

Southern Planning Committee

Agenda

Date:	Wednesday, 27th February, 2013
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 12)

To approve the minutes of the meeting held on 6 February 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 with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

5. **12/3832N 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 13 - 26)

To consider the above planning application.

6. **12/3570N High Ash, Cappers Lane, Spurstow CW6 9RP: Erection of Two Agricultural Buildings for High Ash Farm Ltd** (Pages 27 - 34)

To consider the above planning application.

7. **12/3727N Manor Orchard, Flowers Lane, Leighton, Crewe CW1 4QR: Outline Application for Residential Development for D and S Wood** (Pages 35 - 42)

To consider the above planning application.

8. **13/0130N 89A, Bradfield Road, Crewe CW1 3RB: Demolition Of Existing Bungalow & Garage. Construction Of : 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses for Mr Nick Powell, Wulvern Housing Ltd** (Pages 43 - 52)

To consider the above planning application.

9. **13/0226N 2, Mount Close, Nantwich, Cheshire CW5 6JJ: Retrospective Application For 2 No. Garden Timber Garden Buildings And Gates To Driveway for Mr D Pope** (Pages 53 - 58)

To consider the above planning application.

10. **12/4715N 259, Nantwich Road, Crewe CW2 6NX: Change Of Use From Business To Two Houses Of Multiple Occupation for M,C and S Dodd and Stewart** (Pages 59 - 66)

To consider the above planning application.

11. **12/4007N Manor Way Centre, Manor Way, Crewe CW2 6JS: Demolition of Existing Building and Erection of a 72 Bed 2/3 Storey Care Home for Peter Evans, Glendun Ltd (Pages 67 - 82)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th February, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors G Baxendale and S Jones

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 D Bebbington

122 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

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.

With regard to application number 12/4391N, Councillors G Merry and J Weatherill declared that they had been appointed as Council representatives on the Cheshire Fire Service, which had been consulted on the application.

With regard to application number 12/4833C Councillor G Merry declared that she was a member of Sandbach Town Council, but that she had not taken part in any discussions in respect of the application.

With regard to application number 12/4907C, Nigel Curtis declared a disclosable pecuniary interest. In accordance with the code of conduct, he withdrew from the meeting during consideration of this item.

Councillor A Thwaite declared that, as a local Ward Councillor, he was aware of application numbers 12/4082C and 12/4143C but had kept an open mind.

Councillor J Clowes declared that, as a local Ward Councillor, she was aware of application numbers 12/4309N and 12/4391N but had not been contacted regarding the applications.

123 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 January 2013 be approved as a correct record and signed by the Chairman.

**124 12/3570N HIGH ASH, CAPPERS LANE, SPURSTOW CW6 9RP:
ERECTION OF TWO AGRICULTURAL BUILDINGS FOR HIGH ASH
FARM LTD**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to allow officers to obtain further information with respect to the use of the proposed building and to clarify whether such use is essential.

**125 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**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to allow officers to obtain further details with respect to noise mitigation measures to protect the fishery.

**126 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**

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. 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

127 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

Note: Councillor R Cartlidge left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor G Baxendale (Ward Councillor) and Mr M Brooke (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application to remove Condition 4 (Maximum Vehicle Weight) of Planning Permission 12/3234C, which had been granted at the Southern Planning Committee meeting on 10 October 2012, be APPROVED, and that the approval be subject to the following conditions:

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. 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

128 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

The Committee considered a report regarding the above planning application.

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

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

129 12/4373N SITE ADJACENT SUNNYBANK CAR PARK, PYMS LANE, CREWE: NEW BUILD SHOWROOM WITH ASSOCIATED CAR PARKING FOR STEVE ELLIOT, BENTLEY MOTORS LTD

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 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. Details of the site access to be submitted and approved by the LPA and shall include the provision of dropped kerbs at either side of the access
8. Hours of construction limited
9. Hours of operation limited
10. Details of lighting to be submitted prior to first use

- 130 **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**

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

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED 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 units 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

131 **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**

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the 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 or Bank Holidays
 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
 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
 15. Environment Management Plan
 16. Details of Rainwater Harvesting
- (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.

132 **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**

Note: Councillor P Groves left the meeting prior to consideration of this application.

Note: Councillor S Jones (Ward Councillor), Ms J Aspinall (objector) and Mr D Woodfine (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, for the reasons set out in the report, the application be APPROVED 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, or in other suitable alternative materials to be submitted to the LPA for approval in writing. 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

133 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

Note: Councillor S Jones (Ward Councillor) and Mr D Woodfine (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Ms J Aspinall (objector) had registered her intention to address the Committee on this matter but did not speak.

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 – 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

134 12/4833C THE BRAMBLES, SCHOOL LANE, SANDBACH, CHESHIRE CW11 2LS: OUTLINE APPLICATION FOR ONE DWELLING FOR CHRISTINE SIMMS

Note: Councillor S McGrory left the meeting prior to consideration of this application.

Note: Ms C Simms (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor D Flude had registered her intention to address the Committee on behalf of the Ward Councillor but did not attend the meeting.

Note: The Southern Area Manager – Development Management read a statement from Councillor S Corcoran, the Ward Councillor, who was unable to attend the meeting.

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

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

1. 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
9. Single-storey dwelling only

135 12/4860C LAND ADJACENT TO IVY HOUSE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON CW12 4SP: CONSTRUCTION OF TWO NEW DWELLINGS FOR ARTHUR DAVIES

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

136 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

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

Note: Having declared a disclosable pecuniary interest, Nigel Curtis left the meeting prior to consideration of this application.

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

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

1. Standard (3 years)
2. Plans

3. Materials as per application

137 **AMENDMENTS TO S106 LEGAL AGREEMENTS FOR AFFORDABLE HOUSING**

The Committee considered a report regarding the proposed delegation of amendments to legal agreements considered by Area Committees in respect of affordable housing tenure.

Applications subject to legal agreements involving the provision of affordable housing had increasingly been brought back to Committee with requests for changes to the affordable housing tenure, causing a delay in the decision-making process. The proposed delegation would allow negotiations in respect of legal agreements to progress to signing, enabling development works to commence in a timely fashion and assisting in delivering the 5 year housing land supply for the Borough.

RESOLVED

- (a) That authority be delegated to the Development Management and Building Control Manager, in consultation with firstly the Chairman of the Area Planning Committee (depending on which committee passed the original resolution to approve) and secondly with the Strategic Housing and Development Manager, to amend, where necessary, any resolution relating to the provision of affordable housing to allow for variations between social rented and affordable rented tenures and between the various types of intermediate tenure such as shared ownership, shared equity and discount for sale instead of the original resolution.
- (b) That such a delegation pertain until such time as a new local plan is adopted.
- (c) That, for the avoidance of doubt, this delegation does not extend to variations from rented (social or affordable) to intermediate tenure or vice versa.

The meeting commenced at 2.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)

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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 conditions

MAIN ISSUES

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

REFERRAL

The item has been referred to southern planning committee because it is a major development over 1000sqm in floor area. Members will recall that the item was deferred at the last meeting to consider the impact on the adjoining fishery.

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 corrugates steel clad Dutch Barn in poor repair as well as a brick built former shippon 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 14th-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 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 their ecologist has now visited the site and inspected the buildings. Though it is extremely difficult to assess the ecology retrospectively he concludes the following:

Modifications have been made to the 'foaling barn' and the 'main barn'. On the basis of what remains of the original structures, which is substantial, he would consider that both barns would be extremely unlikely to have or have had a Bat roost prior to modification. The corrugated roof and sides pinned to timber and concrete make this quite a hostile setting for a roost. It is reasonable to assume that even if a bat survey had been undertaken, no further surveys would have been suggested after an initial visit due to the simple construction of the buildings and low roost potential.

The new structures (new mare barn, stallion barn extension and horse walker) are more difficult to assess regarding impact on protected species as he can only try to determine what was present prior to construction by using air photograph images. The buildings appear to have been constructed on areas that were previously paddock and hard standing, habitats which are regarded as unfavourable or even hostile for protected species such as Great Crested Newts but could be used by them for navigating between sites of value.

In summary, he could find no evidence of protected species being harmed, though this was a brief visit compared with the preferred vigorous requirements of a suite of ecological surveys. He understands that other than minor cosmetic works, construction is now complete and consequently it is hard to see how ecological surveys would benefit the ecology at this late stage.

The Council's Ecologist has considered this report and commented that as there appear to be no obvious ecological issues with the site, following the visit by the applicant's ecologist, he agreed that a full survey report would not be necessary in this case.

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.

Impact on the Fishery

With regard to noise generation from the site, Environmental Health Officers have relooked at the application in relation to concerns from Members of noise potentially affecting the fish and fishermen using Hampton Spring Fishery.

They note that this application is a retrospective application and the current use has been in operation since 1st November 2011, and the Environmental Health Department has not received any complaints of noise during this time.

