANE, SANDBACH, CHESHIRE, CW11 2LS

Proposal: All matters included; appearance (materials e.g brick finish) tbc

Applicant: Christine Simms

Expiry Date: 11-Feb-2013

**SUMMARY RECOMMENDATION**

Approved with conditions

**MAIN ISSUES**

- Impact on residential amenity
- Impact on streetscene
- Impact on highway safety

**REASON FOR REPORT**

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

*"It is an over intensive garden grab development contrary to GR1.*

*I remain very concerned about the sewage which still appears to be flowing uphill into a septic tank. This could lead to pollution of the environment contrary to GR6, 7 & 8"*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is the garden area to the south of The Brambles, a detached bungalow situated on School Lane within the Settlement Zone for Sandbach. The site is bordered to the east and south by a mature hedgerow, while to the west is a timber panel fence of approximately 1.7 metres in height.

School Lane runs past the site to the east, beyond this is open countryside, to the south lies an electricity substation and to the west are the residential dwellings of St Johns Way.

There are several trees and shrubs on the site at present; however none are subject to Preservation Orders.

**DETAILS OF PROPOSAL**

This application seeks outline approval for one detached single storey dwelling on the site. All matters are reserved for subsequent approval, however indicative plans have been submitted to provide parameters of what could be achieved. These plans show a footprint of approximately 83 square metres with a roof ridge height of 4.5 metres at the highest point of the middle section of the proposal and 3.5 metres to the side out rigger elements.

This application sees a substantial reduced scheme from the previously withdrawn application.

## **RELEVANT HISTORY**

12/1440C – Outline application for a single storey dwelling – withdrawn 2012

## **POLICIES**

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

GR 1 – New Development  
GR 2 – Design  
GR 6 – Amenity and Health  
GR 9 – Accessibility, Servicing and Parking  
PS 4 – Towns  
H1- Provision of New Housing Development  
H2 - Housing Supply

National Planning Policy Framework

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

Sandbach Town Council has no objection

## **OTHER REPRESENTATIONS**

Two letters of representation have been received at the time of writing the report which object to the proposal on the following grounds:

- Proposed building will have direct views into bathroom and bedroom of 14 St John Way as this dwelling is set at a lower ground level than the application site
- Privacy of garden on St John Way will be affected
- Proposed dwelling is too close to boundary
- Concerns over the proposed septic tank
- Poor visibility when existing application site

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

### **Environmental Health**

No objection with recommended conditions relating to:  
Hours of construction

Contaminated land

### **Highways**

No comments received at time of report writing

### **United Utilities**

No comments received at time of report writing

## **APPLICANT'S SUPPORTING INFORMATION**

Contaminated land report

Design and Access Statement

## **OFFICER APPRAISAL**

### **Principal of Development**

One of the core principles of the NPPF is that planning should:

*“proactively drive and support sustainable economic development to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

PS4 (Towns) of the Congleton Borough Local Plan First Review 2005 states that “*within the settlement lines of towns, there is a general presumption in favour of development provided it is in keeping with the town’s scale and character and does not conflict with other policies of the Local Plan*”.

The application site being a residential garden is designated as a Greenfield site, however it is located within the Settlement Zone for Sandbach therefore the principal of residential development is acceptable provided that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties, the surrounding streetscene of highway safety.

### **Amenity**

The only neighbouring dwellings to be potential affected by the proposed development are those found along St Johns Way to the west of the site. No. 10 and 16 St John’s Way are single storey dwellings while No. 12 and 14 are two storey, these two dwellings also share a boundary with the application site which stands at approximately 1.7 metres when measured from the application side. The dwellings of St John’s Way also stand at a lower ground level than the application site.

The Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Developments recommends that there should be a distance of 21.3 metres between principal windows directly facing dwellings and 13.8 metres between a principal elevation and a side elevation, however this can be reduced to 10.7 metres in the case of single storey developments.

No. 16 St John’s Way has a side elevation partially facing the application site and lies approximately 15.8 metres away at the closest point.

The two storey dwelling of No. 14 St John’s Way has a rear elevation facing the application site at approximately 10.7 metres at the closest point; however this is not a directly facing relationship.

The two storey dwelling of No. 12 St John’s Way also has a rear elevation facing the application at approximately 13 metres at the closest point; again this is not a directly face to face relationship.

The single storey No. 10 St John’s Way lies to the south of the application site approximately 14.6 metres away at the closest point; however the principal rear elevation of this dwelling does not directly face the application site.

With the above in mind it is also important to note that the west elevation (rear) of the proposed dwelling is blank, furthermore the distances stated above are taken from the closest possible points of the dwellings i.e. the corner of each. Therefore there is no amenity issue with regards to directly facing principal windows.

