

Southern Planning Committee

Agenda

Date:	Wednesday, 10th April, 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 - 10)

To approve the minutes of the meeting held on 20 March 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. **13/0018N Underwood Court and West View, Underwood Lane, Crewe: The demolition of 2no. vacant residential care homes to be replaced with 34no. 2 and 3 bed homes with associated parking and landscaping. The proposals result in a change of use from C2 to C3 for Christopher Prime, Your Housing Group (Pages 11 - 24)**

To consider the above planning application.

6. **13/0210N Land South of Newcastle Road, Hough, Cheshire: Outline Application for the Development of Fourteen Affordable Homes of Mixed Type and Tenure. Resubmission of 11/4548N for Mr Thomas Bartlam (Pages 25 - 44)**

To consider the above planning application.

7. **13/0247C Sanderson Way, Middlewich, Cheshire: Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping for Bob Nicholson, Pochin Land and Development Limited and CRJ Services Limited (Pages 45 - 54)**

To consider the above planning application.

8. **13/0403N 32, Nantwich Road, Wrenbury, Cheshire CW5 8EN: Outline application for erection of small 2-storey dwelling on vacant land for Ms Shirley Wardle (Pages 55 - 62)**

To consider the above planning application.

9. **13/0415N 20, Pastures Drive, Weston CW2 5SD: Proposed 2 Story Rear Extension for Mr Andrew Beardmore (Pages 63 - 68)**

To consider the above planning application.

10. **13/0501N Land adjacent to New Farm Buildings, Bunbury Common Road, Bunbury, Tarporley, Cheshire: Erection of a temporary agricultural workers dwelling - Resubmission of 12/0083N for Mr Richard Broster, R & H Broster & Sons (Pages 69 - 82)**

To consider the above planning application.

11. **13/0506C Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, Cheshire CW4 7DX: 1) Development of a new 2 storey extension to the existing sixth form and arts block. 2) Relocation of T1 Portacabin to make way for new extension to the south of the campus. 3) Minor recladding of the existing sixth form and arts block to upgrade elevation. 4) Minor external landscaping works to car park** The new 2 storey extension forms the main part of this application. Externally there is minor landscape works to create a new arrival plaza, an outdoor teaching terrace and minor reconfiguration of the car park and footpaths for Mr Denis Oliver, Holmes Chapel Comprehensive School
(Pages 83 - 88)

To consider the above planning application.

12. **13/0757C Land At Canal Road, Congleton CW12 3AP: Residential Development with Access off Wolstanholme Close, Reserved Matters Application for Appearance, Landscaping, Layout and Scale for Wainhomes Developments Limited** (Pages 89 - 98)

To consider the above planning application.

13. **13/0761C Former Waggon and Horses, West Road, Congleton CW12 4HB: Variation of Condition 2 (Approved Plans) On Approval 12/4143C for Tesco Stores Ltd** (Pages 99 - 104)

To consider the above planning application.

14. **13/0791C Lyndale & 2 Somerford View, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Outline application for erection of four new dwellings including improvement of existing access (resubmission) for Mr & Mrs F Bailey & Mr M Beech** (Pages 105 - 118)

To consider the above planning application.

15. **13/0880C Holly House Farm, Middlewich Road, Cranage, Cheshire CW10 9LT: Construction of one new detached house (resubmission of planning application reference 12/4578C) for George Yarwood** (Pages 119 - 126)

To consider the above planning application.

16. **13/0100C Land at 50A, Nantwich Road, Middlewich, Cheshire CW10 9HG: Residential development comprising demolition of existing bungalow and outbuildings and erection of 24 dwellings including access, parking, landscaping and associated works (Resubmission) for P.E. Jones (Contractors) Limited** (Pages 127 - 146)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 20th March, 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, D Bebbington, P Butterill, R Cartlidge, J Clowes,
W S Davies, P Groves, A Kolker, D Marren and D Newton

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Flude, J Hammond, M Jones, P Nurse and C Thorley

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Patricia Evans (Lawyer)
Ben Haywood (Principal Planning Officer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M A Martin, S McGrory and A Thwaite

147 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application numbers 13/0019N and 13/0136N, Councillor P Groves declared that at previous meetings he had declared that he had been appointed as a Council representative on the Board of Wulvern Housing and had withdrawn from the meetings during consideration of the relevant items. However, he had not participated in the discussions at Wulvern Housing with respect to these applications and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decisions.

With regard to application number 13/0403N, Councillor S Davies declared that he had called in the application on the basis of concerns raised by the parish council, and that the wording in the officer's report did not reflect his own views. He had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

With regard to application number 13/0493N, Councillor S Davies declared that he had raised money for the applicant's charity when he was Mayor of Crewe and Nantwich Borough Council. In accordance with the code of conduct, Councillor Davies withdrew from the meeting during consideration of this item.

Councillor D Bebbington declared that, notwithstanding the publication in the press of a letter from him regarding the Keep it Green Campaign, he had kept an open mind with respect to all the applications on the agenda for the current meeting, and that he would consider each item on its merits, having heard the debate and all the information.

With regard to application number 13/0226N, Councillor D Bebbington declared that he knew Mr Lee and would withdraw from the meeting during consideration of this item.

With regard to application number 13/0226N, Councillor D Marren declared that he was a member of Nantwich Town Council, but that he had not taken part in any discussions in respect of the application and had not made comments on it.

With regard to agenda item number 14 (Outline application for the erection of 91 dwellings at South Cheshire College - P07/1054), Councillor D Newton declared that he was known to one of the applicants who would be making representations at the meeting.

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 (except two for which she made specific declarations), and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also declared that she was a member of Nantwich Town Council and Nantwich Civic Society.

With regard to application number 13/0226N, Councillor P Butterill declared that she had not kept an open mind. Councillor Butterill declared that she would exercise her separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 13/0708N, Councillor P Butterill declared that her son lived opposite the site. In accordance with the code of conduct, Councillor Butterill withdrew from the meeting during consideration of this item.

With regard to agenda item number 14 (Outline application for the erection of 91 dwellings at South Cheshire College - P07/1054), Councillor J Weatherill declared a disclosable pecuniary interest. In accordance with the code of conduct, Councillor Weatherill withdrew from the meeting prior to consideration of this item.

With regard to application number 13/0136N, Councillor G Merry declared that Rev M Lorimer was known to her.

With regard to agenda item number 14 (Outline application for the erection of 91 dwellings at South Cheshire College - P07/1054), Councillor G Merry declared that one of the speakers was known to her.

With regard to application number 13/0493N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council.

148 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 27 February 2013 be approved as a correct record and signed by the Chairman.

149 13/0493N LAND BETWEEN MEADOW RISE AND ASH COTTAGE, OFF HOLMSHAW LANE, HASLINGTON CW1 5XF: A NEW SINGLE STOREY DWELLING FOR MR & MRS J COUPLAND

Note: Having made a declaration, Councillor S Davies withdrew from the meeting during consideration of this item.

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

Note: Councillor J Hammond (Ward Councillor and on behalf of Haslington Parish Council), Mr I Hopkins (supporter) and Mr J Coupland (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for refusal, the application be APPROVED, as the exceptional personal circumstances of the applicant outweighs the harm that would result from the erection of a new dwelling in the open countryside.

The approval to be subject to a planning obligation under Section 106 to limit occupation to persons with a disability and the following conditions:

1. Time limit
2. Plans
3. Materials
4. Remove PD
5. Landscaping
6. Boundary treatment
7. Contaminated land
8. Hours of construction and piling

9. Occupancy condition to restrict occupation of the dwelling to the applicants and their daughter only

150 **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**

Note: Having declared that she had predetermined the application, Councillor P Butterill addressed the Committee as Ward Councillor then withdrew from the meeting during consideration of this item.

Note: Having declared that he knew Mr Lee, Councillor D Bebbington withdrew from the meeting during consideration of this item.

Note: Mr R Lee (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, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to 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.
6. Sheds to be used for ancillary storage only

151 **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**

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

Note: All Members of the Committee declared that they had received correspondence from the applicant regarding the application.

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

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area

Manager – Development Management which confirmed the receipt of an additional plan.

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

1. The proposed development would not represent economically and socially sustainable development as there is no identified local need for the care home. There is already an over supply of such care homes in the locality which exceeds the needs for the current and future generations. The development would therefore be considered contrary to NPPF paras 7, 17 and 50.
2. The proposed development by virtue of its height, scale and mass would represent an overdevelopment of the site which would be out of character with the surrounding area. The development would therefore be contrary to Policy BE2 of the Borough of Crewe and Nantwich Local Plan 2011.

152 **13/0708N LAND AT 2, RAILWAY BRIDGE COTTAGES, BADDINGTON LANE, BADDINGTON, NANTWICH CW5 8AD: MATERIAL CHANGE OF USE OF LAND TO USE AS GYPSY/TRAVELLER RESIDENTIAL CARAVAN SITE, INCLUDING EXTENSION TO EXISTING HARDSTANDING (4 PERMANENT PITCHED) RESUBMISSION FOR MR J FLORENCE**

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

Note: Having declared that her son lived opposite the site, Councillor P Butterill withdrew from the meeting during consideration of this item.

Note: Councillor J Clowes left the meeting prior to consideration of this application.