Prior to the site being used as a stud farm, it was a riding school licensed by Environmental Health, and also a livery yard. In their experience these two commercial activities would probably have more impact on amenity, than the current use. As the applicant is dealing with mares that are in foal, or wanting to get into foal, it is considered that they would promote a quiet and peaceful atmosphere so to ensure the mare produces a healthy foal. Horse walkers do not generally create a large amount of noise and to ensure the horses are not spooked, any squeaks or creaks from the equipment would be rectified swiftly. Environmental Health have never received any noise complaints from horse walkers in the past.

Airborne and ground borne noise will be no different to what it has been previously, in fact it may be less, due to only one commercial business operating from the site, there will be a reduction in the number of people using the site and the facilities. As a livery yard and riding school, people can usually access the site at all times of the night, whereas, with a stud farm, there is usually very little activity on site at night, as everything has been done during the day. An exception to this would be if a mare was foaling for example.

As stated previously given the scale of this development, compared to the previous commercial activity on the site, Environmental Health have no concerns in relation to noise.

Notwithstanding the view that the development is unlikely to result in any increase in noise levels emitting from the site, the Council's Ecologist has specifically considered the impact of any noise, which may occur, on the fish themselves. He comments that in his experience the impact of noise on freshwater fish is relatively minor and temporary in nature.

He has seen fish respond adversely to sudden noises such as a car door slamming. However these effects appear to be very short lived. He is familiar with at least three fisheries located immediately adjacent to railway lines and whilst he has seen the noise and vibration of a passing train cause shoals of immature fish scatter in alarm he suspects that adult fish become habituated to the constant disturbance. He goes on to state that he has watched chub in the River Dove feed confidently with a train passing only 10 yards away. Similarly, he can also recall carp feeding confidently on bonfire night when so many fireworks were going off in the garden of nearby houses that the sound resembled that of a constant heavy thunderstorm.

In his opinion, therefore, the operation of the proposed equestrian activity is highly unlikely to have anything greater than a negligible impact on the behaviour and viability of the fish populations at the adjacent fishery.

Further consultation has been undertaken with the Environment Agency specifically with regard to potential pollution implications for the fishery of surface water runoff from the development, and an update will be provided on this matter for Members in due course.

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 considered 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

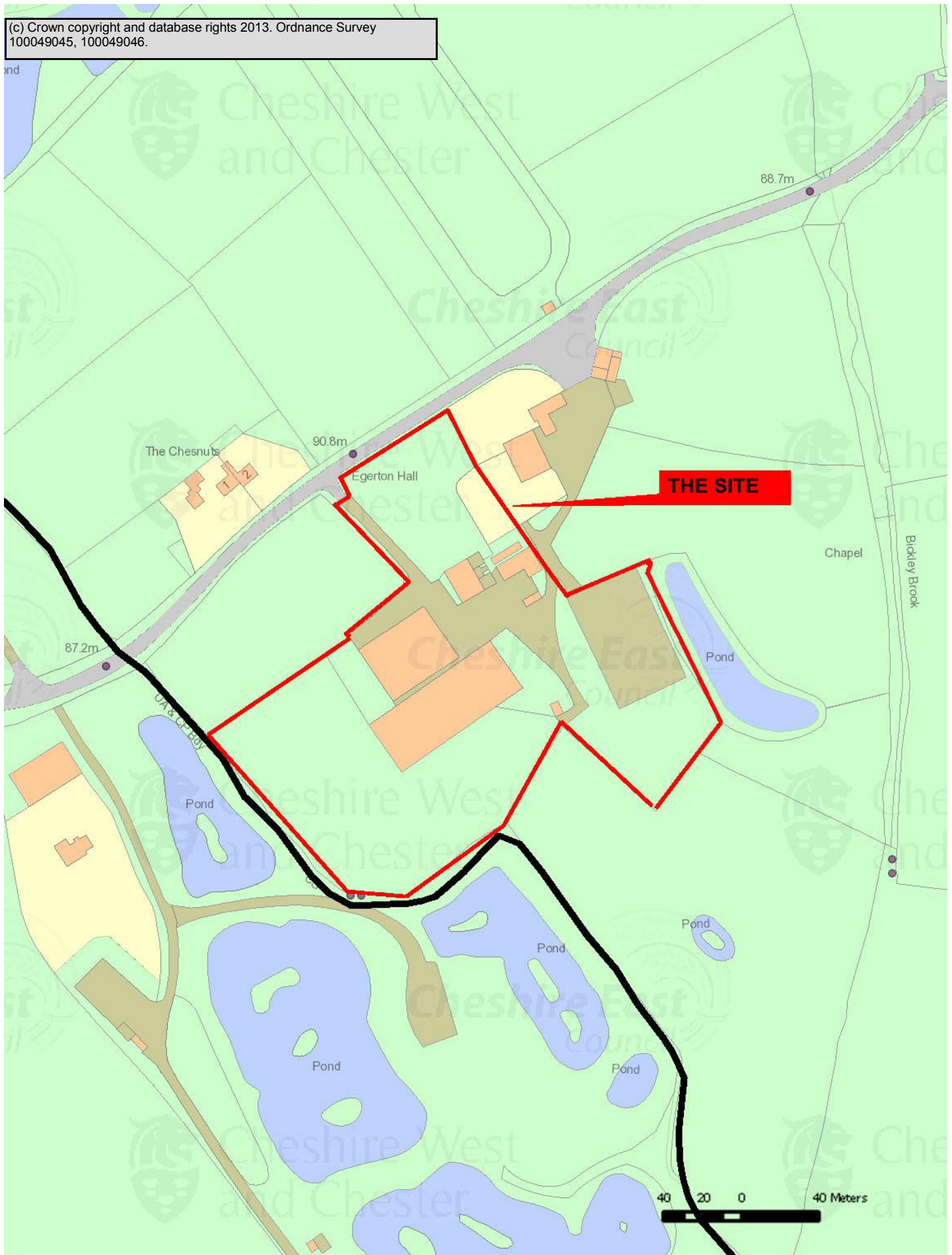
APPROVE subject the following conditions

- 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**

INFORMATIVE

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

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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 Southern Committee as it is a major development of over 1000sqm.

1. PREVIOUS MEETING

At the Southern Planning Committee of 6th February 2013, Members resolved to defer this application for further information on the use of the proposed building and to clarify if it is essential.

Use

The applicant has provided a further statement in response. The applicant has stated that the proposed agricultural buildings are required to shelter livestock. The lack of such accommodation is likely to create major difficulties during the forthcoming lambing season. Whilst the application that Members are considering is for stock sheds i.e. primarily for housing livestock, the buildings will also be used to store hay, harvested crops, animal feed, farm machinery and other implements for the operation of the farm.

Essential

At present, the current farmstead does not benefit from any enclosed shelter for the livestock. The current business is in its infancy and significant investment has already been made with further investment proposed in order to grow the farm and make it a viable rural enterprise.

Paragraph 28 of the National Planning Policy Framework states that:

Local Planning Authorities 'should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:

- supporting 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;
- promoting the development and diversification of agricultural and other land-based rural businesses,

Members should also note that planning permission has been granted previously for a new agricultural machinery shed as part of outline planning approval 09/3722N. This proposal would substitute the previously approved machinery shed. Thus, a proportion of the floor-space has already been permitted and this application only seeks to provide an additional building to accommodate livestock.

It is considered that this proposal is required in order for the farm to operate properly and grow and therefore is essential in terms of the requirements of local plan policy NE.2 as well as the advice within the NPPF and therefore the original recommendation of approval still stands.

This update report therefore deals with the additional information / proposals and supplements the original report below.

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 16th February 2012.

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

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

09/3724N – Outline Planning Permission approved for New Agricultural Machinery Shed, New Slurry Holding Tank n 22nd 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 12th February 2010.

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

P94/0469 – GDO Application determined that details not required for agricultural shed on 29th 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.