The proposed dwelling is to be a distance of 4.6 metres from the shared boundary of No. 12 and 14 St John's Way. The dwellings along St John's Way are at a lower level than the application site, however given the above spacing distances and the existing boundary treatment it is not considered that the proposed single storey dwelling will result in a significant loss of light or amenity to the principal windows of these dwellings.

As a safeguard to the future amenity of neighbouring dwellings Permitted Development rights regarding extensions and alterations will be removed.

As a result the proposed development is considered to be in accordance with Policy GR.6 (Amenity and Health) of the Borough of Congleton Local Plan First Review.

## **Design**

Although this is only an outline the applicant has submitted indicative elevations of the proposed dwelling with the final design being decided at a later date if applicable.

With regards to the design of the proposed dwelling School Lane is home to a variety of differing house types. Directly to the north of the site lies the detached single storey dwelling of The Brambles, past this are a pair of two storey dwellings and then a single storey dwelling. To the south of the site, past the electricity substation, are three single storey dwelling and a pair of two storey dwellings.

Policy GR.2 (Design Standards) states that planning permission will only be granted where the proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of:

- Height, scale, form and grouping, and
- The visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality in general

Given the overall height and scale of the proposed development it is considered that it will not be viewed as an incongruous form of development within the streetscene of the wider area when viewed in context with the rest of School Lane.

As part of the hedgerow along the eastern boundary will be removed, should the application be approved, a condition requiring landscaping details to be submitted will be attached.

As a result it is considered that a suitably designed single storey dwelling could be achieved on the site which would be in accordance with Policy GR.2 (Design) of the Borough of Congleton Local Plan First Review.

## **Highways**

Comments are yet to be received from the Strategic Highways and Transport manager.

## **Other matters**

The issue regarding the proposed position of the septic tank is something that cannot be controlled by the LPA and is dealt with by other authorities.

## **CONCLUSIONS**

As already mentioned this is an Outline application with the final design and materials of the proposed dwelling to be approved with subsequent applications should approval be granted.

Overall it is considered that the principle of the proposed development will not have a significantly detrimental effect upon residential amenity.

The indicative design of the proposed development is considered to be acceptable in terms of its size, scale and location and will not have a detrimental impact upon the streetscene of School Lane.

It is therefore considered that the proposals conforms with appropriate policies, and is recommended for approval accordingly.

## **RECOMMENDATION**

**APPROVE:** subject to the following Conditions

1. Standards
2. Approved Plans
3. Materials to be submitted
4. Drainage scheme
5. Landscaping scheme
6. Removal of Permitted Development rights
7. Hours of construction
8. Contaminated land assessment



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Application No: 12/4860C

Location: LAND ADJACENT TO IVY HOUSE, HOLMES CHAPEL ROAD,  
BRERETON, CONGLETON, CW12 4SP

Proposal: Construction of two new dwellings

Applicant: Arthur Davies

Expiry Date: 12-Feb-2013

#### **SUMMARY RECOMMENDATION**

**Subject to no objection from the Council's Strategic Highways Manager,  
APPROVE subject to conditions.**

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact on protected species

#### **REASON FOR REFERRAL**

Councillor J. Wray has called in this application to Southern Planning Committee for the following reasons:

*'The proposal is not sustainable; road safety issues relating to the A54; the design and character of the proposal is not in keeping with the local area; the potential precedent implications on other proposals in the same area. The significant concerns or potential significant impact of the development and need for a Planning Committee decision are as follows; a recent planning application 12/3807C for land immediately adjacent to proposal 12/4860C was refused by the Southern Planning Committee on 13th December 2012 despite a recommendation to approve from the Planning Officer. This application 12/4860C should receive the same level of review by the Planning Committee to ensure consistency. The main reason for refusal of 12/3807C was a lack of sustainability which therefore also applies to 12/4860C. This relates to the lack of schools, shops and other facilities in the area. The proposal 12/4860C is for a 'tandem' development with one house behind the other which is not in keeping with the design and character of nearby houses. There is no pedestrian*

*pathway on the nearby A54 and there are significant concerns for the safety of local people from vehicular traffic if this proposal proceeds. The proposal is for large 'family' houses but there are no safe means for children to access leisure activities other than being taken by car and so the future of these people is compromised. There are a number of current and recent developments in the same area of Brereton Heath and a Planning Committee can look at the bigger picture implications.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a relatively flat, 'L-shaped' field to the southeast, south and southwest of Ivy House, a semi-detached dwelling on the southern side of the A54, Brereton within the Brereton Heath Infill Boundary Line.