Note: Councillor M Jones (the Leader of the Council) 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 Timescale
2. Plan References
3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 Annex 1 of Planning Policy for Traveller Sites

4. There shall be no more than four pitches on the site and there shall be no more than eight caravans stationed at any time, of which only four caravans shall be a residential mobile home
5. No External Lighting
6. Details of a landscaping scheme to be submitted and approved in writing
7. Landscaping scheme to be implemented
8. Details of a drainage scheme to be submitted and approved in writing
9. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site
10. No commercial activities shall take place on the land, including the storage of materials
11. Details of the porous surfacing materials to be submitted and approved in writing
12. Details of Boundary Treatment to be submitted and approved in writing
13. If the site is no longer required as a gypsy site all the structures shall be removed within 3 months and the land returned to its former use

153 12/4843C DRUMBER FARM, DUBTHORN LANE, BETCHTON CW11 4TA: ERECTION OF BUILDING TO HOUSE LIVESTOCK AND AGRICULTURAL IMPLEMENTS FOR MR A DAVIES, W.A. DAVIES & SONS

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

Note: Mr C Harvey (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 be APPROVED subject to the following conditions:

1. Standard timescale
2. Approved Plans
3. Materials as submitted

154 13/0013N EDLESTON ROAD COUNTY PRIMARY SCHOOL, EDLESTON ROAD, CREWE CW2 7HB: CONVERSION OF FORMER PRIMARY SCHOOL TO FORM TEN RESIDENTIAL APARTMENTS FOR SOUTH CHESHIRE COLLEGE

Note: Mr M Krassowski (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)
2. Plans
3. Material details to be submitted
4. Hours of construction/construction method statement
5. Hours of piling
6. Prior submission of piling method statement
7. Lighting to be approved
8. Implementation of noise mitigation measures
9. Obscure glazing (x1)
10. All new brickwork, its coursing and mortar shall match the exiting
11. All existing cast iron gutters and pipework to be retained if salvageable;
12. All new pipework and gutters to be in metal and painted black;
13. Existing gates and railings to be retained
14. bike store details for each unit
15. bin store details

155 **13/0019N LINDEN COURT, HUNGERFORD AVENUE, CREWE CW1 6HB: 22NO. NEW RESIDENTIAL UNITS, PREDOMINANTLY TWO STOREY SEMI-DETACHED DWELLINGS WITH 6NO. 1 BEDROOM FLATS AND A NEW ACCESS ROAD FOR ANN LANDER, WULVERN HOUSING**

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

Note: With regard to this application and application number 13/0136N, Councillor R Cartlidge declared that at previous meetings he had declared that he had been appointed as a Council representative on the Board of Wulvern Housing and had withdrawn from the meetings during consideration of the relevant items. However, he had not participated in the discussions at Wulvern Housing with respect to these applications and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decisions. Councillor Cartlidge did not, however, participate or vote with respect to this application but remained in the room.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to 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 been submitted to and agreed in writing by the Local Planning Authority.
6. Dust Control
7. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
8. Submission and approval of materials
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. Implementation of landscaping scheme
11. Implementation of tree protection and proposed tree works
12. Submission of updated arboricultural method statement to include details of key contacts, and an auditable schedule of arboricultural supervision which includes the construction of the proposed retaining structures
13. Submission of services routes
14. Implementation of Boundary Treatment, and bin storage
15. Dwellings to be retained as affordable housing
16. Drainage details to be submitted
17. Highway and car parking works to be completed prior to first occupation
18. Removal of permitted development rights, extensions and outbuildings
19. Construction Management Plan

Informative – Section 247 required for stopping up or diversion of the public highway

- (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.

- 156 **13/0136N NORTH STREET METHODIST CHURCH, NORTH STREET, CREWE CW1 4NJ: DEMOLITION OF EXISTING CHURCH BUILDING, ERECTION OF CHURCH COMMUNITY CENTRE AND 18 AFFORDABLE RETIREMENT APARTMENTS AND ASSOCIATED ACCESS AND CAR PARKING PROVISION FOR MALCOLM LORIMER, WULVERN HOUSING LTD AND TRUSTEES FOR MET**

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

Note: Having previously declared his involvement with Wulvern Housing, Councillor Cartlidge remained in the room, participated in the debate and voted with respect to this application.

Note: Councillor C Thorley (Ward Councillor) and Rev M Lorimer (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management clarifying that references to ‘Cashmere Drive’ in the report should read ‘Castlemere’.

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

1. Standard (Time)
2. Plans
3. Material details to be submitted
4. Hours of construction (Mon-Fri – 08:00 to 18:00hrs, Sat – 09:00 to 14:00hrs, Sun – Nil)
5. Lighting to be approved
6. Dust suppression (implementation only)
7. Prior submission of an amended design for the revised access to include radius kerbs and tactile paving
8. Landscaping (Implementation only)
9. Boundary treatment (implementation only)
10. Construction of access in accordance with approved drawing
11. Affordable housing
12. Submission of details of drainage scheme
13. No development to take place until revised parking scheme is submitted and approved

- 157 **13/0403N 32, NANTWICH ROAD, WRENBURY, CHESHIRE CW5 8EN: OUTLINE APPLICATION FOR ERECTION OF SMALL 2-STOREY DWELLING ON VACANT LAND FOR MS SHIRLEY WARDLE**

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

158 **OUTLINE APPLICATION FOR THE ERECTION OF 91 DWELLINGS AT SOUTH CHESHIRE COLLEGE**

Note: Having declared a disclosable pecuniary interest, Councillor J Weatherill left the meeting prior to consideration of this application.

Note: Councillor P Nurse (Ward Councillor), and Mr V Harris and Mr M Krassowski (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding application P07/1054, which had been approved by the Crewe and Nantwich Borough Council Development Control Committee in October 2007.

The applicant was seeking to remove the affordable housing element and to amend the application site boundary with respect to the previous resolution. It was also necessary to consider the implications of the introduction of the National Planning Policy Framework.

RESOLVED – That, for the reasons set out in the report, the proposed amendments to the resolution in respect of application P07/1054 be approved, and that the application therefore be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure on site open space and equipped children's playspace

and the following conditions:

- 1-3. Standard outline
4. Approved plans Ref: 1172-01/GA-04
5. Surface water regulation system
6. All surface water drainage from car-parking areas and hard standings shall be passed through an oil interceptor
7. Scheme of tree protection
8. Updated Traffic Assessment to be submitted with reserved matters

The meeting commenced at 2.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)

Application No: 13/0018N

Location: UNDERWOOD COURT AND WEST VIEW, UNDERWOOD LANE, CREWE

Proposal: The demolition of 2no. vacant residential care homes to be replaced with 34no. 2 and 3 bed homes with associated parking and landscaping. The proposals result in a change of use from C2 to C3.

Applicant: Christopher Prime, Your Housing Group

Expiry Date: 13-Mar-2013

SUMMARY RECOMMENDATION - Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

- Affordable Housing Provision
- Impact of character and appearance of the area
- Impact on residential amenity
- Impact on trees
- Implications for education infrastructure
- The Heads of Terms for the S106 Agreement

REASON FOR REPORT

This application is brought before Members as it is a major development on a Council owned land.

DESCRIPTION OF SITE AND CONTEXT

The site lies within the Crewe Settlement boundary . Presently the site comprises West View, a vacant former nursing home housing up to 36 elderly residents and 36 elderly persons sheltered apartments within Underwood Court. West View was previously operated by Wyvern Housing Association and Underwood Court was previously operated by the Council. There are two separate access points serving the 2 sites.

There is a mix in housing types and tenure in the generally area, with houses directly adjoining the site being a relatively modern development of detached and semis detached dwellings and bungalow accessed via Kinloch Drive. Elevated above the northern boundary to the Underwood Court part of the site is a footpath route to the town centre, beyond which lies a 1970's housing estate. A small commercial estate is directly opposite the site on Underwood Lane beyond which lies more housing.

There are a number of mature trees throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. The trees are not protected.

There is a seven metre drop in levels in a southerly direction. The layout has been revised to address the significant drop in levels across the site. As amended, this scheme will treat each part of the site independently from each other. The existing West View access will be retained to form the proposed vehicular access for 19 housing units within that part of the site and a relocated access will be utilised for the majority housing units on the Underwood Court part of the development site, with units fronting onto Underwood Lane having off street parking accessed via private driveways accessed directly from Underwood Lane.

As a consequence the Underwood Court part of the site is at a higher level than West View and the interface between the two site is a sharp drop in levels.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 34 residential units arranged off two discreet access points. The scheme is intended as 100% social rented accommodation. The Borough Council will remain in freehold ownership of the site, however, Wulvern Housing Association will develop and thereafter manage the site on a long leasehold.

The site presently incorporating Underwood Court will accommodate 15 terraced and semi-detached units and 1 no detached unit in a cul de sac accessed from Underwood Lane.

The residential mix is:

Eight no 2 bedroom houses (2 storey)

Seven no 3 bedroom houses (2 storey)

The site presently incorporating the former West View care home will accommodate 19 terraced and semi-detached units in a cul de sac layout accessed from Underwood Lane. Four units to be located to the Underwood Lane frontage are intended to have off street parking via a parking court to the rear

The residential mix is:

Eleven no 2 bedroom houses (2 storey)

Eight no 3 bedroom houses (2 storey)

RELEVANT HISTORY

No relevant history.