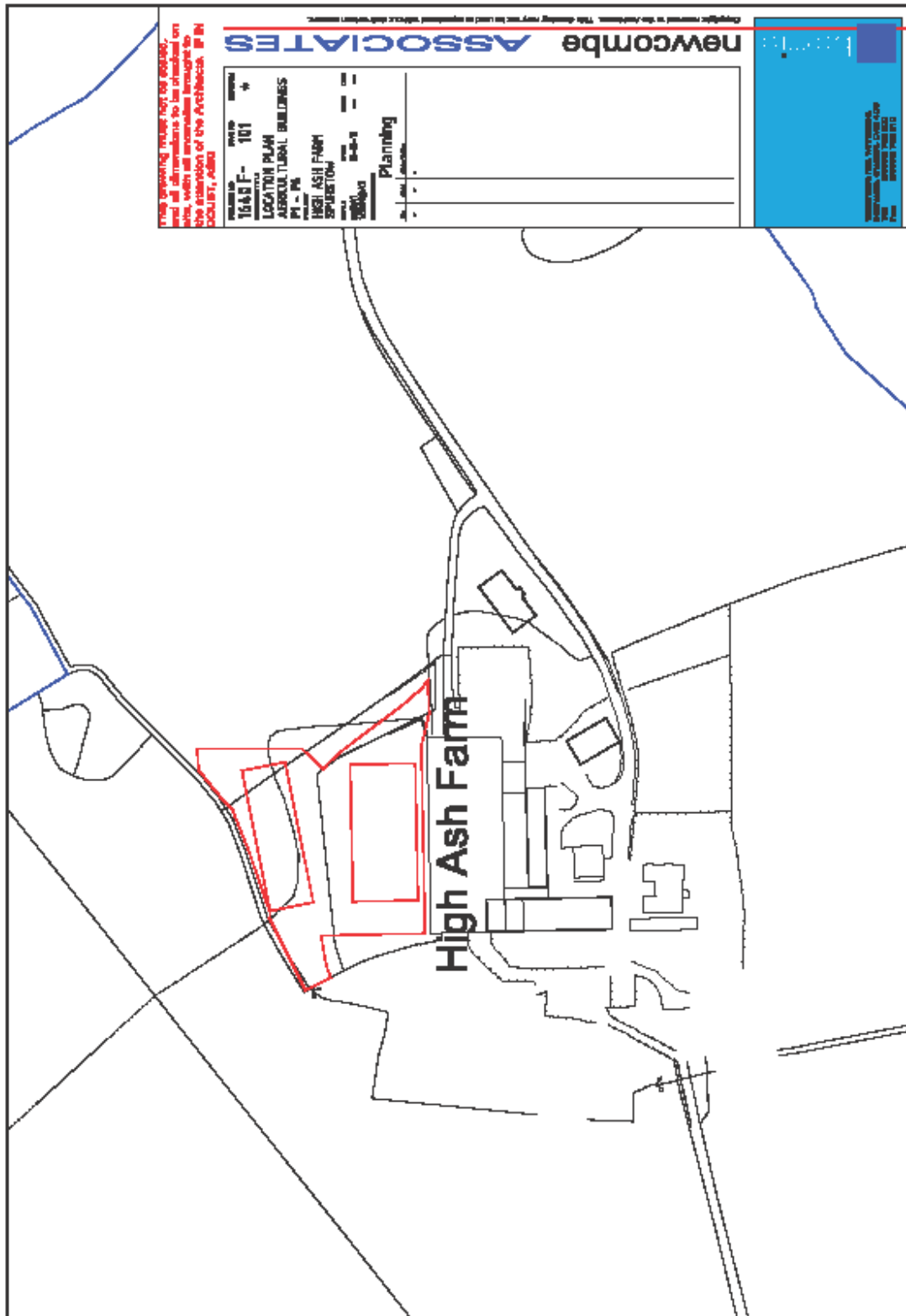
11. RECOMMENDATIONS

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: 12/3727N

Location: Manor Orchard, FLOWERS LANE, LEIGHTON, CREWE, CW1 4QR

Proposal: Outline application for residential development

Applicant: D and S Wood

Expiry Date: 03-Dec-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle - Open Countryside
Design – Siting and Layout
Amenity
Highways
Ecology
Affordable Housing

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 3/4 units and lies adjacent to a larger site which has a resolution to approve from Strategic Planning Board, 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 16th January 2013, members resolved to approve this application subject to 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 Leighton Parish which has 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

The application site is comprised of a triangular shaped plot at the roundabout junction of Flowers Lane / Minshull New Road / Bradfield Road / Smithy Lane. The site is grassed and relatively open with the presence of some timber sheds / outbuildings. The site is situated adjacent to the Crewe Settlement Boundary, but is designated Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

DETAILS OF PROPOSAL

The application seeks outline planning permission for residential development with all matters reserved. The indicative plans show varying options of between 3 to 4 dwellings.

RELEVANT HISTORY

P02/0273 Erection of Agricultural Buildings (Approved with conditions 30th May 2002)

P99/0524 Hay barn and implement shed (Approved with conditions 5th July 1999)

P92/0786 Outline application for 2 number dwellings (Refused 23rd October 1992)

7/15596 Outline application for detached bungalow (Refused 7th July 1988)

P95/0498 Outline application for a dwelling (Refused 28th July 1995)

P93/0869 Outline application for residential development (Refused 9th December 1993)

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE2 (Open Countryside)

NE5 (Nature Conservation and Habitats)

NE9 (Protected Species)

RES5 (Housing in the Open Countryside)

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways:

No objection.

Environmental Health:

No objection subject to the following conditions:

1. Land contamination assessment
2. Hours and details of any pile driving:
Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Nil
3. Hours of construction:
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil
4. A scheme to minimise dust emissions arising from construction activities
5. Noise mitigation scheme

United Utilities:

No objection.

Ecology:

No comments received at time of report preparation.

VIEWS OF MINSHULL VERNON & DISTRICT PARISH COUNCIL

No comments received at time of report preparation.

OTHER REPRESENTATIONS

At the time of report preparation an objection has been received from the adjacent property known as Manor House. In summary the objection relates to the following issues:

Overlooking to Manor House

Affect on daylight and evening sun

Flow of traffic on the access road and if it is wide enough for emergency vehicles

Provision of off-road parking

Existing access road does not relate to the one shown on the OS and the application plans

Access to Flowers Lane - the roundabout is one of the busiest in the area serving Leighton Hospital, Bentley and commuter traffic into Crewe

No pavement on Flowers Lane leading to or from the proposed exist which would prove hazardous to pedestrians particularly young mothers or disabled persons

What are the intentions for the unmarked building on the boundary of Manor House – is this a further residential dwelling

What sewage facilities will be provided for the development?

The orchard is a haven for wildlife; bats are often seen flying around. Will the development be detrimental to their habitat?

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE2 (Open Countryside) states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The policy does however states that an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

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

National Planning Policy Framework

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities

and Local Planning Authorities should avoid new isolated homes in the Countryside. Whilst the site is situated within the Open Countryside, the proposal would result in an extension of the existing built form around the junction. Furthermore outline planning permission has also been granted (subject to S106) for large-scale residential development adjacent to the site under planning reference 11/1879N. The site is also situated adjacent to the Crewe Settlement Boundary and in proximity to the local amenities on offer within Leighton and the surrounding locality. There is also a small shop selling basic convenience goods within the garden centre at Bradfield Green. The local bus service into Crewe also operates in close proximity to the site. As a result the proposed development is considered to be sustainable and the principle is accepted.

Highways

The Strategic Highways Manager has no objection to the revised proposal and as such it is considered that the development would accord with Local Plan policy BE3 (Access and Parking).

Design

The application is outline with all matters reserved, however indicative layout plans have been provided with the application which shows three options of: (i) two pairs of semis (ii) two detached dwelling and one pair of semis (iii) three detached dwellings. The plans show that up to 4No dwellings can be accommodated on site and given the existing adjacent properties and the residential estate permitted under 11/1879N (subject to S106) the development would be seen in this context as opposed to isolated dwellings in the Open Countryside. Detailed design and landscaping would be subject to a reserved matters application.

Amenity

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

Manor House is a semi-detached property situated adjacent to the application site. This property benefits from planning permission for a two storey side extension. No principal windows are proposed to the side elevation of this extension and the plans demonstrate that proposed dwellings could be set in from the common boundary. Nonetheless, given the absence of principal windows, there would be no overlooking or loss of privacy impacts to habitable rooms. If the extension was not constructed, a greater separation distance would be achieved between the side elevation of Manor House and the proposal, and again no principal windows would be affected. As the proposed development would be sited to the northwest of this property there would be no significant impacts of loss of light or overshadowing.

In terms of the adjacent development permitted under 11/1879N, an acceptable separation distance could be achieved between dwellings, and furthermore the siting and layout of the proposal contained in this application will be agreed at the reserved matters stage.

With regard to the amenity impacts on future occupiers of the proposed dwellings, private rear garden areas in excess of 50 sqm can be achieved per dwelling. The indicative site layout plans also show that there would be no other significant impacts on future amenity.

The proposal would comply with Local Plan policy BE1 (Amenity).

Ecology

There are no ecological issues associated with this application.

Highways

It is noted that the neighbour objection refers to the site access, roundabout junction, lack of pavement, access for emergency vehicle and parking provision, however the Strategic Highways Manager raises no objection to the application. It is therefore considered that the proposal is acceptable in highways safety terms. The parking layout would be secured in a reserved matters application.

Other Matters

Drainage

The neighbour objection questions the type of sewage facilities proposed, however this would be covered by Building Control and it is noted that United Utilities raise no objection to the application.

Plans

The neighbour objection refers to the OS plans and the application not relating to the existing access. Photos have also been submitted. From the site visits however, the plans however appear to correlate with existing site arrangements and aerial photographs on googlemaps.

Existing building to be retained

The application does not seek consent to change the use of this building to residential accommodation and as such this cannot be considered as part of the application.