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the erection of 2 detached dwellings.

## **RELEVANT HISTORY**

**12/3807C** - Proposed Residential Development Comprising of 25 no. Dwellings (inc.7no. Affordable Units) Together with the Creation of a New Access (Adjacent site)  
– Refused 13<sup>th</sup> December 2012

**10238/1** – Bungalow on plot of land – Refused 13<sup>th</sup> February 1980

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS6 – Settlements in the Open Countryside and the Green Belt

GR1 General Criteria for Development

GR2 Design

GR6 Amenity and Health

GR9 Highways & Parking

NR1 – Trees and Woodlands

H1 & H2- Provision of New Housing Development

H6 – Residential development in the Open Countryside and the Green Belt

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

**Environmental Health** – No objections, subject to conditions relating to hours of construction, hours of piling, the prior submission of a piling method statement and the insertion of a contaminated land informative.

**University of Manchester (Jodrell Bank)** – No objection, subject to a condition regarding the provision of electromagnetic screening measures.

**Strategic Highways Manager** – No comments received at time of report

#### **VIEWS OF THE PARISH COUNCIL:**

**Somerford Parish Council** – Object to the proposal. It has been advised that *'The plot does not lend itself to two properties being built, the site is not linear and the plots look inconsistent in size. This is speculative development due to recent activity on adjacent land, the area is still not sustainable and there are still no local amenities available.'*

*The A54 is a dangerous busy road and as before does not need anymore pressure with access. Walking to the 'bus stop' which is a necessity is not safe for children, to reach school and then the local bus is full.*

*Local feeling is against development here there is no need to build on this green field site.'*

#### **OTHER REPRESENTATIONS:**

6 neighbouring letters of objection have been received. The main areas of concern:

- Site is unsustainable for residential purposes / lack of local amenities
- Proposal is contrary to the NPPF
- No proven demand for housing in this area
- Site is a rural area and the development would be 'out of character'
- Proposed dwellings are too large
- Highway safety

#### **SUPPORTING INFORMATION:**

Planning & Design and Access Statement

#### **OFFICER APPRAISAL**

##### **Principle of development**

Policy PS6 of the Local Plan advises that within the infill boundary lines, only limited development is permitted in accordance with Policy H6 where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with any other policies of the Local Plan.

Policy H6 advises that residential development will not be permitted unless it falls into one of a number of categories. One of these categories is *'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.'*

The principal acceptability of this application is determined as to whether the development should be considered as *'limited development'* and whether this development would be *'appropriate to the local character in terms of use, intensity, scale and appearance'*.

Given that the development is for 2 dwellings only, it is considered that the proposal should be considered as *'limited development.'*

The site is currently characterised by linear detached and semi-detached residential development which lies parallel to the A54. To the southeast is an open field and beyond that a cul-de-sac development (Broomfields). To the north are Wood View, The Orchard and The Poplars Nursery, to the northwest and west of the site there are a number of larger outbuildings that would extend further to the rear of the proposed development site.

As a result of the layout of this local existing development, it is considered that the addition of a further 2 detached dwellings in the layout proposed would respect the local character in terms of its use and intensity.

In terms of scale and appearance, the nearby properties are mixed with regards to their form and finish. There are semi-detached two storey dwellings, detached and semi-detached bungalows, dormer bungalows and detached two-storey dwellings. These units have a mixture of open brick and rendered finishes, dual-pitched and hipped roofs, white uPVC and wooden fenestration.

As such, the appearance and scale of the new units are not considered to appear incongruous within their immediate setting. It is considered that the development would adhere with Policy H6 and subsequently PS6 of the Local Plan.

One of the core principles of the NPPF is that planning should:

*"proactively drive and support sustainable economic development to deliver the **homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth."***

In addition it states that local authorities should:

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

Given the current shortage of housing within Cheshire East and given that the proposed development falls within an infill settlement boundary, the principle of limited development in the form of 2 new dwellings at this site is deemed to be acceptable.

## **Design**

Policy GR2 of the Local Plan advises that the proposal should be sympathetic to the character, appearance and form of the surrounding site in terms of; the height, scale form and

grouping, the choice of materials, external design features and the relationship with neighbouring properties.

As advised, the neighbouring development consists of a mixture of dwelling forms and finishes. As such, there is no particular local vernacular to adhere to. The development site is currently separated from the A54 by a post and rail fence. The first of the 2 proposed dwellings would be inset to the south of this road by approximately 25 metres. This dwelling would face the road and be constructed on a similar building line to the adjacent properties to the northwest. As such, it would not appear incongruous in terms of its siting.