POLICIES

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Promote Environmental Quality
L2 – Understand Housing Markets
L4 – Regional Housing Provision
L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply

Borough of Crewe and Nantwich Replacement Local Plan 2011

RES2 (Unallocated Housing Sites)
NE5 (Nature Conservation and Habitats)
NE9 (Protected Species)
BE1 (Amenity)
BE2 (Design Standards)
BE3 (Accessing and Parking)
BE4 (Drainage, Utilities and Resources)
BE5 (Infrastructure)
TRAN9 (Car Parking Standards)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Other Material Considerations

Supplementary Planning Document 'Development on Backland and Gardens'
Cheshire East – Interim Planning Statement on Affordable Housing (2011)

Cheshire East – Interim Planning Policy Statement on the Release of Housing Land
Strategic Housing Land Availability Assessment (SHLAA)
By Design – better places to live; Safer Places – the Planning System and Crime Prevention
– A Companion Guide to PPS1

West View Development Brief

CONSULTATIONS (External to Planning)

Strategic Highways Manager: Verbal comments received at time of writing report. No objections

Environmental Health (Contaminated Land) - No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

Environmental Health (Noise and Amenity) – No objection subject to conditions regarding hours of work/deliveries and the incorporation of measures to minimise dust during construction.

Nature Conservation (Ecology) – No objection. Survey information is accepted and demonstrates no implications for protected species.

Housing Strategy Manager – Supports the application. Will provide 100% affordable rented units for which there is a need in this part of the Borough

United Utilities : No objection subject to conditions concerning site to be drained on separate system

Forestry Officer - Raises no objection subject to conditions concerning tree protection for trees to be retained. None of the trees on the site are deemed to be worthy of TPO.

Greenspace Manager - No objection subject to the provision of a commuted sum of £40000. This will be in the form of the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.

Education - No objection subject to a financial contribution of £65,078 in lieu of secondary education.

OTHER REPRESENTATIONS

6 letters and emails of objection have been received from residents in the immediate vicinity of the site to the scheme as originally submitted. One respondent later withdrew their objections following amendments. The comments can be read in full on the website but raise the following concerns:

Highways

- Additional traffic generated as a result of the proposals- previous elderly occupiers unlikely to drive
- Safety – The creation of driveways for housing fronting onto Underwood Lane is dangerous
- Additional queuing traffic at Badger Lane/Underwood Lane traffic lights as a result of the proposal

Amenity

- Loss of privacy to houses adjacent
- Design is out of character with area and overly prominent
- Increased noise from development in neighbouring house
- Overlooking from windows of new houses into adjoining dwellings
- Boundary treatment -long term security

Trees

- Loss of trees which are an amenity and provide privacy

APPLICANT'S SUPPORTING INFORMATION:

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

OFFICER APPRAISAL

Principal 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 pair of care homes, albeit that the current proposal would represent different 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 affordable 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.

Given the urban location of the site and the presumption in favour of sustainable development from the NPPF along with 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"*, it is considered that there is a presumption in favour of the development.

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.

The key issues are therefore considered below.

Impact on character and appearance of the area

This proposal comprises a small development of mainly semi-detached, two storey dwellings that are in keeping with the mixed residential vernacular of the area.

The scheme treats both part of the site separately, although the uniformity of the housing types and designs link the sites. The changes in site levels and the creation of a terraced interface internally between the two sites allows for the housing layouts within each separate parcel to maximise the housing density of the site, whilst retaining the most important trees within the frontage particularly to the Kinloch Close area of the West View part of the site. Parking is set generally behind the building lines and within the rear parking court. Three of the units fronting onto Underwood Lane do however incorporate driveways to the front of the building line.

Whilst this development incorporates greater coverage of the site than the existing building and areas of hardstanding/parking, a considerable number of mature trees to the periphery, particularly the Kinloch Road frontage. Whilst some trees/ shrubs within the development area are removed, replacement planting is proposed which will safeguard the amenity of the area.

The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties and the sloping nature of the site.

It is considered that the proposed development would reflect local character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies of the Local Plan.

Trees

It has been accepted by the Council's Arborist that due to the sloping nature of the site, its developable area and the positions of existing trees throughout the site, it would not be possible to successfully retain all the most desirable trees and achieve a viable housing layout.

A considerable number of trees will need to be removed to facilitate the development of this scheme. None of the trees on the site are considered to merit formal protection via TPO in the view of the Council's Arborist.

Following concerns expressed by the Council's Arborist, the scheme has been significantly revised. The revised scheme provides for an improved juxtaposition/relationship to the A1 category Beech tree located on the Underwood Lane frontage and the retention of 5 'B' quality trees along Kinloch Close located within the north east corner of the site. The revised Arboricultural Impact Assessment (AIA) has proposed some minor pruning of some of these trees to facilitate the development proposals. Such works are considered to be of a relatively minor nature and within the scope of BS3998:2010 Tree Work (Recommendations).

Fourteen 'B' category trees (8 individual specimens and a group comprising of 6 trees) will be required to be removed in order to facilitate the development proposals. The majority of the trees are internal site features, although a number of trees including a good quality Copper Beech, a linear group of Norway Maple located on the Underwood Lane frontage and 3 'B' category trees facing Kinloch Close currently provide a moderate contribution to the visual amenity of the area.

A further 19 individual 'C' category trees, a 'C' category group and 4 individual 'U' category trees are proposed to be removed to facilitate the development.

In seeking to achieve the most acceptable design solution, specific key trees were identified for retention to provide focal points for additional landscaping provision and provide a positive improvement to the street scene and to protect the amenity of residents on Kinloch Close.

The revised scheme has reduced the construction impacts upon those trees to be retained, however the Arboricultural Impact Assessment does identify the boundary treatments, including close boarding fencing; garden railings and a retaining wall which will require further detailed tree protection measures by way of an Arboricultural Method Statement to ensure minimal damage to the rooting environment of trees. This can be achieved by condition.

The landscaping (both hard and soft) and additional planting to the landscape belts adjoining the site, which are within the highway will need to be treated carefully to mitigate for the loss of trees, however, it is considered that the layout as proposed is an efficient use of the site and that the contribution that this site will make to the delivery of affordable housing will outweigh the harm caused to the character of the locality due to the loss of trees.

Amenity

External Relationships

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. This scheme satisfies and generally exceeds this requirement.

Objections have been raised by neighbours on grounds of loss of privacy due to the removal of trees from the site boundaries, however, the space between the proposed new dwellings and adjoining neighbours is such that such objection could not be sustained as reasons to refuse the application. It should also be borne in mind that none of the trees within the site are afforded any formal protection.

Internal Relationships

The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearing, daylight or privacy. However, there are some very minor breaches of spacing standards between some facing principal elevations. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants. It should also be noted that the layout has been informed by some of the principles of Manuel for Streets which can often result in lower spacing standards, at the expense of improved public realm.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. Each dwelling has sufficient space for 3 bins, clothes drying and a shed. In amenity terms it is considered that the layout complies with the requirements of Policy BE.1 of the Local Plan.

It is recommended that permitted development rights for extensions are removed to ensure that an adequate privacy distance is maintained in the future.

Education

The Education Officer has examined the proposal and has raised no objection subject to the provision of a contribution of ££65,078 toward secondary education. This could be secured through a Section 106 Agreement if the development was deemed to be acceptable.

Affordable Housing

This application is for 34 affordable rented homes provided as a mix of 21 x 2 bed 4 person houses and 13 x 3 bed 5 person houses over the two parts of the site.

Underwood Court is owned by Wulvern and will be developed by them to provide 8 x 2 bed 4 person houses and 7 x 3 bed 5 person houses to be let as affordable rent.

The West View part of the site is owned by the Council and is being sold to Your Housing Group on a long lease, Your Housing Group will develop this site to provide 13 x 2 bed 4 person houses and 6 no 3 bed 5 person houses to be let as affordable rent.

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.

The site is located close to West Street, there are currently 50 applicants on the housing register with Cheshire Homechoice who have selected this area of Crewe as their first choice, these applicants require 24 x 1 bed, 13 x 2 beds, 9 x 3 beds and 1 x 4 beds (3 applicants haven'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, therefore can confirm that Housing support this application as it will deliver affordable housing which will contribute to the identified need in Crewe

Highways

The site is directly adjacent to the public transport network, it is a sustainable location being located adjacent to the bus stops on Underwood Road. The town Centre is within reasonable walking distance.

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles

The proposal incorporates off road car parking for each dwelling, the majority of the units having 2 car parking spaces, however six of the units have one space. Whilst less than 200% this is considered to be in accordance with the objectives of policies of the local plan and the NPPF, given the accessible location of the site on a bus route and the need to utilise the site efficiently in density terms.

Whilst no formal comments have been received at the time of writing this report, The Strategic Highways Manager has been involved in the discussions that have taken place. He has verbally advised that he raises no highway objections raised to the application subject to conditions.

Renewable energy

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the Design & Access statement has not considered the incorporation of such measures. No information is submitted in support of this application in respect of renewable resources however this could be dealt with by planning condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site comprises previously developed land in a sustainable urban location, with access to a range of local services and facilities nearby and has good public transport links.

The scheme is considered to be a sustainable development of a brownfield site where there is a presumption in favour of the development. For the reasons outlined above; the scheme, in the main, complies with relevant Development Plan policy and the NPPF.

The National Planning policy Framework in paragraph 14 makes it clear that planning permission should be granted for sustainable forms of development. There are no adverse impacts resulting from this development which would *significantly* or *demonstrably* outweigh the clear benefits of the scheme.

The design of the scheme is acceptable and sympathetic to the existing urban environment. The impact of the development on adjoining land uses and the living conditions of neighbours is within acceptable standards and can be controlled by condition.

The proposal will have no adverse impact in terms of highway safety, landscape or ecology.

Whilst there is some conflict in terms of the loss of trees on the site overall, the numerous benefits and this schemes contribution to the housing need, particularly the need for affordable rented family sized accommodation in this part of the Borough is considered to be a significant benefit which outweighs the harm cause by virtue of loss of trees..