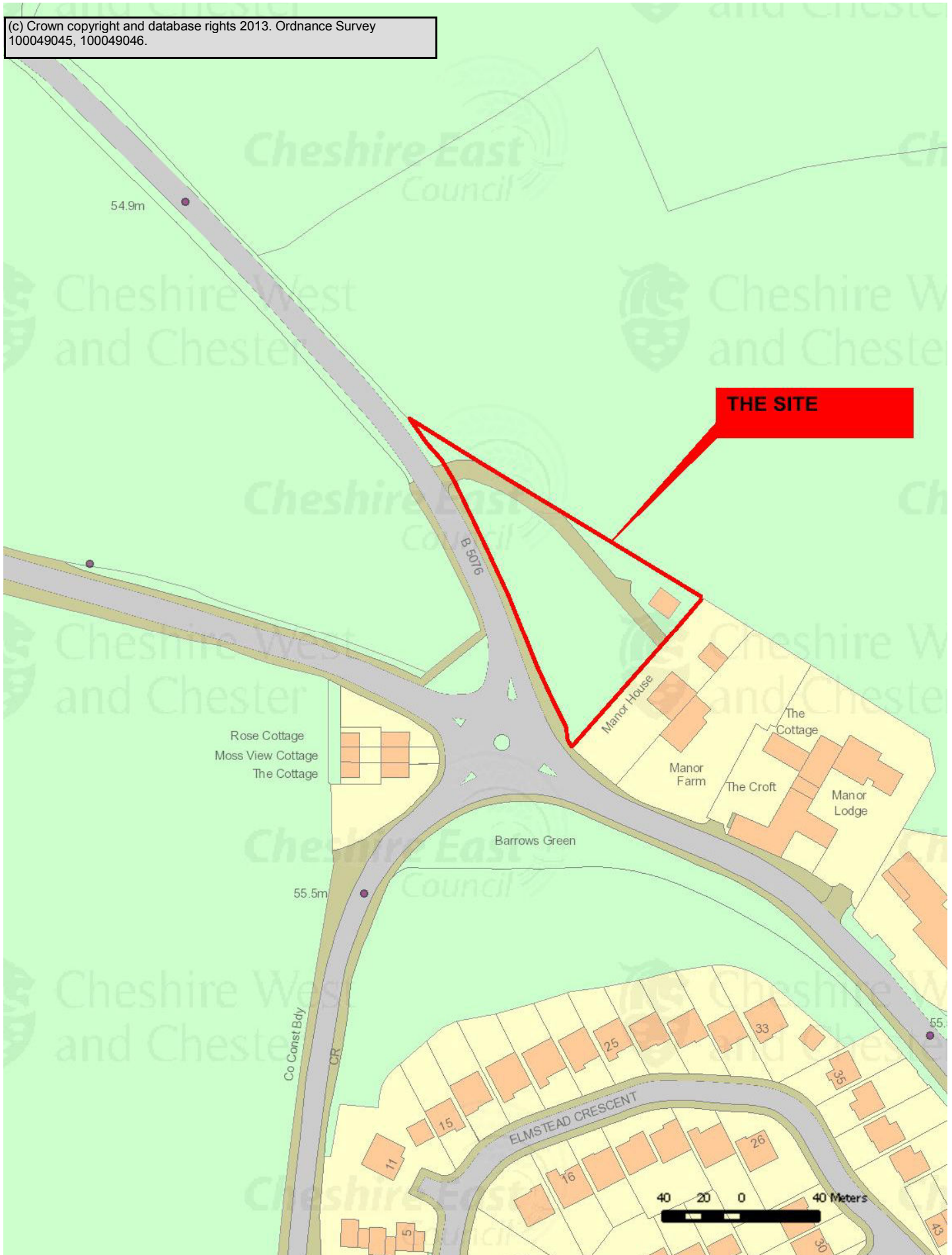
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is contrary to Local Plan policy NE2 (Open Countryside), and therefore represents a departure to the Development Plan. In terms of paragraphs 47 and 49, the Council cannot demonstrate a 5 year housing land supply. Paragraph 14 details the Framework's presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. The application site is in adjacent to the Crewe Settlement Boundary with associated local amenities and public transport nearby, and would be a sustainable form of development, in line with the Framework. The plans demonstrate that between 3 to 4 dwellings can be accommodated on site, and there would be no adverse amenity impacts. The proposal is also acceptable in highways safety terms.

Recommendation: Approve subject to 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

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Application No: 13/0130N

Location: 89A, BRADFIELd ROAD, CREWE, CW1 3RB

Proposal: Demolition Of Existing Bungalow & Garage. Construction Of : 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses

Applicant: Mr Nick Powell, Wulvern Housing Ltd

Expiry Date: 08-Apr-2013

SUMMARY RECOMMENDATION

APPROVE subject to the receipt of an amended plan to address the outstanding highways issues and to conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development
Renewable Energy
Affordable Housing
Highway Implications
Amenity
Design
Ecology

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the southern side of Bradfield Road within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site includes a detached bungalow (89A Bradfield Road) and a large car garage to the rear of the site. The area is predominantly residential with residential properties to the north, south and west. To the east of the site is an existing area of public open space.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 16 residential properties which would be a mix of terraced dwellings and two small blocks of apartments. All properties would be two stories in height. One central access point would be provided at the same point as the existing access.

The development would consist of 1 to 3 bedroom units.

3. RELEVANT HISTORY

The site has no relevant planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

E.7 – Existing Employment Sites
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

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

SPD – Development on Gardens and Backland Development

5. CONSULTATIONS (External to Planning)

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

Strategic Highways Manager: There is no unallocated parking for visitors anywhere on the site which will result in undesirable parking overspilling onto Bradfield Road, although there are currently no waiting restrictions. Parking on Bradfield Road is most undesirable owing to the level of traffic and the need to maintain visibility at access and junctions. To provide a sufficient provision for visitors to the site 3 visitor spaces should be provided.

The access road will be a 4.5 metre-shared surface, though the initial section will incorporate the existing footpath linking Pear Tree Close with Bradfield Road. This access road will need to have a minimum one-metre strip along its western boundary for clearance and maintenance purposes.

On the east side of the road, a 2-metre service strip is required throughout. The edge of this should be demarcated where it crosses driveways. The first property will need to be set further back so that this 2-metre strip can be provided without obstructing vehicular access while undertakers are undertaking any repairs.

Shared surfaces are only permissible where traffic speeds can be kept low. The straight alignment of the access does not provide any speed containment features so I require a raised table near its midpoint, where the formal footway on the west side ends.

The proposed turning head is insufficient to allow a refuse vehicle to three-point turn. It should be enlarged to 14.5 metres by 14.5 metres from its indicated 11.5m square.

The proposed layout utilises the path linking Bradfield Road with Pear Tree Avenue to form the footway to the new access road. This path will need to be closed temporarily during the period of construction.

The applicant will be required to enter into an agreement under S278 of the Highways Act for the new access and footpath works.

Environmental Health: Conditions suggested in relation to construction hours, piling works, external lighting and contaminated land.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 18 local households and a petition signed by 41 local residents has been received raising the following points:

- The proposed dwellings would overlook those on Pear Tree Avenue
- Loss of privacy
- Loss of property value
- The dwellings would be too close to existing residential properties
- Noise during construction
- Increase in construction traffic

- Impact upon a local business which operates on Pear Tree Avenue
- The dwellings do not fit in with the area
- Increase in vehicle movements
- Increased light pollution
- Increased burglary and criminal damage
- Increased traffic congestion on an ambulance route
- Over the past 20 years there have been several environmental issues from this site with paint fumes and noise from machinery
- Large cargo containers have been stacked on the land previously and there have been late night disturbances on the site
- There has been damage to the surrounding boundary
- Pedestrian safety
- Impact upon Human Rights
- The proposal would encroach onto neighbouring land
- No street lighting details are shown on the proposed plans
- Disruption caused by the construction works

A representation has been received from Cllr Grant which makes the following points:

- Since receipt of notification for this application objections have been received. I have read the letter of objection and cannot see any reason why this application should not be allowed.
- The main concern is the access to the site, as you may be aware Bradfield road is already a very busy road; the access to the site is in a very congested area already around Underwood Lane, Cliffe road and the garage.
- Careful consideration should be given to the Highway layout.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Ecology Scoping Survey (Produced by Solum Environmental)
- Planning, Design and Access Statement (Produced by Lothlorian Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 7.1 years housing land supply.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The proposed development would result in the loss of a small scale employment site within the Borough and Policy E.7 states that development that would result in the loss of an employment site will only be permitted where: (i) it can be demonstrated that the present use harms the character or amenities of surrounding properties (ii) the site is not capable of satisfactory use for employment and overriding local benefit would come from the proposed development; OR (iii) it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises within the Borough.

The NPPF gives less protection for employment sites and states that *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'*.

In this case the site is surrounded by residential properties on three sides and as can be seen from the representations received to this application there is historic on-going complaints over the activities and operations on this site and its compatibility with the surrounding residential properties. Furthermore the proposal would provide an overriding local benefit through the provision of affordable housing for which there is a local need and would assist with the Councils 5 year housing land supply. As a result it is considered that the loss of the employment site is acceptable in this instance

Renewable Energy

In relation to renewable energy a condition will be attached to ensure that the 10% renewable energy provision is achieved in accordance with the RSS Policy EM18.

Affordable Housing

The proposal is for the redevelopment of this site to provide 4 x 1 bed apartments, 8 x 2 bed houses and 4 x 3 bed houses to be provided as affordable rented accommodation.