The second property proposed would be to the rear of the site, approximately 32 metres behind (to the southwest) the first proposal. It would be sited parallel to a number of green houses that are sited to the rear of the properties adjacent to the site and to the rear of the dwellings that front the A54. Given the presence of this existing adjacent built development, the extension of the built environment in this location immediately adjacent would not appear incongruous.

A new access point onto the A54 servicing a proposed new shared driveway would extend along the western boundary of the site with access to both properties feeding from it.

The dwelling proposed on plot no.2 to the front of the site would be the smaller of the 2 with a footprint of approximately 179 metres squared and a height of approximately 8.3 metres. The dwelling proposed on plot no.1 (the the rear), would have a footprint of approximately 304 metres squared and a height of approximately 8.7 metres. Given the range of dwelling heights and footprints within the vicinity of this development, it is considered that the height and scale of these dwellings would be acceptable.

Limited information has been provided with regards to the proposed materials that would be used in the construction of these dwellings. As such, it is proposed that should this application be approved, a condition requesting the prior submission of material details be submitted.

The dwelling proposed on plot no.1 would be characterised by its elongated design. It would be a two-storey unit with a dual-pitched roof and would include a single-storey sun lounge and a two-storey rear outrigger. The dwelling proposed on plot number 2 would also be a two-storey unit but narrower in design. It would have a lower dual-pitched roof that the other dwelling and incorporate an integral garage and a single-storey side addition. It is considered that these dwellings would include acceptable design features that would not be out of character in this area of mixed forms.

As a result of the above, it is considered that the proposal would adhere with policy GR2 of the Local Plan.

### **Residential Amenity**

Policy GR6 of the Local Plan advises that development should not be permitted if it would have a detrimental impact upon neighbouring amenity by way of loss of light, visual intrusion or loss of privacy.

The neighbour that would be most impacted by the proposal would be the applicant, Ivy House. The side elevation of the dwelling proposed on plot no.2 would be approximately 15 metres parallel to the side elevation of this neighbouring dwelling.

On the relevant side elevation of this proposed dwelling, the only opening proposed is a secondary lounge window. On the relevant side elevation of Ivy House there are 2 secondary side windows. Separating the two dwellings at present is a hedge approximately 1.8-metres tall.

Paragraph 2.8 from SPG2 advises that a minimum separation distance of 13.8 metres should be achieved between windows facing directly the flank elevation of an adjacent dwelling. As this distance is achieved and because none of the windows impacted would be principal windows to habitable rooms, it is not considered that the development would have a detrimental impact upon neighbouring amenity to this side in term of loss of privacy, loss of light or visual intrusion.

Given the 32-metre separation distance between this dwelling and the proposed dwelling to the rear, it is not considered that the development would have any impact upon the amenities of the other dwelling proposed (and vice-versa).

There would be no neighbouring amenity issues created to any other side due to the large separation distances.

With regards to environmental disturbance, Environmental Health have raised no objections, subject to an hours of construction, hours of piling, the prior submission of a piling method statement and the insertion of a contaminated land informative.

As a result of the above, once conditioned, it is considered that the development would adhere with policy GR6 of the Local Plan.

### **Highway Safety**

The proposed development would involve the creation of a new access onto the A54 and the provision of an access road along the eastern boundary of the site which will access both properties. The Council's Strategic Highways Manager has not provided any comments at the time of this report. Should the Highways Manager raise no objections, it is considered that the development would adhere with Policy GR9 of the Local Plan. Should the Highways Manager object, it is considered that the proposal would be contrary to Policy GR9.

### **Other Matters**

The refusal of planning permission 12/3807C on the adjacent site is a material consideration. This application was for the erection of 20 dwellings. The application was refused as it was considered that the site *'does not constitute sustainable development, due to its remote location, isolated from shops, services, employment sites, schools and other facilities...'*

As the site lies adjacent to the proposed development site, the same policies apply. However, the difference between this proposal and the adjacent refused application is the number of units proposed. It is considered that the addition of 2 units would constitute 'limited development' whereas the 20 units would not. As such, it is considered that the proposed



development adheres with Local Plan policy in this instance and is not a variance with the NPPF.

The relationship between the proposed properties of this development and the properties proposed on the adjacent, refused site is also a material consideration. No issues between the house proposed on plot no.2 (to the front of the site) and any of the properties that were proposed on the adjacent site would be created. This is due to the large separation distances between the two and their offset relationship.