Community Infrastructure Levy (CIL) Regulations

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

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

The commuted sum in lieu of children's play space is necessary, fair and reasonable, as the proposed development will provide 34 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no children's play being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities in the vicinity. Likewise, the education department are forecasting that the area will have a shortfall of secondary schools places within 2 years and on this basis there will be a need to provide additional places as a direct consequence of this development

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

SUBJECT TO

The satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of commuted sum in lieu of on site provision of Childrens off site Play
- Education contribution - £65,078 for secondary education

RECOMMENDATION

Grant Conditional Planning Permission subject to the following conditions:

- 1) Commencement of Development (3 years)
- 2) Approved Plans
- 3) Materials to be submitted
- 4) Details of Surfacing materials to be submitted
- 5) Detailed Landscaping Scheme to be submitted, scheme to include Council land adjacent
- 6) Landscaping Scheme Implementation and maintenance
- 7) Tree protection measures to be submitted
- 8) Tree retention

- 9) Details of Boundary treatments to be submitted for approval – such details to include all gates(including to parking court)
- 10) Scheme to retain 30% as being affordable units in perpetuity (split as 6no on West View and 5no dwellings on Underwood Courts)
- 11) Parking to be made available prior to occupation
- 12) Parking Courts to be surfaced and drained in accordance with scheme to be submitted and implemented prior to first occupation
- 13) Hours of construction:
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil
- 14) Hours of pile driving:
Monday – Friday 08:30 – 17:30 hrs
Saturday 08:30 – 13:00 hrs
Sunday and Public Holidays Nil
- 15) Phase II Contaminated Land Survey prior to commencement
- 16) Details of any lighting to be submitted and approved
- 17) Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year,
- 18) Detailed proposals of features suitable for use by breeding birds to be submitted
- 19) Construction Management Plan to be submitted and approved in writing prior to the commencement of development. Implementation in accordance with the approved plan.
- 20) Finished levels throughout site to be submitted and approved
- 21) 10% Renewable energy
- 22) Permitted development removal (all extensions and alterations Classes a-e)

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0210N

Location: LAND SOUTH OF NEWCASTLE ROAD, HOUGH, CHESHIRE

Proposal: Outline Application for the Development of Fourteen Affordable Homes of Mixed Type and Tenure. Resubmission of 11/4548N

Applicant: Mr Thomas Bartlam

Expiry Date: 12-Apr-2013

MAIN ISSUES

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

SUMMARY RECOMMENDATION

Refuse

REFERRAL

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

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

'I have been contacted by local residents and Hough and Chorlton Parish Council who have the following material objections to this application:-

- a) The Parish Council have (with guidance from CEC) conducted a Local Housing Needs Survey which has identified that there is no current need (in next five years) for affordable housing in the Parish.*
- b) the site is situated outside the settlement boundaries, in the open countryside in a greenfield site (contrary to current Planning and the NPPF)*

- c) the site is grade 2 and 3a agricultural land (contrary to current planning and the NPPF)*
- d) the applicant's submitted ecological survey does not adequately address material ecological concerns related to the site as highlighted by the planning team in relation to the applicant's previous application for this site submitted in*
- e) The access to the site proposed in the plan is on a hazardous bend of the Newcastle Road which is the site of frequent accidents (despite a 40 mph speed limit)'*

1. SITE DESCRIPTION

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

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

To the front of the site the four large Poplar trees have now been removed. There is an existing field gate to north-west corner of the site.

2. DETAILS OF PROPOSAL

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

3. PREVIOUS RELEVANT DECISIONS

11/4548N - Fourteen 3 & 4 Bed Semi-Detached Affordable Houses – Withdrawn 31st May 2012

4. PLANNING POLICIES

National Policy

The National Planning Policy Framework

Local Plan Policy

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- NE.2 (Open Countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

RDF2 – Rural Areas

L5 – Affordable Housing

EM18 – Decentralised Energy Supply

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTEES

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

Strategic Highways Manager: The proposal shows a new access to serve the site which has been positioned as far as possible from the junction of Pit Lane. This junction position was accepted in principle and subject to safety audit on the previous (but withdrawn) application and therefore the Strategic Highways Manager maintains that position.

On this current application the S.H.M. finds it necessary to provide additional comment against the application proposal with regard to the details of the submitted site layout plan: SK01 'A'.

This plan is inconsistent in its detail between the annotation and the drawn detail and also shows technical design significantly in excess of that required to serve the proposal for 14 properties. This is unacceptable to the S.H.M. and there should be an amended plan for the scale of the access in the agreed position which would provide an appropriate level of access. In addition the suggested internal layout should comply with Manual for Streets via a pedestrian priority design and not as shown with a major vehicular route design. This should be changed if a detailed application is made.

Given the issues with the scale of the proposed design it is recommended that a condition be imposed on any permission which may be granted that an amended plan be agreed with the Highway Authority with regard to the specification of the

access design with the provision of a stage 1 safety audit, such that an appropriate design for this access junction can be agreed.

Environmental Health: Insufficient information has been submitted with the application relating to the loss amenity, in order to assess adequately the impact of the proposed development having regard to noise from road traffic. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

A condition suggested in relation to construction hours and an advisory note is suggested in relation to contaminated land.

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

- Agree with Natural England that the development will not have an impact upon the Wybunbury Moss SSSI.
- We note that the Hough Residents' Action Group, in a formal presentation which is included in the relevant documents online, made a number of points regarding the ecological interest of the site. These include reference to recent bird surveys of the site and surroundings. However, the results of these surveys are not included, as referenced, in Appendix 10.4 of the presentation. It would have been helpful to have seen the results, not least because (according to the text of the presentation) they indicate that the bird surveys found 20 confirmed, 6 probable and 6 possible breeding species 'within the area of the site'. Given that much of the site is improved grassland, dominated by ryegrass (see Phase 1 habitat survey report page 3) these numbers of breeding birds actually on the site are at odds with the available site habitat. In the absence of the full survey data, the ornithological interest of the site cannot be clearly established.
- The applicant has submitted a Phase 1 Habitat and Protected Species Survey report, which has been carried out by an appropriately qualified ecologist. However, there are inconsistencies relating to the assessment of ponds and their connectivity to the site. Pond 1, only 5m from the site boundary, is described on page 3 as having 'very good' connectivity with the site, but on page 10 (para. 5.2.2) the author writes 'connectivity of the site to the closest pond, Pond 1, ... is very poor'. This is one of the reasons given for concluding that 'it is very unlikely GCN are present on the development area on the site'. Pond 1 is also described as having been 'assessed' in Appendix 1 – however, no details are given of the assessment in this Appendix, and the pond for which HSI details are given in Table 1.1 is titled POND 2.
- If Table 1.1. actually refers to Pond 1 and it is of 'average' suitability for GCNs (as also stated in paragraph 1.3), then further survey is probably required to establish whether GCNs are present.
- Natural England's standing advice would also suggest that detailed GCN surveys are required prior to determination. The site includes features listed on the 'decision tree', leading to the conclusion that 'GCN ... surveys may be required'.
- In CWT's view the proposed Illustrative layout SK01A is likely to place undue stress on existing (apparently TPO'd) trees on the western boundary of the site, where the access road and the SW pair of houses are tight to the boundary.

This will not only affect the canopies of existing mature trees but also their root spreads, and could seriously impair the trees' access to air and water. There may also be pressure from future residents (and insurers) further to reduce tree canopies which will be extremely close to and overshadow some of the properties and their gardens. It is therefore recommended that the layout is amended to avoid this conflict and to maintain the health and life expectancy of the trees.

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

6. OTHER REPRESENTATIONS

Letters of objection have been received from 222 households in the area raising the following points;

Principal of Development

- There is no great demand for housing in Hough
- The development contravenes a number of emerging policies
- The local residents do not want this development
- The Parish Councils assessment does not find any need for affordable housing
- The site is outside the settlement boundary
- This application is just the first phase
- The site is within the Green Gap
- Affordable housing should be built close to amenities
- The approved schemes around Crewe, Nantwich and Shavington are sufficient to accommodate affordable housing
- As the application is in outline form there is no guarantee that it will be delivered in 5 years
- Contrary to local plan policies
- Brownfield sites should be developed first
- The site is not sustainable
- Unfinished developments within Crewe
- The proposal is contrary to the NPPF
- The proposal does not comply with the interim planning policy on the release of housing land
- The affordable housing needs survey produced by the applicant is not adequate
- There should be no social housing in Hough

Infrastructure

- There is no infrastructure within Hough
- There is no employment within the village
- There are no local schools, shops or doctors
- The schools within Shavington are at capacity
- There is no public transport within Hough

- There is no provision for pedestrians
- Inadequate utilities

Design

- The development does not respect the character of the area
- Loss of rural character
- The development will result in urban sprawl
- The proposed dwelling are not in keeping with the character of Hough
- The site is located at the entrance to the village and would harm visual amenity
- The proposal is high density and is not appropriate

Green issues

- Impact upon wildlife
- Impact upon Site of Biological Importance
- Impact upon the TPO trees
- Impact upon hedgerows
- The applicant has already felled 4 trees onto the site frontage
- Environmental harm
- Impact upon protected species
- The submitted protected species surveys are inadequate and not complete
- Loss of agricultural land
- The impact upon the adjacent Blue Bell woodland
- Potential impact upon Wybunbury Moss SSSI

Highways

- Road safety
- The site is located on a blind bend
- Poor visibility at the site access point
- Proximity of the access to the junction with Pit Lane
- The existing highway network is in a poor condition
- Pedestrian safety
- Increased traffic congestion

Other issues

- The sewer serving the site cannot cope with any more houses
- The Localism Bill requires the consideration of the views of the local community
- Lack of pre-application consultation
- The development which just make money for the developer
- The development would extend the boundary of the village and it would be harder to resist other applications
- Impact upon the setting of Hough Hall
- Poor internet connection in the area
- Drainage issues in the area
- There are more suitable sites within Shavington
- This is the first phase of a larger scheme
- Loss of agricultural land
- Increased flooding
- Impact upon property values

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

An objection has been received from Pioneer Property Services Ltd which has been commissioned by the Hough Residents Action Group which makes the following conclusions:

- The applicant has not provided sufficient evidence to justify the release of this site under Policy RES.8
- The housing needs survey which has been undertaken is not statistically robust and fails to draw out evidence in respect of the number, type, size and tenure of the affordable housing. There is also a lack of understanding of the purpose of the SHMA and there are deficiencies which arise in the application through the sub-area analysis which are not supported by National Guidance.
- The rural need survey undertaken by the Parish Council in comparison is statistically robust as a result of the 100% survey sample used and the high response rate. This survey identifies a limited requirement if any for Hough over the next 5 years
- There is no evidence of interest from a Registered Provider and their involvement would be predicated on the existence of affordable housing need as they would not otherwise wish to acquire dwellings subject to a local occupancy restriction.
- As the application is in outline form and cannot justify the dwelling mix and tenure split it appears to represent a speculative attempt to maximise the development potential of the site.