The Strategic Housing Market Assessment 2010 identified a requirement for 256 new affordable homes each year between 2009/10 – 2013/14 in the Crewe sub-area, which is the area this site is located in. The type of affordable housing required each year is 123 x 1 beds, 20 x 2 beds, 47 x 3 beds 40 x 4/5 beds and 26 x 1/2 bed older persons accommodation.

There are currently 130 applicants on the housing register with Cheshire Homechoice who have selected the Selworth Drive or Underwood Lane areas of Crewe which are close to the site as their first choice, these applicants require 20 x 1 bed, 54 x 2 bed, 51 x 3 bed & 4 x 4 bed (1 applicant hasn't specified how many bedrooms they require)

There has been delivery of approximately 280 affordable dwellings in Crewe since 2009/10 and there is some anticipated delivery, however even with the anticipated delivery there will still be a significant shortfall of delivery against the identified need for the period of 2009/10 – 2013/14. As a result there is a need for affordable housing in this area and the development is supported by colleagues within the Housing Team

The mix of properties is also considered to be acceptable as it will go towards meeting some of the identified need from the SHMA 2010 and it also ties-in with the type of property required by people currently on the housing register who require affordable housing for rent in the area.

Highways Implications

The current use of the site does experience a number of vehicular movements daily for both staff and customers. Visibility at the site entrance is good and the highways officer has not raised any objection to the provision and safety of an access in this position. The number of vehicular movements from the proposed development would not raise any highway concerns when compared to those which currently exist.

Adequate provision would be made for the parking of vehicles within the site and an amended plan is awaited to secure visitor parking provision.

The main points of concern raised by the highways officer relate to 'design issues' such as a larger turning area for refuse vehicles, visitor parking and service strips. These issues have been raised with the applicant's agent and at the time of writing this report an amended plan was awaited. An update will be provided in relation to this issue.

Amenity

To the front of the site No 89 Bradfield Road includes a number of non-principle windows to its side elevation facing the site. The apartments would have a blank elevation to this side and the rear elevation would be set just 1m further back than the rear elevation at No 89 with a separation distance of 3 metres between the buildings. As a result there would be no significant impact to this side.

There is one window to the side elevation of No 91 and this appears to serve a landing and would not be affected.

Excluding the existing single storey additions there would be a separation distance of 19.5m from the side elevation of plot 3 and the rear outriggers of 87 and 89 Bradfield Road, a separation distance of 32.5m from the front elevation of plots 8-10 to the rear elevation of 30-32 Pear Tree Avenue, a separation distance of 19m from the side elevation of plot 11 to the rear elevation of 26 Pear Tree Avenue and a separation distance of 24m from the rear elevation of plots 11-16 to the rear elevations of 8-16 Pear Tree Avenue. Except the separation distance to 87 & 89 Bradfield Road all of these separation distances meet the requirements of the Council SPD and as a result it is considered that there will be minimal impact upon residential amenity. In terms of 87 and 89 the separation distance would be 1.5m short of the guidance contained within the SPD but a reason for refusal could not be sustained. Furthermore there would be significant benefits from the removal of the existing use from this site.

In order to protect residential amenity it will be necessary to condition that the first floor windows in the side elevations of plots 3 and 11 are fitted with obscure glazing.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the proposed development includes the provision of a two storey unit which would consist of 2 apartments. This building would be set back from the front elevation of No 89 but in front of No 91 Bradfield Road, this siting is considered appropriate and would improve the appearance of the site. To the side elevation this block would include a number of windows to add interest to this elevation which would be prominent in the street scene.

Within the site plots 3-10 would be sited with their front elevations facing west, and at the head of the cul-de-sac plots 11-14 would be sited to terminate views when entering into the site. On the whole parking would be sited to the front of the properties at plots 4-9 and 11-13, but there is considered to be sufficient landscaping to help break this up and to prevent a car dominated frontage. Plots 1-2, 10, 14-16 would have more discretely sited parking.

The proposed dwellings would be two storeys with a pitched roof. The elevational treatment of the dwellings shows that they would have projecting gables, lintel and sill detailing, fan-lights above the front doors and ridge detailing. It is considered that the design is acceptable and would not appear out of character in this part of Crewe.

Ecology

The Councils Ecologist does not anticipate there being any significant ecological issues associated with the proposed development. As hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration the Ecologist recommends that the existing hedgerows on site be incorporated into the landscaping scheme for the development. Conditions are also suggested in relation to breeding birds.

The original plans did encroach slightly onto the rear garden of 32 Pear Tree Avenue. This was an error and amended plans have been received to address this issue.

10. CONCLUSIONS

The site is within the Crewe Settlement Boundary and the loss of this employment site is accepted. The principle of residential development is considered to be acceptable and in this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted.

It is considered that the development is acceptable in terms of affordable housing provision and there is a need for this development.

The proposal would not raise any significant highway implications and an amended plan is awaited to address some minor internal design issues. An update will be provided in relation to this issue.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is an acceptable design and layout.

No ecological issues are raised as part of this application.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the receipt of an amended plan to address the outstanding highways issues and the following conditions

- 1. Standard time 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 details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 7. Submission and approval of materials**

8. 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.
9. Landscaping details to be submitted and approved
10. Implementation of landscaping
11. Boundary Treatment details to be submitted and approved
12. Obscure glazing to side elevation of plots 3 and 11
13. Works to take place outside the bird breeding season
14. A scheme of nesting bird mitigation measures to be incorporated into the development
15. Dwellings to be retained as affordable housing

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 Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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Application No: 13/0226N

Location: 2, MOUNT CLOSE, NANTWICH, CHESHIRE, CW5 6JJ

Proposal: Retrospective application for 2 no. garden timber garden buildings and gates to driveway.

Applicant: Mr D Pope

Expiry Date: 07-Mar-2013

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Impact on residential amenity
- Impact on streetscene

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 the Southern Planning Committee by Cllr Arthur Moran for the following reasons:

"Will cause demonstrable harm to the appearance of the street scene contrary to policy BE2 of the Adopted local plan and will not be in keeping with the design and layout of surrounding development."

DESCRIPTION OF SITE AND CONTEXT

The application site is found to the front/side garden of 2 Mount Close which lies on the junction of Mount Close and Mount Drive within the Settlement Boundary for Crewe.

The site itself is bordered on all three sides by a mature hedge of approximately 2 metres in height.

DETAILS OF PROPOSAL

This is a retrospective application seeking approval for two sheds and the erection of a set of gates at the access to the property.

The two sheds are positioned to the south and south east of the application dwelling close to the boundary. The smaller of the two sheds measures 3.7 metres by 1.8 metres and has a roof height of 2.2 metres at the highest point.

The larger of the two measures 6.1 metres by 2.3 metres with a height of 2.5 metres at the highest point.

The set of double gates are constructed of timber and have a width of 3 metres and a height of 1.5 metres.

RELEVANT HISTORY

4/3/2225 – 2 and 2a Mount Close – Extensions – approved with conditions 1973

7/01782 – 2 and 2a Mount Close – Extension forming bedroom – approved with conditions 1976

7/12632 – 2 and 2a Mount Close – Conversion of property into a pair of semi-detached dwellings (PD rights removed) – approved with conditions 1985

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

Crewe Settlement Boundary

BE.1 – Amenity

BE.2 – Design Standards

RES.11 – Improvements and Alterations to Existing Dwellings

Supplementary Planning Document – Extensions and Alterations to Existing Dwellings

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways

No comments received at time of writing report

VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council objects to this development as the buildings will cause demonstrable harm to the appearance of the street scene contrary to Policy BE2 of the Adopted Local Plan relating to design standards

OTHER REPRESENTATIONS

One letter of representation has been received from the occupier of the neighbouring 48 Mount Drive which objects for the following reasons:

- Second building is an eyesore
- Concerns over what the building will be used for
- Objects to looking at building from lounge

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The application site lies within the Settlement Boundary for Nantwich; therefore the development is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

Policy BE.1 (Amenity) of the Local Plan states that proposal for new development will be permitted that if they are:

“compatible with surrounding land uses” and

“do not prejudice the amenity of future occupier or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.”

In terms of neighbouring residential amenity the neighbouring dwelling to the north (No. 37 Mount Drive) is a detached bungalow. In between this dwelling and the application site is a mature hedge standing at approximately 2 metres in height. The two principal windows on the front elevation of this dwelling are approximately 15 metres from the two sheds when measured at the closest point.

Given the above it is not considered that the development will have a significantly detrimental effect upon the amenity of No. 37 to justify a refusal.

The neighbouring dwellings to the west of the application site are over 20m away on the opposite side of Mount Drive. Further to this the existing hedge on the boundary of the application site stands in between at a height of approximately 2m in height. This hedge screens much of the view of the two sheds from the neighbouring dwelling to the west. It is considered that the development will not have a significantly detrimental effect upon neighbouring residential amenity when viewed from this perspective.

It is not considered that the double gates to the entrance to the application site will have a harmful effect upon the amenity of any neighbouring properties.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Impact on Character

Policy BE.2 (Design) of the Local Plan states that proposal for new development will be permitted provided that they:

“respect the pattern, character and form of the surroundings”, and

“do not adversely affect the streetscene by reason of scale, height, proportions or materials used”.