In terms of the dwelling proposed on plot no.1, as it is proposed that this dwelling would be constructed at an angle within the site, it would not create any parallel relationships with the closest dwellings proposed on the adjacent site. Furthermore, the closest aspect of this neighbouring proposed development site impacted would be a detached garage. The only potential amenity issue that would be created would be a potential overlooking issue from the first floor windows of the dwelling proposed on plot no.1 and the rear garden of a dwelling proposed on the adjacent site. However, given that this relationship would be offset and given the limited weight that can be given to a recently refused planning application, it is not considered that this issue is significant enough as to warrant refusal of this application.

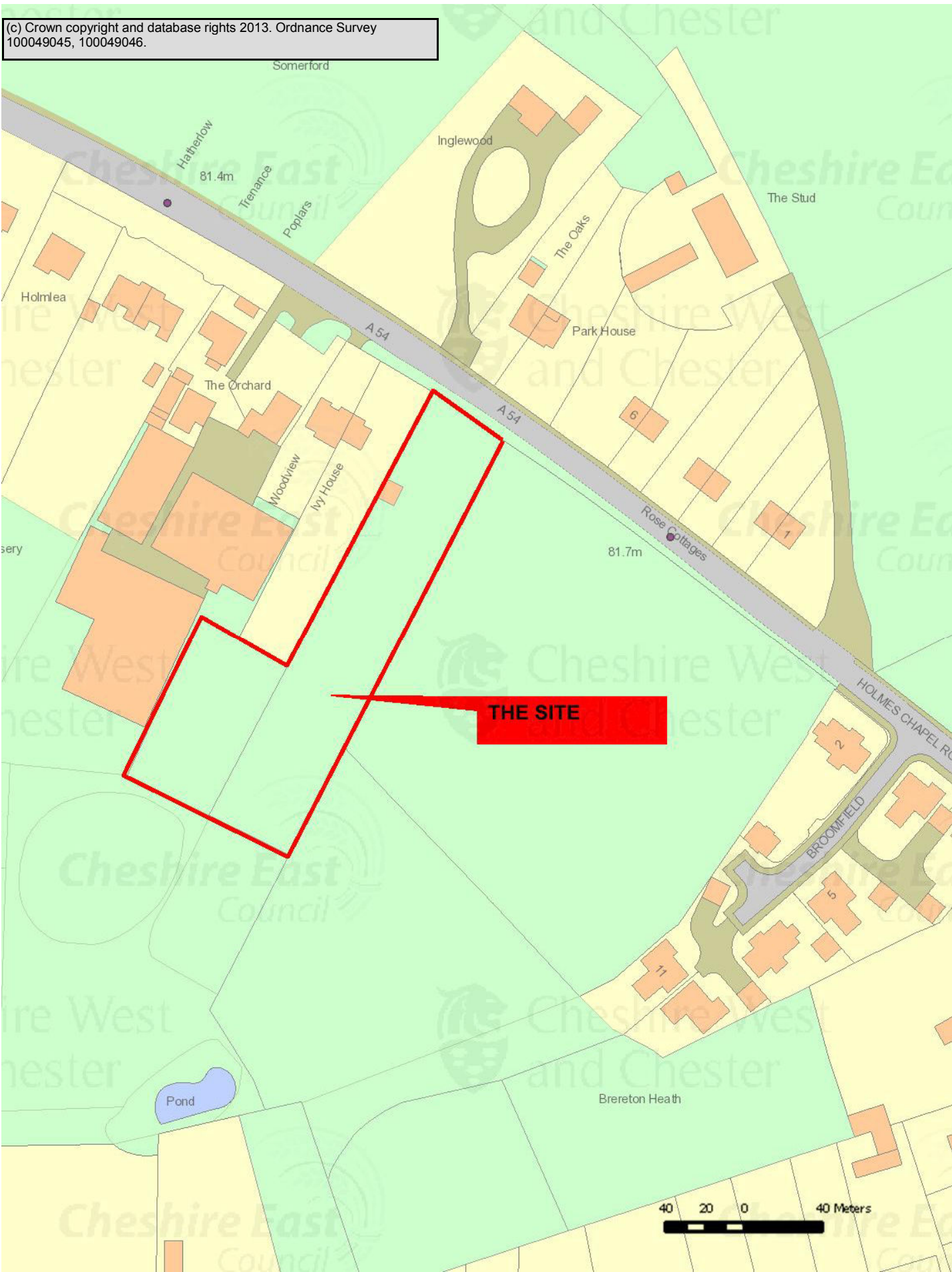
## **CONCLUSIONS**

The principle of erecting 2 dwellings on a site within the infill settlement boundary is deemed to be acceptable in principle. The dwellings would respect the local character in terms of use, intensity, scale and appearance. In addition the proposal would not raise any concerns for neighbouring amenity or highway safety. In so doing, the proposal accords with policies PS6 (Settlements in the Open Countryside and the Green Belt), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Heath), GR9 (Access and Parking), H1 (Provision of New Housing Development) and H6 (Residential development in the Open Countryside and the Green Belt) of the Congleton Borough Local Plan First Review 2005. The proposal would also accord with the NPPF.