An objection has been received from the Hough Residents Action Group and the main points raised are as follows:

- There are many local and central planning and other environmental policies that would support the refusal of this proposed development.
- The applicant has not provided substantive evidence of any need other than that produced by Cheshire East Council itself in 2010 that covered the whole of Wybunbury, Stapeley and Shavington Wards - this is not sufficiently accurate or focused.
- The Applicant offers an inadequate housing need analysis which does not comply with the need to survey residents living close to the proposed development and has not surveyed Hough village residents effectively and has included surveys of random populations in other settlements, several miles distant, with no links with Hough village or its residents
- The Localism Act 2011, puts communities and neighbourhoods at the heart of plan making. This philosophy is reinforced by Cheshire East's Rural Housing Enabling Guide 2012, where it states that '*Cheshire East Council wishes to meet the needs of rural communities by ensuring affordable homes are provided for local people. New affordable homes built in a rural parish are prioritised for people with a connection to that parish and who are in need of affordable housing. This is known as the 'Local Connection'.*' There is no '*Local Connection*' to this application, either to its need or location. The guide itself puts the Hough area as the 12th least suitable area (out of 15) on the basis of need and sustainability for affordable housing.
- Lack of consultation

- The development would not respect the character of Hough
- Impact upon the local sewer system and drainage
- The site is not in a sustainable location and is not accessible to local services
- The impact t upon the adjacent woodland, protected species, hedgerows and TPO's.
- Road safety at the proposed access point
- Increased vehicular movements
- Lack of public transport
- The development does not comply with local or national planning policies

An objection has been received from Arbtech who has been commissioned by the Hough Residents Action Group which is summarised as follows:

- It will be necessary to remove two hawthorn trees as they are in direct conflict with the proposed development. It will be necessary to crown lift 11 trees to between 5m and 10m approximately to allow for the access for the construction and continued use of the development. These works will potentially unbalance the overall canopy of the tree and could potentially lead to damage to the tree by meteorological events in the future due to microclimate changes.
- The proposed access road and associated footpaths enters the site on the Western side of the site within the RPAs of offsite category 'A' and 'B' trees of the adjacent woodland group. To prevent the removal or irreversible damage to a number of mature offsite trees the proposed access road should not be built using traditional road construction methodology within the RPAs of retained trees but instead will be constructed as a 'Road Deck' or similar design.
- The Road Deck uses pile foundations that will have their location determine using site investigations prior to the design of the foundations to prevent the loss of roots that could be detrimental to the trees.
- Plot 14 is situated within the RPAs and beneath the canopies of offsite category 'A' and 'B' specimens, the use of traditional strip foundations can cause excessive damage and root loss and as such should be avoided. Designs for foundations that would minimise the adverse impact upon trees should pay particular to existing levels, proposed finished levels and cross sectional details. Accordingly site specific and specialist advice should be sought from the project engineers and arboriculturist.
- Offsite trees create shading of the large portions of the site within the south west corner and along the western boundary of site, as a part of this plots 13 and 14 and their associated gardens and parking areas are almost completely covered by the nominal shading arcs.
- Close proximity of the proposed development to retained trees can potentially cause direct damage the development and trees, can cause seasonal nuisances and bring future pressure for the pruning works or applications for removal.

The full text of the letters of objection are available to view on the Councils website.

7. PARISH COUNCIL

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

- This Greenfield site should not be considered for development
- No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey of June 2012
- The development contravenes current, interim and emerging planning guidelines and policies
- Potential Brownfield sites have been by-passed in preference to opportunistic development of Greenfield land.
- This proposal is situated outside the established settlement boundaries of Hough Village.
- This proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village.
- In the light of very limited village amenities, this application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the Village or surrounding Parish Area. It also does not meet the access criteria for public transport, a convenience store and the other amenities and services required by the Cheshire East plan.
- In a small village such as Hough, this development, situated beyond the settlement boundaries will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

Shavington-cum-Gresty Parish Council: Objects to the application and supports the stance taken by Hough and Chorlton Parish Council for the following reasons:

- No housing need, affordable or otherwise has been identified within the community following the Housing Needs Assessment Survey of June 2012
- It contravenes current, interim and emerging planning guidelines and policies.
- Potential Brownfield sites have been by-passed in preference to opportunistic development of Greenfield land.
- This proposal is situated outside the established settlement boundaries of Hough Village.
- This proposal is a physical and visual intrusion into the Open Countryside which is detrimental to the visual amenity of the village.
- In the light of very limited village amenities, this application represents an unsustainable development that cannot materially support or create local employment opportunities or services for local people associated with the Village or surrounding Parish Area. It also does not meet the access criteria for public transport, a convenience store and the other amenities and services required by the Cheshire East plan.
- In a small village such as Hough, this development, situated beyond the settlement boundaries will be undermined by a physical separation from the community that will undermine and prohibit community cohesion and effective integration.

Wybunbury Parish Council: Object to the application on the following grounds:

- A full housing survey was undertaken in June 2012 and no need has been identified.
- Encroaching on the rural nature of the village The site is situated outside the settlement boundaries of the village and is not at all in keeping with the rural nature of the village or with the scale, character, or appearance of the area
- Infrastructure, Employment, Facilities, Community Integration There is no school, Drs, shop or chemist in the village. All these services are beyond the distance required to be considered sustainable and require car access. Wybunbury School is already oversubscribed. There is one daily bus service which starts at 9.45 am and finishes at 3.58pm, which makes it impractical for people to use for school runs or work. The Sewers and drainage system are already overloaded. It cannot be considered sustainable
- There are various planning policies which would be contravened by the building of this site and no basis for it to be considered a rural exception site.
- The construction and development of the site would destroy the natural flora and fauna of the area, including the protected ancient woodland adjacent to the site, which has many Tree Protection Orders and the adjacent lake which is listed as a site of Specific Biological Interest in the Borough plan. The proposal would result in the removal of trees and hedgerows which contribute to the beautiful views of the area.
- The site is situated on a blind corner of the Newcastle Road. This junction has a consistent record of road accidents. Safe visibility will be extremely difficult to achieve on this road frontage.
- The developers submitting this proposal have not contacted our Parish Council to consult with us.

The full text of the Parish Council objections are available to view on the Councils website.

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Oligra Town planning and dated January 2013)

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

Planning Statement (Produced by Oligra Town planning and dated December 2012)

Affordable Housing Needs Report (Produced by Oligra Town planning and dated December 2012)

Localised Housing Needs Survey (Produced by Oligra Town planning and dated January 2013)

Pre-determination Risk Assessment (Produced by Oligra Town planning and dated April 2012)

Pre-development Tree Survey (Produced by Beechwood Tree Services and dated April 2012)

These documents are available to view on the Councils website.

9. OFFICER APPRAISAL

Principle of Development

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

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

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

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

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

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

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

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

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

Housing Need

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

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date. However there is anticipated delivery on the following sites: 108 dwellings at The Triangle, 24 dwellings at Rope Lane and 45 dwellings at Stapeley Water Gardens. It is unclear when these dwellings will come forward as only the Stapeley Water Gardens site has commenced development, the Rope Lane site has outline permission only and The Triangle has a resolution to approve but is awaiting the completion of a S106 Agreement.

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

The IPS: Affordable Housing sets out that the first stage in justifying support for affordable housing provision on a Rural Exceptions site will be a rigorous assessment of will be a rigorous assessment of local housing needs by means of a survey of all households in the Parish.

The applicant has carried out a local housing needs survey using the Cheshire East Model Questionnaire as the template for the survey and included Hough, Shavington & Wybunbury. However only 150 households were surveyed, with the majority of households surveyed (125) being in the Shavington & Wybunbury Parishes and only 25 households in Hough surveyed.

The Rural Housing Enabler advised Oligra Planning that Shavington should not be surveyed as it is not a rural parish as it has a population of over 3,000. There are 338 households in the parish of Hough and only 25 of these households were surveyed in the applicants local housing needs survey. This does not provide a rigorous assessment of local housing needs as this only represents a survey of 7.4% of the households in the Parish whereas the Interim Planning Statement: Affordable Housing requires all the households to be surveyed. As a result the survey that has been carried out by the applicant to support a need for 14 affordable homes can only be given very little weight as it does not identify an affordable housing need in the Parish of Hough.