The site occupies a prominent corner location and with the structures being located to the front and side there is the potential for harm due their visibility in the street scene. The front/side garden however is bounded by laurel and conifer hedges of approximately 2 metres in height. While the two sheds are partially visible above the current height of the hedge, and over the entrance to the dwelling the existing hedges do screen the majority from view. Furthermore, a condition will be attached to any permission requiring the hedges to be retained (and replaced) to mitigate any potential impact upon the surrounding streetscene.

Other timber fencing exists in the locality of the site so it is not considered that such that the timber entrance gates are significantly out of character with the area to justify a refusal.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The actual use of the sheds is not a concern as long as they are used for a purpose incidental to the enjoyment of the dwelling house.

CONCLUSIONS

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

The design of the development is considered, in the presence of the existing boundary treatment, to be acceptable in terms of its size, scale and location and will not have a detrimental impact upon the streetscene of Mount Close or Mount Drive.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

1. Standard time
2. Approved plans
3. Materials as application
4. Additional planting scheme to be agreed.
5. Additional planting scheme and existing hedges to be retained thereafter.

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Application No: 12/4715N
Location: 259, Nantwich Road, CREWE, Crewe, CW2 6NX
Proposal: Change of use from Business to Two Houses of Multiple Occupation
Applicant: M,C and S Dodd and Stewart
Expiry Date: 14-Feb-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- Principle of development
- The impact of the design
- The impact upon amenity
- The impact upon highway safety and parking

REASON FOR REFERRAL

This application would normally be dealt with under delegated powers however Councillor Dorothy Flude has called the application in to Southern Planning committee for the following reasons;

1, No extra waste storage, the provision for extra black and silver bins has not been included in the application there will be 14 residents.

2, There is provision for 7 car parking spaces in the application for 14 residents.

The access to the rear of the two semi detached properties to be changed from office use to residential use for 14 beds, is through Alley gates the area is very congested the provision of extra bin storage is vital, as is the consideration of parking spaces at the properties.

DESCRIPTION OF SITE AND CONTEXT

The application property is a detached building of three-stories comprising a pair former semi-detached dwellings. The building was constructed in the late 19th Century and is sited on the north side of Nantwich Road, Crewe. The site is situated within the Crewe town settlement boundary. The building is currently vacant and its last use was offices by Cheshire East Borough Council, previously Cheshire County Council. The building was previously used as a children's home by the Cheshire County Council.

DETAILS OF PROPOSAL

The proposal seeks planning permission for the change the use of the unit from a business use (B1) to a House in Multiple Occupation (HMO), consisting of 14 bedrooms (some with ensuite facilities). There are no external alterations proposed to the building.

RELEVANT HISTORY

P02/0944 - New Access Ramp and Entrance Door (County Consultation) – approve with conditions 23rd September 2002

7/10740 - Intermediate training centre – Approved with conditions 17th February 1984

7/03806 - COU from residential to children's home with additions – Approved 17th May 1978

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

TRAN9 – Car parking standards

CONSULTATIONS (External to Planning)

Strategic Highways Manager –

Seven spaces are proposed, four for No. 261 and 3 for No. 259 which will have 8 and 6 bedrooms respectively.

It is considered this provision to be acceptable given the probable mix of tenants and the site's proximity to facilities. The building previously had no parking within its curtilage.

Access to the spaces is rather cramped and it would be advisable to remove most if not all of the rear wall, i.e. Not just that fronting the parking spaces. This will be necessary to ensure bins can be placed conveniently near (but not on) the rear access lane for collection without obstruction by vehicles parked in the adjacent spaces.

Covered and secure parking for cycles should be provided, separately for the two buildings, on the basis of one space per bedroom.

Subject to the above being indicated or conditioned no objection to the proposal.

Environmental Health – No objections

VIEWS OF THE PARISH/TOWN COUNCIL - N/A

OTHER REPRESENTATIONS

3 neighbouring properties have objected to the proposal. The relevant main areas of concern relate to;

- Highway safety / parking issues
- Consider the building should be used as two family dwellings
- Unnecessary noise levels and disturbance created by students
- Increased use of the alley gates would mean they are more likely to break
- Work has already commenced on site and the rooms have been advertised for rental

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Addendum to the Design and Access Statement including a letter from Homeworld Property Management

Email from the applicant

Email from the agent

OFFICER APPRAISAL

Principal of Development

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. RES.9 of the Local Plan refers to houses in multiple occupation. Policy RES.9 advises that planning permission will be granted provided that;

- the building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with Policies BE.1 and BE.2;
- the proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;
- the development does not detract significantly from neighbouring amenities and;
- provision is made for adequate parking.

As such, the determination of the proposal depends on the adherence with these requirements.

Building is large enough for conversion and would not require extensions

The building in question is a three-storey, detached unit which has a floor space of approximately 600 metres squared. It is proposed to convert this property into an 14 bedroom unit, some units will have en-suite and shared kitchen and living room facilities. The smallest of these rooms would be approximately 10.6metres squared and the largest would be approximately 22.25 metres squared. The Housing team have provided a spacing standards document previously which details recommended minimum room size standards. This

document states that the minimum size of a one-bed room deemed to be acceptable is 10 metres squared, a standard which the smallest of the proposed rooms would adhere to.

A communal kitchen would be provided in each side of the building and the development would also include a lounge room, utility room and a communal bathroom on each side.

It is considered that the building is large enough to accommodate the proposal without the need for extensions. No extensions are proposed as part of the development.

Design

There are no external alterations proposed to the building only works to the rear of the building to create a parking area. The building was clearly a residential property previously and very little internal works are required to alter the building into a house of multiple occupation. Given this limited level of development the proposed external changes are deemed to be acceptable.

Amenity

As the building is already in situ, there are no additional issues created with regards to loss of light or visual intrusion.

With regards to loss of privacy, the building is surrounded by residential dwellings. Both of the large dwellings to each side of the development site appear to be in residential use currently, as are the dwellings behind. In front of the property is the entrance to Salisbury Avenue. Whilst it is acknowledged that in recent years the building has been occupied as an office, it is clear from the site history that the building was used as a children's home and prior to that was in residential use. Furthermore, the existing floor plans show that the first and second floor of the building are still presented as bedrooms and it is therefore considered that the use of the building for residential will not have a significantly increase impact on loss of privacy.

In terms of private amenity space, No.261 will have approximately 80m² (not including the area to the front) and No.259 will have approximately 50m² (not including the area to the front) which is designated as an amenity space. Although this is not significant, given that the development is for a house in multiple occupation and is within close proximity of the town centre and all of its associated public space it is considered to be acceptable in this instance.

Within the objections raised issues have been made with reference to the potential noise from student occupiers. Whilst noise is a material planning consideration perceived possible noise is not. The Environmental Health department have raised no objection to the proposal, and should noise become an issue this would be covered by either Environmental Health legislation or the Police.

As a result, it is considered that the development is acceptable.

Parking and Highway Safety

The impact upon parking and highway safety is the main concern of local residents. The proposed development would include a car park to accommodate 7 cars. The site plan also shows an area of covered cycle storage for No.261.

The site is situated on Nantwich road which represents a sustainable location for such development, near to local bus routes and walking distance to the town and university. In these locations, parking standards can be relaxed as other forms of transport are readily available to occupiers.

The Strategic Highways Manager notes that parking is to be obtained from the rear access road. Where seven spaces are proposed, four for No. 261 and 3 for No. 259 which will have 8 and 6 bedrooms respectively. It is considered that this provision is acceptable given the probable mix of tenants and the site's proximity to facilities. Furthermore, the building was previously in use as an office which had no parking provision associated with the building.

The Strategic Highways officer notes that access to the spaces is rather cramped and it would be advisable to remove most if not all of the rear wall as this will be necessary to ensure bins can be placed conveniently near (but not on) the rear access lane for collection without obstruction by vehicles parked in the adjacent spaces. Covered and secure parking for cycles should be provided, separately for the two buildings, on the basis of one space per bedroom.

It is therefore considered that with a condition for an amended car parking layout to remove all or most of the existing rear wall, also showing bin storage area and secure cycle storage for both properties the proposal is acceptable and is considered that the proposal will not have a significantly detrimental impact on highway safety.

National Planning Policy Framework

Amongst the core principles of the NPPF is that planning should proactively support sustainable economic development, be of good design, provide a good standard of amenity and support the transition to a low carbon future.

Given that it is considered that this application sufficiently demonstrates that the above assessments have been made, it is deemed that the NPPF falls in line with the relevant Local Plan policies in this instance.

CONCLUSIONS AND REASONS FOR THE DECISION

The proposed change of use is located within the Crewe settlement boundary and would only involve a minor external alteration to the unit. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the National Planning Policy Framework.