**RECOMMENDATION: Subject to no highways objection.**

**APPROVE** subject to the following conditions:

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials to be submitted**
- 4. Electromagnetic materials**
- 5. Hours of construction**
- 6. Pile driving hours**
- 7. Pile driving method statement**
- 8. Landscaping (Details)**
- 9. Landscaping (Implementation)**
- 10. Boundary Treatment (Details)**



Application No: 12/4907C

Location: 15, BACK LANE, BRERETON, CW11 1RP

Proposal: Ground Floor Front Porch, Ground Floor Rear Porch, Replacement Roof to Existing Sun Room, Existing Shower Room at Ground Floor Level, Internal Alterations: Remove Non Load Bearing Wall Between Kitchen and Dining Room and Replacement Garage (Attached to Existing Garage at 13 Back Lane by Agreement)

Applicant: Mr N Curtis

Expiry Date: 13-Feb-2013

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

**Main issues:**

- The principle of development
- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity
- The impact upon protected species

**REASON FOR REFERRAL**

This application has been referred to Southern Planning Committee because the applicant is a Cheshire East employee who works closely with the Development Management Service.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises of a semi-detached, two storey dwelling located on the southern side of Back Lane, Brereton Green, within the Open Countryside.

The dwelling consists of an open brick finish, a hipped, tiled roof and white uPVC fenestration. The property also benefits from a single, linked garage.

## **DETAILS OF PROPOSAL**

Planning permission is sought for;

- A porch
- A single-storey rear extension
- A replacement roof to a single-storey rear outrigger
- A replacement garage

The proposed porch would measure approximately 2.4 metres in depth, 1.6 metres in width and would have a hipped roof approximately 3.6 metres in height at its tallest point.

The proposed single-storey rear extension would measure approximately 1.8 metres in depth, 4 metres in width and would have a mono-pitched roof approximately 2.7 metres in height at its tallest point.

The proposed replacement roof would measure approximately 2.3 metres in depth, 6.8 metres in width and would have a mono-pitched roof approximately 1 metre in height and 3.5 metres above ground floor level.

The replacement garage would measure approximately 7.2 metres in depth, 3 metres in width and would have a dual-pitched roof approximately 3.5 metres in height.

## **RELEVANT HISTORY**

None

## **POLICIES**

### *National policy*

National Planning Policy Framework (NPPF)

### **Local Plan policy**

PS8 – Open Countryside

GR1 – New development

GR2 – Design

GR6 – Amenity and Health

H16 – Extensions to Dwellings in the Open Countryside and Green Belt

NR2 – Wildlife and Nature Conservation – Statutory Sites

**CONSULTATIONS (External to Planning)**

N/A

**VIEWS OF THE PARISH COUNCIL:**

**Brereton Parish Council** – No comments received at time of report

**OTHER REPRESENTATIONS:**

No comments received at time of report

**APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement

**OFFICER APPRAISAL**

**Principle of Development**

The applicant's property is located within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005. As such, the determination of the application is dependent on its compliance with Policy PS8 (Open Countryside) and general policies; H16 (Extensions to Dwellings in the Open Countryside and Green Belt), GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and NR2 (Wildlife and Nature Conservation – Statutory Sites) of the Local Plan.

The NPPF details the core planning principles of the government. These policies are considered to be consistent with the relevant local plan policies that apply in this case.

Policy H16 of the Local Plan advises that within the Open Countryside the original dwelling must remain as the dominant element with the extension subordinate it. To help ascertain this dominance, the policy subtext advises that *'A large extension may, if approved, lead to a loss of identity of the original dwelling and could be tantamount to the erection of a new dwelling in the countryside which would not normally be permitted. In the context of this policy a 'modest' extension would normally comprise in the region of a 30% increase in the volume.'*

The calculation of the overall increase in volume on the original dwelling indicates that the development (including demolitions) would be significantly below this guide. The garage would be a like-for-like replacement, as would the new roof, and the only new development would be a small single-storey rear addition and the porch.

Therefore the proposed extension is deemed to adhere with Policy H16 of the Local Plan and is therefore acceptable in principle.