Hough & Chorlton Parish Council carried out a Rural Housing Needs Survey in June 2012 which was after the previous planning application had been submitted. 336 surveys were sent out and 187 were returned giving a response rate of 56%, this is higher than the average response rate for a Rural Housing Needs Survey in Cheshire East, which is usually around 30% - 40%.

The survey identified that in Hough & Chorlton there were 3 households where there was at least one adult in that household who wished to form a separate household in the 5 years following the survey, these are termed 'hidden households' 2 households had 1 member, 1 had 2 members and 1 had 3 or more who wished to move to form a new household, overall this equates to 7 individuals. Respondents were then asked to continue the questionnaire for the individuals from their households who needed to move earliest, 4 respondents continued stating the type of tenure they were looking for was buying on the open market, subsidised ownership to an affordable level or private renting.

The results of this survey mean that there is no need for a development of 14 affordable homes as a rural exception site in the Parish of Hough due to the lack of evidence of need. This issue will form a reason for refusal.

Sustainability of the site

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

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

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

In this case Hough has facilities in the form of a Public House, Village Hall and public open space. There is also a petrol station and small shop located 625 metres to the west of the site which can be accessed via an existing footpath. Given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Hough is a sustainable settlement and a reason for refusal on sustainability grounds could not be sustained.

Amenity

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

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

Design

The development would consist of two-storey dwellings at a density of 23 dwellings per hectare which is acceptable in this location. The indicative plan does have weaknesses in that it is car dominated in parts of the site and it would include an

over-engineered internal highway layout. However as this is an outline application the appearance, scale, layout and landscaping will be determined at a later date.

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

Flood Prevention/Drainage

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

Highways

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

The comments raised by the highways officer regarding the internal layout and the technical design are noted. However it is considered that such issues could be dealt with at the Reserved Matters stage and controlled by condition.

Renewable Energy Provision

Policy EM18 (Decentralised Energy Supply) of the North West of England Plan Regional Spatial Strategy to 2021 requires that *'all residential developments comprising 10 or more units should secure at least 10% of their renewable energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable'*. This will be controlled through the imposition of a planning condition.

Trees

The four Poplar trees which stood at the front of the site were not covered by a TPO and have been removed following correspondence with the Cheshire East Tree Officer who did not consider them to be suitable for long term retention.

To the west of the site there is woodland subject of TPO protection with several trees overhanging the site. The submitted tree survey covers 27 individual trees

and 5 grouped areas of trees. The Survey rates: 5 trees category A, 9 category B and 13 category C with no trees identified unsuitable for retention.

The submitted Arboricultural Impact Assessment (AIA) identifies the following potential impacts from the development:

- To allow for construction and development of the site it would be necessary to crown lift trees to between 5 and 10 metres. These works will potentially unbalance the overall canopy of the trees and could lead to damage to the trees by meteorological events in the future due to microclimate changes.
- The proposed access road would be within tree Root Protection Areas (RPA's). The use of a raised 'road deck' or similar design is proposed. This would potentially result in raising of levels across the site with associated impacts.
- Plot 14 is situated within the RPAs and beneath the canopies of offsite category 'A' and 'B' specimens. Standard strip foundations would impact on the trees.
- Offsite trees will cause shading of the south west corner and western boundary of the site. The AIA states Plots 13 and 14 and their associated gardens and parking areas are almost completely covered by the nominal shading arcs. The close proximity of the proposed development to retained trees can potentially cause direct damage to the development and trees, and can cause seasonal nuisances and bring future pressure for the pruning works or applications for removal.
- All services to be brought into the site should be designed to be situated outside of RPAs, or if this is not possible for this to happen they should be installed using trenchless techniques.

The findings of the arboricultural information provided by the residents association confirm the views expressed previously that the layout as proposed would be likely to have direct impact on and result in potential harm to protected trees. The layout would also provide very poor amenity for at least two dwellings which would be in significant shade. It is not clear that all of the issues raised could be addressed at reserved matters stage whilst maintaining the number of dwellings proposed. As a result the impact upon the adjacent trees which are subject to a TPO will form a reason for refusal.

Ecology

Habitats

The habitat survey completed as part of the ecological assessment was undertaken in February a poor time of year to complete botanical surveys. However, the Councils Ecologist has visited the site (on 3rd May 2012) and is satisfied that the habitats present on site are of limited ecological value.

The objections refer to the adjacent site being a Grade A Site of Biological Importance and an Ancient Woodland. This is not correct.

Protected Species

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

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

and provided that there is

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

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

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

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

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

Great Crested Newts

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

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

Pond 2 has been assessed as being of average potential for GCN and it is possible that this pond may be used by breeding GCN. The terrestrial habitat offered by the

site is however limited and there are no strong habitat linkages between this pond and the application site. Therefore it is not reasonable likely that even if GCN are present at pond 2 that they would be significantly affected by the proposed development.

Bats

Within the Phase 1 Habitat Survey a Tree (tree 1) has been identified as having potential to support roosting bats. This tree has now been removed and it is not considered that the development would be harmful to the conservation status of bats.

Other Protected Species

Evidence of other protected species has been recorded on this site; however no setts were recorded as being present within the application boundary.

The Council's Ecologist is satisfied that other protected species would not be affected by the development and has suggested a condition for a further survey as part of any Reserved Matters application.

Breeding Birds

If planning consent is granted standard conditions could be attached to safeguard breeding birds.

10. CONCLUSIONS

The proposed development relates to the provision of affordable housing outside the settlement boundary of Hough. This type of development is appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. In this case a rigorous assessment of local housing need of all households within Hough has not been produced by the applicant, whilst the survey undertaken by the Parish Council does not identify a need for affordable housing within the Parish of Hough. This is a requirement of Policy RES.8, the Interim Planning Statement on Affordable Housing and paragraph 54 of the NPPF which states that LPA's should be '*responsive to local circumstances and plan housing development to reflect local needs*'. As there is no identified need for affordable housing on this site this issue will form a reason for refusal.

The trees on the adjacent site are subject to TPO protection. In this case the development would require works to these trees which would potentially harm the trees in question. Furthermore it is not considered that the indicative plans have demonstrated that the site can accommodate the proposed development without resulting in future pressures to remove these trees. This issue will form a reason for refusal.

The proposal will not have a detrimental impact upon the conservation status of protected species or the local ecology.

The application is in outline form with access to be determined at this stage, it is considered that the development would have an acceptable access arrangement and the indicative plan shows that the development would not have a detrimental impact upon residential amenity and an acceptable design could be achieved.

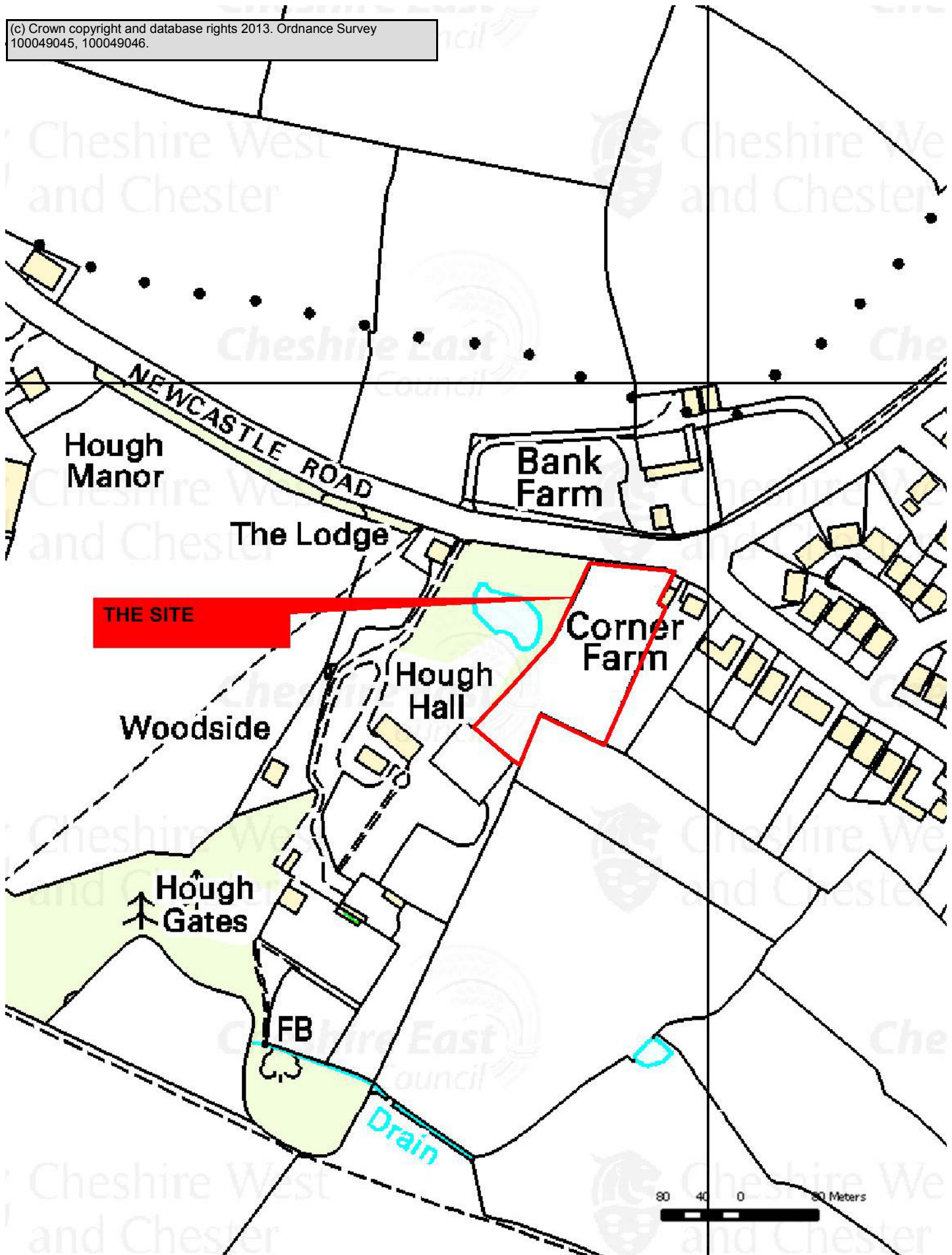
Finally it is considered that the site is located within a sustainable location and that no issues relating to flooding or drainage have been identified and such issues could be resolved at a later date.