RECOMMENDATION

APPROVE subject to the following conditions

1. **Standard (Time)**
2. **Plans**
3. **Materials as per application**
4. **Amended Parking plan**
5. **Bin storage details for both properties**
6. **Secured bicycle storage details for both properties**
7. **Boundary Treatment**

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Application No: 12/4007N

Location: Manor Way Centre, MANOR WAY, CREWE, CW2 6JS

Proposal: Demolition of existing Building and erection of a 72 bed 2/3 storey care home

Applicant: Peter Evans, Glendun Ltd

Expiry Date: 17-Jan-2013

SUMMARY RECOMMENDATION

APPROVE subject to no objection from the Strategic Highways Manager and conditions

MAIN ISSUES

Principle of Development
Affordable Housing
Amenity
Design and Built Environment
Drainage and Flood Risk
Highways

REFERRAL

The application is referred to planning committee because it is over 1000sq.m in floor area and is therefore a major development.

1. SITE DESCRIPTION

The site is approximately 0.41 ha in area. It is located approximately 2.5km south of Crewe Town Centre in a predominantly residential area. The site comprises a 39 bed former care home, which is currently vacant. The present accommodation is situated on two floors with car parking to the front, side and rear and landscaping / garden areas surrounding. The building has an approximate gross internal floor area of 1,217sq m.

2. DETAILS OF PROPOSAL

Planning permission is sought for the erection of a care home comprising 72 no. bedrooms. The proposed building would be largely three storeys in height, with some parts two storeys.

The ground, first and second floors would each comprise 24 en-suite bedrooms, two lounges, a dining room / circulation hub and a library. All bedrooms would be en-suite and would provide sufficient turning space for wheelchairs. On the ground floor, the main entrance would be located towards the south of the building nearest to Manor Way. Above this on the first floor would be a kitchen and laundry. There would be no second floor at this part of the building.

One of the lounges, the library and the dining room on the ground floor would provide access through to the outdoor amenity space. A plant room and bin store is proposed to the south east of the site in a separate building. It is anticipated that the proposed nursing home would employ 59 full-time members and 20 part-time members of staff. Employment opportunities would be provided for nurses, nursing workers, domestic, operational and administration staff. The aim would be to source these jobs locally.

3. RELEVANT PLANNING HISTORY

7/07632 Home for Elderly Persons – approved 3 March 1981;
7/08440 Elderly Persons Home and 2 staff houses – approved 27 November 1981;
7/19517 Continued use as a residential care home (C2) – approved 8 March 1991.

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

Housing Policies

RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTÉES

United Utilities

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

- The drainage strategy for the proposed development shows a partial design combining on site before communicating with the public sewerage system.

This is not acceptable to UU as this area is now served via a total separate drainage system with independent foul and surface water sewers currently located within Manor Way further to which, any new development should connect accordingly.

- Surface water flows generated from the new development will also need to be limited to a maximum discharge rate of 30 l/s before connecting in to the public surface water sewer.

Environment Agency

No comments to make on the proposed development.

Adult Services

- Objections to the proposed development.
- There is already 22 care homes in the local area, with a total of 1004 beds which currently (18/02/13) have 93 vacancies (information received from 20 of the care homes). It is therefore a concern that the market for care beds in this area is saturated and should not be further developed.
- Although the demographics show a rise in older people living in Cheshire East the demand for residential/nursing provision is decreasing. The demand at the beginning of the year shows a reduction in numbers from 1,530 in 2008/09 to 1,477 for the same period in 2012/13.
- Additional care beds in this area will put pressure on health and council services for older people including GP and dental services, social care and hospital services

Highways

No comments received at the time of report preparation.

Environmental Health

- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during

the demolition and construction phase. In particular the plan shall show mitigation measures in respect of:

- Noise and disturbance during the construction phase including piling techniques, hours of operation, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- Waste Management: There shall be no burning of materials on site during demolition / construction
- Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The site plan submitted as apart of the application details the plant room as being located adjacent to 127 Manor Way, Crewe. Therefore the applicant is required to submit noise details of any equipment that is proposed to be sited within the plant room and the specification of the design of the plant room in order to mitigate against any potential noise.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application is for a replacement residential care home property which is a sensitive end use and could be affected by any contamination present.
 - As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:
 - Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

5. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

6. OTHER REPRESENTATIONS

2 letters of representation have been received making the following points:

Design

- The design of the proposed buildings is not in keeping with the scale, character or appearance of the existing and adjoining property. The existing building, although designed and built as residential accommodation for the elderly is of 2 storey mellow brick construction which is in keeping with the adjoining residential property.
- The proposed development is a flat roofed 3 storey design of unpleasant institutional appearance with a colour scheme out of keeping with the adjoining property.
- The dwellings to the side of, opposite, and immediately to the rear of the site are all 2 storey interwar detached or semi detached houses, and the proposed development is a bland 3 storey design which would be completely out of keeping with almost all of the adjoining houses. The 3 –storey aspect of the development is particularly unsuitable and represents an unnecessary and detrimental impact on the area.
- This 3 storey wing at the rear of the development is proposed to extend right up to the rear boundary of the site which would maximise its impact on the houses at the rear. This constitutes a severe and unnecessary overdevelopment of the site.

Privacy / Amenity

- The 3 storey part of the development, being built right up to the rear boundary would overshadow those properties to the rear and lead to a significant reduction in their privacy.
- A number of trees are to be removed as part of the development which is unnecessary and undesirable, particularly since these trees would help to screen the development from adjoining houses.
- The demolition and building work would cause unnecessary disturbance to residents in close proximity to the site

Sustainability

- It is preferable to bring the old building back into use thereby saving resources and energy

Conclusion

- Overall the development is of very poor design unsuitable scale and severe overdevelopment in terms of height and footprint. It is contrary to numerous policies of the local plan and should be refused.

7. APPLICANT'S SUPPORTING INFORMATION:

- Ecological Survey
- Tree Survey Report
- Planning Statement
- Waste management Strategy
- Utilities Sewerage Treatment

- Design and Access Statement

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site has an established use as a care home, albeit that the current proposal would represent a more intensive use of the site.

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.”*

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 proposed development will help to maintain a flexible and responsive supply of land for specialist housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Furthermore, it must also be acknowledged that according to the applicant the care home proposal would secure and generate 26 jobs full time jobs.

The Council's Adult Services on the grounds of over provision of such facilities within the Borough and concern about impact on health and council services for older people including GP and dental services, social care and hospital services. However, there are no policies within the adopted local plan or the NPPF requiring applicants to demonstrate a need for care facilities before planning permission can be obtained. Therefore, whilst the concerns of the Adult Services team are appreciated, this would not provide sustainable grounds for refusal, given the presumption in favour of sustainable development from the NPPF and the provisions of Sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Affordable Housing

The proposal is for a close care residential institution falling within Class C2, consequently, there is no affordable housing requirement.

Amenity

The surrounding development comprises semi detached properties to either side and on the opposite side of Manor Way. To the rear lie further similar properties in Salisbury Avenue and a number of mews houses accessed via Salisbury Close.

It is generally regarded that a distance of 21m is sufficient to maintain an adequate standard of privacy and amenity between two opposing principal windows and that a distance of 13m provides adequate separation between a principal elevation and a blank gable.

In this case a distance of over 21m would be achieved between the front elevation of the proposed building and the properties on the opposite side of Manor Way. A similar distance will be achieved between the principal windows in the rear elevations of the proposed building and the properties to the rear. The only exception to this being the separation distance between the principal windows in the rear elevation of no.9 Salsbury Close which will be approximately 20m from the nearest principal window of the proposed development. However, the two windows are not directly opposing, and are located almost at right angles to each other. Therefore this relationship is considered to be acceptable.

Numbers 131 and 127 Manor Way, which stand to either side of the proposed development, both have a number of windows in their side elevations. However, these do not appear to be principal windows. Furthermore, a distance of 19m and 20m will be maintained between the side elevations of these two properties, respectively, and the nearest windows in the side elevations of the proposed building. Consequently, it is not considered that a refusal on privacy or amenity grounds could be sustained.

Design and the Built Environment

Given that this site is previously developed, and was used for a similar type of use previously, the key design issues in relation to this application are:

Mass and scale

The area is characterised by 2 storey typologies with pitched roofs. The more recent housing scheme to the rear has some 3 storey housing, including to the immediate rear of the site. Whilst much of the building is 3 storey, it steps down toward the front of the site on Manor Way to 2 storey. The footprint of the building sets the 3 storey elements away from the properties either side. But the end elevation sits quite close to the northern boundary.

In design terms this makes for an efficient use of the site whilst in general terms responding to the scale and mass of the surroundings with the transition to 2 storey on the street frontage.

Character

The character of the scheme is a departure from the traditional form of surrounding housing. However, given the nature of the area it is considered that employing a contemporary architectural form is not unduly harmful architecturally, and if of sufficient quality, it could create a positive contrasting element within the wider area (see recommendations below). This contemporary approach also enables a more efficient use of the site whilst still responding in scale terms to its surroundings. However, as initially proposed the scheme involved a flat roof. It was considered that, notwithstanding the

contemporary design, this would create an overly harsh approach, which would appear as a stark and discordant addition to this traditional suburban street scheme. Therefore, an amended plan has been secured including a traditional pitched roof over the whole building.