## **Design**

The proposed extensions, replacement garage and roof would appear all subordinate to the existing dwelling due to their single-storey nature in comparison to the two-storey dwelling. It is advised that the extensions and new roof would be constructed from London brick, Marley tiles, white uPVC fenestration which would ensure that they would respect the associated dwelling.

The garage would also be constructed from materials to match the existing house which will result in a design improvement given that the existing garage is of block work and metal sheet roof design.

As a result of the proposal's subordinate nature, the use of sympathetic materials and because only the porch and garage would be visible from the streetscene, it is considered that the design of the proposal's are acceptable and would adhere with Policy GR2 of the Local Plan.

## **Amenity**

The two closest neighbours to the proposal would be the adjacent properties of No.13 Back Lane to the east and No.17 Back Lane to the west.

The closest development to No.13 Back Lane would be the proposed new porch, which would be approximately 7.3 metres to the west of the side elevation of No.13 and the proposed single-storey rear extension which would be approximately 7.5 metres to the northwest of the neighbours same elevation.

On the relevant side elevation of No.13 there are 4 ground floor windows that could be impacted. However, 3 of these 4 neighbouring windows are obscurely glazed so would not be impacted. The window opposite the proposed porch is obscurely glazed so this development would not have a detrimental impact upon this neighbour's amenity in terms of loss of privacy, loss of light or visual intrusion.

The proposed single-storey side extension would lie parallel but be offset with this neighbour's kitchen window approximately 8.5 metres away. Given this offset relationship and the single-storey nature of the development, it is not considered that the proposal would have a detrimental impact upon neighbouring amenity in terms of loss of privacy, loss of light or visual intrusion. Furthermore, this neighbouring window is a secondary window and the extension would be partially screened from this window by the neighbours garage.

The proposed replacement garage would be almost entirely screened from this neighbours dwelling by the neighbours garage as is the current situation.

The proposed replacement roof to the rear of the dwelling would be approximately 0.1 metres away from No.17 Back Lane, as is the current situation. The proposed single-

storey rear extension would be approximately 3.3 metres away. On the side elevation of No.17 there are no openings and the extension would not extend significantly beyond this neighbour's rear elevation. As such, it is not considered that this neighbour would be impacted by a loss of privacy, loss of light or visual intrusion by the proposed development closest to their property.

There would be no amenity issues created to any other side.

As a result of the above reasons, it is considered that the development would adhere with Policy GR6 of the Local Plan.

### **Protected Species**

As the proposed development would result in the demolition of an existing garage, the council's Nature Conservation Officer was consulted. The Conservation Officer subsequently advised that *'I advise that no protected species surveys are required to inform the determination of this application.'* As such, the proposed development is considered to adhere with Policy NR2 of the Local Plan.

### **Other Matters**

There would be no highways issues created by the development.

## **CONCLUSIONS**

It is considered that the proposal is of an acceptable design that would have a minimal impact upon the Open Countryside, neighbouring amenity or protected species. As a result, the development would adhere to Policies PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and NR2 (Wildlife and Nature Conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005. The proposal also accords with the NPPF.