11. RECOMMENDATIONS

REFUSE

- 1. The proposed development relates to the provision of affordable housing within the open countryside adjacent to the Hough Settlement Boundary. The application is not supported by an adequate rural housing needs survey which relates to the Parish of Hough. Furthermore the rural housing need survey carried out by the Parish Council does not identify a need for affordable housing within the Parish of Hough. As a result there is no identified need for the proposed development and it would be harmful to the principles of sustainable development. The development would be contrary to Policy RES.8 (Affordable Housing in Rural Areas Outside the Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2012, the Interim Planning Statement on Affordable Housing and the NPPF.**
- 2. The proposed development would be located adjacent to woodland which is protected by a Tree Preservation Order. This woodland overhangs the application site and the extent of tree works to accommodate the proposed development would harm the trees in question. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in future pressures to remove the TPO trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0247C

Location: SANDERSON WAY, MIDDLEWICH, CHESHIRE

Proposal: Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping.

Applicant: Bob Nicholson, Pochin Land and Development Limited and

Expiry Date: 22-Apr-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- Principle of development
- The impact of the design
- The impact upon landscaping / trees
- The impact upon amenity and health
- The impact upon highway safety / parking / traffic
- The impact upon footpaths / cycleway
- The impact upon public utilities and flooding
- The impact upon nature conservation
- The impact upon archaeology

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee because the cumulative floor space created by the development is within 1,000 and 9,999 square metres.

DESCRIPTION OF SITE AND CONTEXT

The application site is on scrubland located to the northwestern end of Sanderson Way, Middlewich within the Middlewich Settlement Boundary.

The site is classified as Grade 3 farmland although it is currently not used for grazing livestock. It is relatively flat but slopes downwards generally towards the southern and

western edges of the site. Beyond the eastern boundary of the application site is the initial phase of the Valley Court development which comprises eleven industrial units.

The application site is bounded along its south-western boundary partially by the Crewe rail link and partially by Sanderson's Brook which forms part of an environmental corridor. Prosperity Way runs roughly parallel to the northern boundary of the site, which provides access to the sewage works which is positioned to the north-west. To the north of Prosperity Way is an area of green open space through which runs the River Croco.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of 7No. B1, B2 and B8 industrial/storage units with associated access road, service yards, car parks and landscaping.

The site would be split into three plots; Plot A, Plot B and Plot C. Each plot would have its own access point, unit, parking, service area and landscaping and will function independently. All three units will be in B1, B2 and B8 use. This is consistent with all other uses within Midpoint 18 and has been established as an acceptable use under application ref: 07/1442/REM.

Units A and C will consist of a small office element (B1) at the front of the unit to provide a visually enhanced front elevation on to the warehouse / industrial (B2 / B8) elements behind. Plot B is a courtyard scheme that would consist of smaller units to let.

RELEVANT HISTORY

07/1442/REM – Reserved Matters. Erection of 16no. B1, B2 & B8 units (with possible future subdivision) – Approved 28th July 2009

37594/3 – Construction of access road to serve future employment development – Approved 27th August 2004

34743/3 - Application under S73: Development of Land without Compliance with Condition 11 of Outline Planning Permission 31584/1 – Approved 2nd September 2002

37737/3 - Modifications of conditions 1,2,3,5 and 8 of outline planning permission 8/31584/1 – Approved 12th October 2004

31584/1 - Development of Land for Employment Uses (Use Classes B1, B2 and B8), Together With Open Space along Sanderson's Brook and the Continuation of the Middlewich Eastern Bypass – Approved 29th April 2002

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS4 – Towns
E3 – Employment development in towns
GR1 – New Development
GR2 – Design
GR4 - Landscaping
GR6 – Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision
GR11 – Development involving new roads and other transportation projects
GR13 – Public Transport Measures
GR14 – Cycling Measures
GR15 – Pedestrian Measures
GR16 – Footpath, Bridleway and Cycleway Networks
GR17 – Car Parking
GR18 – Traffic Generation
GR19 – Infrastructure
GR20 – Public Utilities
GR21 – Flood Prevention
NR1 – Trees and Woodlands
NR2 – Wildlife and Nature Conservation (Statutory sites)
NR3 – Wildlife and Nature Conservation (Habitats)
NR4 - Wildlife and Nature Conservation (Non-statutory sites)

CONSULTATIONS (External to Planning)

Strategic Highways Manager - No comments received at time of report

Environmental Health – No objections, subject to the addition of conditions relating to; hours of construction and the prior submission of any proposed lighting.

Environment Agency - No objections, subject to conditions relating to the prior submission of a scheme to limit the surface water run-off generated by the proposal and the prior submission of a landscape management plan. In addition, a number of informatives relating to the fact that the nearby brook is a 'main river', vehicle loading/unloading bays and storage areas involving chemicals shall not be connected to the surface water drainage system and the provision of an oil interceptor.

Natural England - No objections, subject to the LPA's consideration of the impact of the development upon protected species.

United Utilities – No objections, subject to conditions that the site must be drained on a separate system, that the applicant must sign a water agreement and the supply of general information for the applicant regarding contact details.

English Heritage – Application should be determined on the basis of the Council's specialist conservation advice.

Public Rights of Way (Cheshire East Council) – Request the applicant provide upgrades to the condition of the footpath between Pochin Way and Brooks Lane.

Archaeology (Cheshire East Council) – Request that the applicant submit an implementation programme of archaeological work prior to the commencement of development due to the local findings of *‘Roman Structures, field boundaries, a pottery kiln, and salt-making debris.’*

Brine Compensation Board – No objections, but remind the LPA that it is up to the applicant to demonstrate that they have assessed the overall ground stability issues and designed the foundations accordingly.

Network Rail – Request the applicant be informed of their responsibilities with regards to encroachment, drainage, excavations and earthworks.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council – Support the extension to the expansion of the Employment Estate, but subject to a condition for an archaeological study or watching brief, in view of previous finds in the locality and proximity of the site to the Scheduled Murgatroyd’s Brine Pump off Brooks Lane

OTHER REPRESENTATIONS:

No comments received at time of report

APPLICANT’S SUPPORTING INFORMATION:

Flood risk assessment
Ecological report
Design & Access Statement

OFFICER APPRAISAL

Principle of development

The application site is positioned within the Middlewich Settlement Boundary on a site historically allocated for employment purposes which currently forms scrubland. As such, the principal acceptability of the proposal is determined by Local Plan Policies PS4 and E3.

Policy PS4 advises that within the settlement zone lines, there is a general presumption in favour of development providing it is in keeping with the towns scale and character and does not conflict with other policies in the Local Plan.

Policy E3 of the Local Plan refers to employment development in towns. It is advised that development will be permitted provided that; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal is appropriate to the local character in terms of its use, intensity, scale and appearance; the proposal complies with Policy GR1 and that the proposal accords with other relevant local plan policies.

Historically this site was committed to employment development as the next phase of the Midpoint 18 development. As such, this development would be utilised for the purpose it was intended.

The site is surrounded by industrial and commercial development. As such, the addition of 7 new units for B1, B2 and B8 uses would be appropriate to the local character in terms of its proposed use.

With regards to intensity, scale and appearance, the amount of development proposed would be in keeping with the general intensity of the surrounding sites, particularly the other development on Sanderson Way. The height of the proposed units would be between 8.8 and 9.7 metres from ground floor level. This height would respect the height of the closest units on Sanderson Way.

The units would all be finished in built up profiled metal clad and composite clad panelled walls, polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. Again, this finish and design would not appear incongruous within their setting sited adjacent to other similar units on Sanderson Way.

As a result of the above, it is considered that the proposed development would adhere with Policies PS4 and E3 of the Local Plan and be acceptable in principle.

Paragraph 19 of the NPPF advises that *'significant weight should be placed on the need to support economic growth through the planning system.'* As such, the NPPF largely supports the principle of the development and the above Local Plan Policies that apply in this case.

Design

The proposed development would involve the extension of Sanderson Way in a north-westerly direction along the north-westerly boundary of the site inset by approximately 3.5 metres to be clear of a public footpath. To the southwest of this access road Unit A and Units B1, B2, B3, B4 and B5 are sited, each accessed from Sanderson Way and supported by associated car parking. The new access road would then turn in a westerly and south-westerly direction to eventually run parallel with the B units where it would open up into a courtyard and serve the larger unit proposed, Unit C. Open scrubland would remain to the western end and south-western side of the site. It is considered that this layout in terms of its intensity and grouping would respect the character of the surrounding area.

In terms of the built structures themselves, Unit 'A' would measure approximately 1,117.2 metres squared and be approximately 9.7 metres in height. The 'B' units would be split into 2. One unit would consist of two units (B1 and B2). In total this would measure approximately 483 metres squared and be approximately 8.8 metres in height. The second unit would consist of three units (B3 – B5) and would measure approximately 767 metres squared and be approximately 9 metres in height. Unit 'C' would measure approximately 1,749 metres squared and be approximately 9.7 metres in height.