Materials and detailing

Originally, 3 principal facing materials were proposed: red brick, bough/brown brick and off white render. It was considered that just a single brick and render provided enough variety, without the third material and this issue has also been addressed through the submission of the amended plans. Red brick and render are materials typical of an inter-war residential area, such as the one in which the building is situated, and are therefore considered to be appropriate to the context.

In respect to detailing, the scheme was generally considered to be acceptable, but it was felt that the front element could be more effectively treated in terms of more glazing on the front tower element, perhaps wrapping around the corner at ground level or continuous glazing up to first floor from ground. This has also been addressed through the amended plans.

Detailing of openings, fenestration and balconies will be important to emphasise quality and create definition within elevations but this can be secured through appropriate conditions.

Landscape and open space quality

The loss of trees at the site frontage is unfortunate, as this would have helped to integrate the scheme into the street scene. The frontage is quite dominated by the access and parking and a stronger link for pedestrians between street and doorway should be created. In addition more landscaping could be integrated at the frontage and access reduced in width or repositioned to enable retention of other trees or opportunities for further planting. Whilst the amended plans have gone some way to addressing this issue, any further reduction in car parking space would compromise highways standards.

Elsewhere in the site, more trees could be introduced in the space in the north west of the site and could be supplemented by use of green walling, green screens and possibly a green roof to the 2 storey frontage block and single storey storage area. This can be achieved through the use of the standard landscaping condition. The approach to create varied open space opportunities is positive

The car park needs to be surfaced in a high quality material to stop it being overly dominant in the context of the building and street scene. The quality of the frontage boundary will also be important and details can be obtained via condition.

Sustainable design considerations

Certain initiatives including exceeding Building Regulations in terms of thermal performance, potential rainwater harvesting and heat pumps to cool the building. This is positive but could more be achieved, such as more tree planting and soft surfaces (green

walls, fencing and roofs) and also in terms of renewable/low carbon heat (such as using the heat pumps to assist in heating the building, not just to cool). This could be addressed however, through the standard landscaping and renewable energy conditions.

Drainage/Flood Risk

According to the applicant's submissions, drainage will be to the existing combined foul and surface water system and initial enquiries with United Utilities would indicate that there is sufficient capacity to accommodate the development. The issue of surface water drainage to the proposed development has and will be considered, including the potential for grey water storage as part of the sustainability and renewables target. Capacity for surface water storage will be maintained within the site and foul and surface water will be discharged into existing public sewers at a controlled rate so as to prevent any increased risk of flooding due to surface water runoff or reductions in water quality resulting from contaminants, often present in surface water runoff.

The Environment Agency and United Utilities have considered this information and raised no objection to the application and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Highways

The main access to the site would be via a new junction onto Dunwoody Way, whilst service access would be via the existing main roundabout access to the Bombardier site.

The application is accompanied by a Transport Statement which draws the following conclusions:

- *That the traffic impact of the proposed development is negligible, and can be readily accommodated on the adjacent network without a material effect on the operation of the adjacent highway network;*
- *That the proposed parking, both vehicular and cycle, will accommodate the predicted demand and as such there would be no impact on local parking supply, but is also set at a level that will not encourage car use*
- *That the volume of movements associated with the site is such that any additional public transport movements could be accommodated by existing bus services as the additional hourly volume would be no more than one or two persons in the peak period; and*
- *That measures to promote cycling and public transport should be included as part of a Travel Plan for the development in order to take advantage of the cycle and public transport facilities that pass by the development.*
- *The transport statement has demonstrated that the development of the proposed site as a larger Care Home than the previous usage would not have any material impact on the surrounding highway network either in terms of additional traffic flows, demand for parking, safety, or impact on public transport costs and is fully supported and consistent with the planning guidelines for the area.*
- *Furthermore the site is ideally placed to promote the use of sustainable transport with good public transport accessibility.*

The Strategic Highways Manager has examined the application and his formal comments were awaited at the time of report preparation. A further update on this matter will be provided to Members prior to their meeting.

Trees and Landscaping

The site of the proposed development is a former residential care home set in landscape grounds comprising areas of lawn, shrub beds and a number of trees with paths and parking provision. The site is generally level although the frontage landscape areas are mounded. There are residential properties adjoining the boundaries to the north, west and east and to the south beyond Manor Way.

The proposed development would remove the majority of the existing trees and landscaped areas. The new layout would provide amenity areas for residents to the north and east of the site, retaining a small number of trees to the north. Proposed planting to the Manor Way frontage is limited to trees in shrub beds adjacent to 127 and 131 Manor Way.

The Council's Landscape Officer has examined the proposals and commented that there is discrepancy in submitted plans with some including land to the rear of 131 Manor Way in the development site. There are also concerns that the development could have a poor relationship to Manor Way with the loss of all the existing trees on the site frontage and the layout providing limited opportunities for planting in this area. There does not appear to be any proposed boundary treatment to the site frontage, although the layout and proposed landscaping of the proposed residents' amenity areas appears reasonable.

In accordance with the guidance contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* it is considered important that a planning submission provides sufficient information to allow the LPA to determine the impact on existing trees.

The submission in part follows the steps in the BS. The inclusion of a topographical survey, a tree survey, tree categorisation and a plan showing tree retention, removal and protection is welcomed. However, the submission does not provide an Arboricultural Impact Assessment or a summary of any issues to be addressed by an Arboricultural Method Statement including details of special measures which may be required, e.g. for engineering works within tree Root Protection areas.

Of 28 existing trees on the site it appears the proposed layout retains 6 and proposes 15 additional specimens. The retained trees are principally to the north with one on the eastern boundary.

There are concerns that the development would result in the loss of several Grade B trees and makes limited provision for replacement planting on the prominent Manor Way frontage. Whilst trees to the north of the site are not widely prominent, trees on the Manor Way frontage make a contribution to the streetscene. Ideally the better trees would be retained on the frontage.

Details of protective fencing are provided although the plan cites the now superseded BS 5837:2005 and a method statement would be necessary to cover arboricultural supervision

and for the construction of an area of hard surfacing within the root protection area of a retained Italian Alder tree to the north of the site.

Following the above concerns over the existing layout, the developer has submitted additional landscaping information and a revised site layout plan. The revised submission provides additional landscaping which is welcomed. The layout also shows some of the existing trees retained on the Manor Way frontage and provided a methodology for special construction works across where the development extends into tree root protection areas. It is questionable whether the frontage trees will all withstand the encroachment in the long term. Retaining walls are proposed in their root protection areas. However, it appears a balance has to be achieved between visual amenity and parking provision.

In the event of approval conditions are recommended in respect of implementation of landscape scheme, adherence to tree protection scheme and Arboricultural Method Statement and planting of replacements for any retained trees which subsequently might be lost as a result of the implementation of the proposals.

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 a survey has been carried out of the Manor Way Centre to determine the presence/absence of roosting bats. The Council's Nature Conservation Officer has commented that the ecologist that undertook the bat survey is suitably qualified and experienced to undertake work of this type. No evidence of bats was recorded during the survey and the building subject to this application appears to offer few opportunities for roosting bats.

Therefore bats or protected species in general do not present a constraint on the proposed development. However, if planning consent is granted it is recommended that conditions are attached to safeguard breeding birds and to ensure that some additional provision is made for roosting bats and breeding birds.

8. CONCLUSIONS

The proposal would result in the re-use of a brownfield site within the settlement boundary and would assist in generating employment and economic growth. The redevelopment of the site would not result in a loss of amenity to existing or future occupiers and the development is considered to be acceptable in design terms. It would not result in any increased risk of flooding or drainage problems or threat to ecology. Whilst the proposal would result in the loss of some existing mature trees on the frontage which is regrettable, there are opportunities within the site for replacement planting, and this issue is not considered to be sufficient to sustain a refusal. Therefore, subject to no objection being raised by the Strategic Highways Manager, and appropriate conditions, it is considered to be in compliance with the relevant local plan policies and the provisions of the NPPF and is recommended accordingly.

9. RECOMMENDATION

APPROVE subject to no objection from the Strategic Highways Manager and the following conditions:

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Limit occupancy to over 55 years**

4. Submission / approval / implementation of Environmental Management Plan
 5. Submission / approval / implementation of lighting details
 6. Submission / approval / implementation of acoustic enclosure of equipment with potential to generate noise.
 7. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease.
 8. Submission / approval / implementation of Detailing of openings, fenestration and balconies
 9. Submission and approval of materials including surfacing
 10. Provision of 10% renewable energy unless unviable to do so
 11. Breeding Bird Survey prior to any work during nesting season.
 12. Provision of features for use by Breeding Birds
 13. Submission and approval of landscaping
 14. implementation of landscape scheme,
 15. Adherence to tree protection scheme and Arboricultural Method Statement
 16. Planting of replacements for any retained trees which subsequently might be lost as a result of the implementation of the proposals.
 17. Submission and approval of cycle parking within scheme
 18. Submission and approval of contaminated land mitigation measures
 19. Piling hours to be restricted
 20. Construction Hours to be restricted
 21. Submission and approval of boundary treatment
 22. Submission and approval of travel plan
 23. Provision of Parking
 24. Access works to be carried out prior to first occupation
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