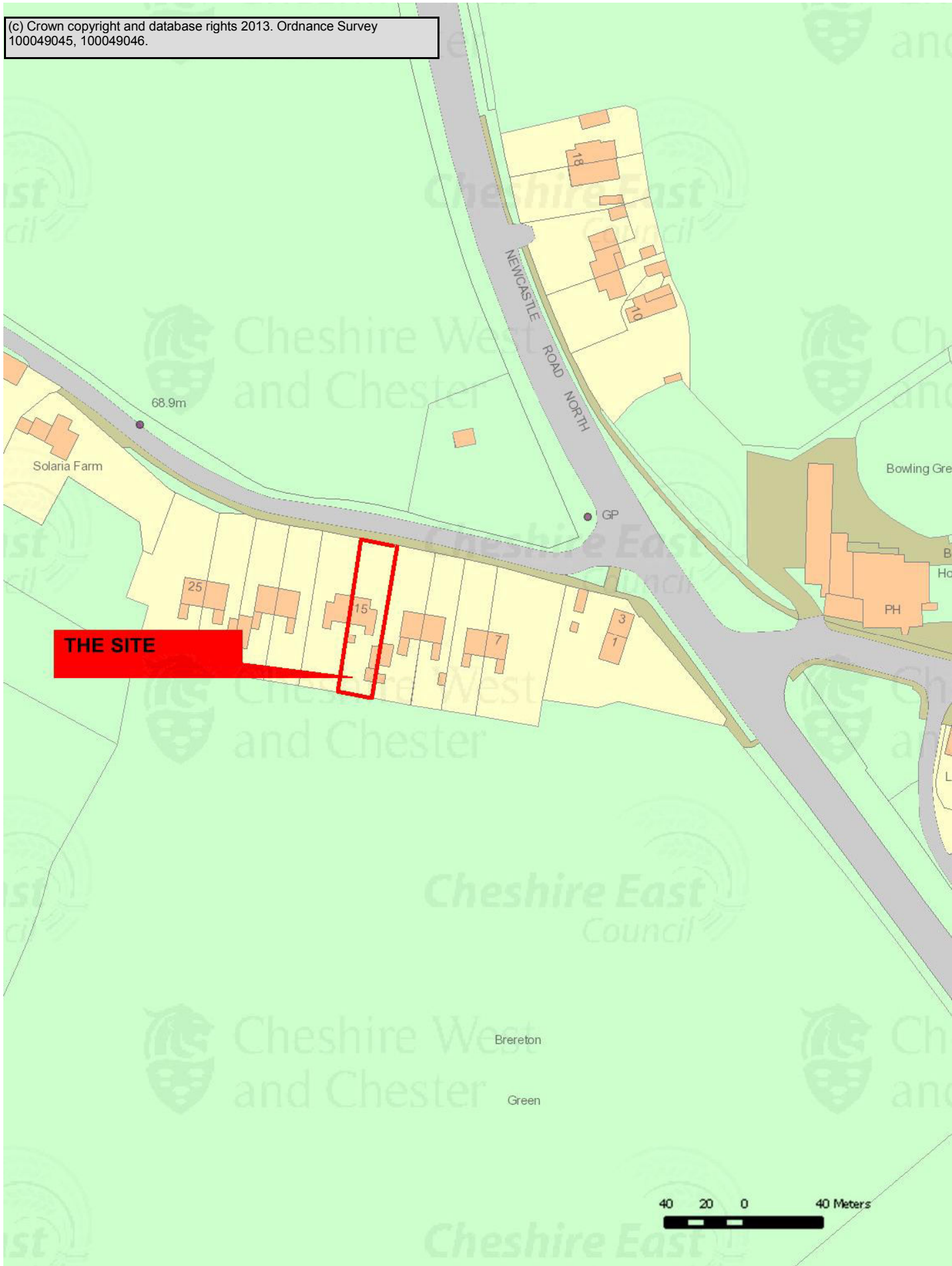
## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**



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## **CHESHIRE EAST COUNCIL SOUTHERN PLANNING COMMITTEE**

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**Date of meeting:** 6 February 2013

**Report of:** Development Management & Building Control Manager

**Title:** Amendments to s106 legal agreements for affordable housing

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### **1 Purpose of Report**

1.1 To consider the proposed delegation of amendments to legal agreements considered by Area Committee(s) in respect of affordable housing tenure.

### **2 Decision Required**

2.1 To agree that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for variation in the provision of social or affordable rented units instead of the original resolution.

### **3 Background**

3.1 A number of planning applications are presented to Planning Committee, which are subsequently resolved to be approved subject to legal agreements. These agreements often involve the provision of affordable housing, split into social rented or affordable rented and resolutions made accordingly.

3.2 Members may be aware that increasingly applications have been brought back to Committee for changes to the percentage split of social or affordable rented. These changes are often a result of discussions between colleagues in Housing about the suitability of the tenure to meet the needs in the area at the appropriate time. It has recently become more prevalent due to the continuing economic situation.

3.3 Many of these update reports back to Committee are short, and are normally readily accepted by Members. However it can cause an additional delay in the decision making process due to the Committee schedule, as well as additional work for officers that may otherwise not be needed.

3.4 This delegation would only affect the specific change to affordable housing tenure. Any other changes, such as number of affordable housing units would still need to be referred back to the relevant Area Committee.

3.5 It should be noted that a similar arrangement has been previously agreed for applications that are presented to Strategic Planning Board, so this would give consistency across the Planning Committees.

.

#### **4 Conclusion**

4.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

#### **5 Recommendation**

5.1 That Committee resolve that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for the provision of social or affordable rented units.

#### **6 Financial Implications**

6.1 There are no financial implications.

#### **7 Legal Implications**

7.1 The Borough Solicitor has been consulted on the proposals and raised no objections

#### **8 Risk Assessment**

8.1 There are no risks associated with this decision.

#### **9 Reasons for Recommendation**

9.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

#### ***For further information:***

*Portfolio Holder: Councillor Rachel Bailey*

*Officer: David Malcolm – Southern Area Manager*

*Tel No: 01270 686744*

*Email: david.malcolm@cheshireeast.gov.uk*