As advised, the units would all be finished in built up profiled metal clad and Microrib composite clad panelled walls, polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. Again, this finish and design would not appear incongruous within their setting sited adjacent to other similar units on Sanderson Way.

Given that the proposed units would be sited amongst other industrial and commercial development and would be constructed from materials that would not appear incongruous within this industrial setting, it is considered that the design of the scheme would be acceptable and would adhere with Policy GR2 of the Local Plan.

Amenity and Health

There are no residential properties within the vicinity of the proposal. As such, it is not considered that the proposal would create any notable amenity issues with regards to loss of privacy, loss of light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Health Team have advised that they would have no objections to the proposal, subject to conditions relating to hours of construction and lighting. Given that there are no residential properties within close proximity of the development site, it is not considered that such conditions are necessary in this instance.

As such, it is considered that the proposed development adheres with Policy GR6 of the Local Plan.

Highways

The proposed development would involve the extension of Sanderson Way into the development site and the provision of extensive hard standing for the parking of cars and the manoeuvring of lorries.

Although the Strategic Highways Manager has not provided any comments at the time of writing, given the nature of the site and surrounding uses it is not expected that there will be any significant concerns..

Landscaping & Trees

The proposed submission does not include an associated landscaping plan. Furthermore, the Environment Agency have requested that a landscaping plan be supplied prior to the commencement of development in order to protect biodiversity. As such, should the application be approved, it is proposed that details of landscaping and the subsequent implementation of such a scheme be submitted to and approved in writing by the LPA and the Environment Agency.

Subject to these conditions, it is considered that the proposed development would adhere with Policy GR4 of the Local Plan.

Footpath, cycling and pedestrian measures

Public Footpath 19 in Middlewich is located within the development site. The path runs between Brooks Lane and Pochin Way via Sanderson Way and is shown on the plans within the application.

The Council's Public Rights of Way Officer has advised that the proposed development provides '*...an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.*'

It has been requested that the physical condition of the footpath between Pochin Way and Brooks Lane be upgraded. '*Works would include surfacing to an agreed width and specification, drainage, the removal of existing path furniture and the installation of possible new furniture.*'

In order to secure these upgrades / improvements, it is proposed that a schedule of works to improve / upgrade the footpath be conditioned. Once conditioned, it is considered that the proposed development would adhere with Policies GR14, GR15 and GR16 of the Local Plan.

Public Utilities and Flooding

The Environment Agency has advised that they have no objection in principle to the proposed development, but have proposed a number of conditions.

The proposed buildings are to be located on land that is within Flood Zone 1, which carries a low probability of river/tidal flooding. However, it is proposed that the applicant, prior to commencement of development, submit a scheme to limit the surface water run-off generated by the proposal.

In addition, in the interests of biodiversity, it has been proposed that a landscape management plan be conditioned that will include a buffer zone between the development and the watercourses.

Subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy GR21 of the Local Plan.

United Utilities have also raised no objections in principle to the proposed scheme subject to conditions. United Utilities have requested that the site be drained on a

separate system with only foul drainage connected to the sewerage system. It has also been advised that a separate metered water supply to each unit will be required at the applicant's expense. Furthermore, it is recommended that the applicant contact United Utilities should the application be approved regarding connection to the water mains/public sewers. It is proposed that these be added to informatives.

As such, subject to the addition of these informatives, it is considered that the development would adhere with Policy GR20 of the Local Plan.

Nature Conservation

The proposed development was accompanied by an Ecological Report. The Council's Nature Conservation Officer has advised that:

'Two badger setts have been recorded on this site. The submitted report concludes that one of the setts (sett 2) will require closure under a Natural England license prior to the commencement of development. The loss of this sett will be compensated for by the provision of a replacement artificial sett.'

It is however unclear whether sett 2 will be lost to the development or whether the development will simply fall within close proximity of the sett. In addition no information is provided as to what impacts of the proposed development will have on Sett 1 which appears to be in close proximity to the proposed development.

To allow the Council to make a fully informed assessment of the potential impacts of the proposed development upon badgers I recommend that the applicant submits the following additional information:

- *Assessment of the potential impacts of the proposed development upon sett 1 and mitigation proposals for any adverse impacts.*
- *Indicative location for the proposed artificial sett.*
- *Proposals to mitigate/compensate for the loss of badger foraging and commuting habitat.'*

As such, the proposed development would adhere with Policy NR2 of the Local Plan, subject to conditioning of the above.

Archaeology

The proposed development site lies just beyond the southern limits of Middlewich's Area of Archaeological Potential. Archaeological work in advance of the development of previous phases of the Midpoint 18 site has revealed evidence of Roman Structures, field boundaries, a pottery kiln, and salt-making debris.

It is noted by the Council's Archaeologist that the archaeological potential of the site is limited and not sufficient to justify an objection to the development. However, it would be reasonable to secure some further mitigation in the event that planning permission is granted. As such, a prior to commencement condition for an implementation programme of archaeological work is recommended.

Other matters

The application site is bound to the southwest by a railway line. As such, Network Rail have provided information regarding encroachment, drainage and excavations / earthworks. All of these will be added as informatives to the decision, should the application be approved.

CONCLUSIONS

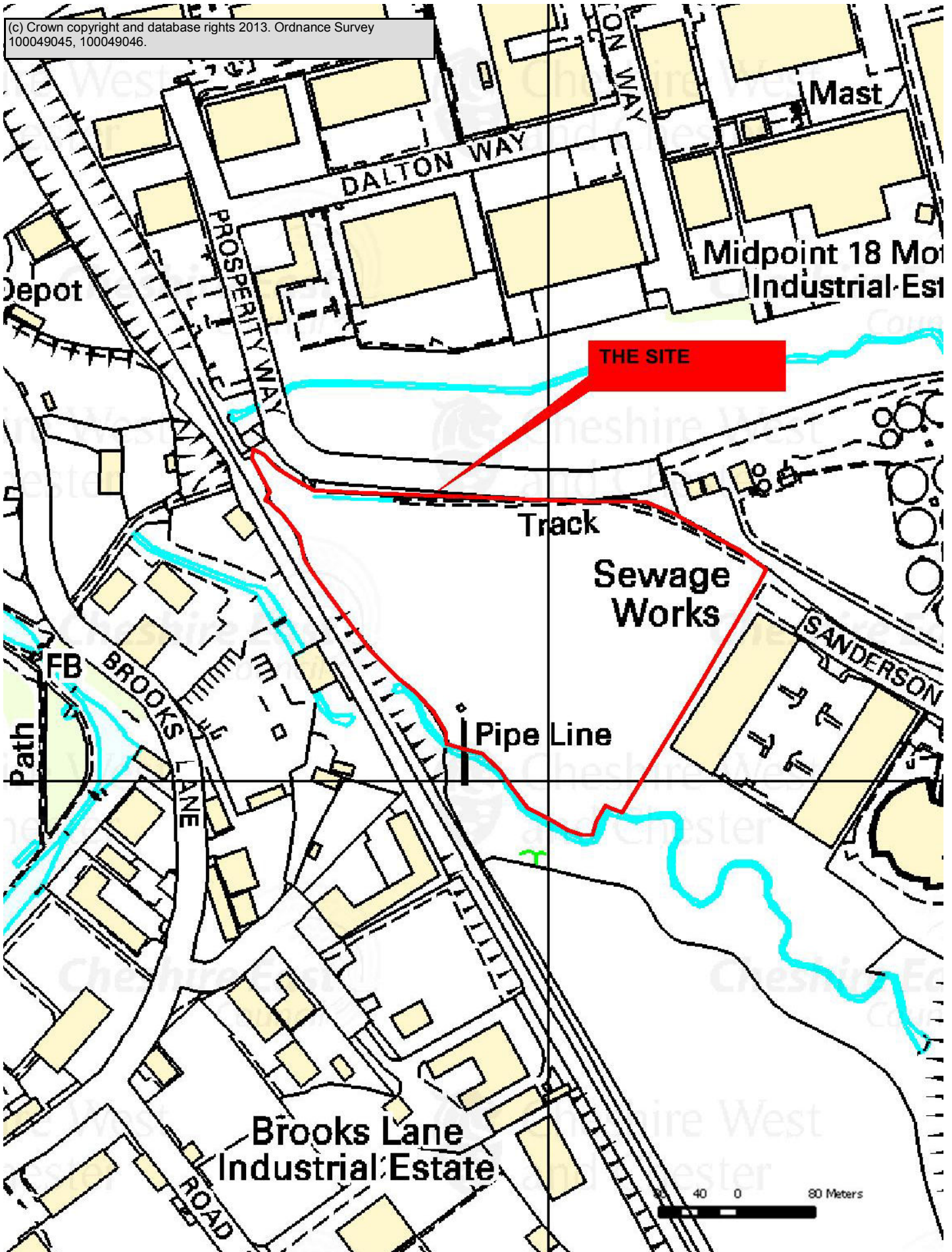
It is considered that the proposal would bring positive planning benefits by creating new jobs and boosting the local economy. The scheme is of an acceptable design that would have a minimal impact upon the amenities of the surrounding residential properties, landscaping, highway safety, public footpaths, utilities, flooding or nature conservation.

As such, the proposal would adhere to Policies PS4 (Towns), E3 (Employment development in towns), GR1 (New Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR11 (Development involving new roads and other transportation projects), GR13 (Public Transport Measures), GR14 (Cycling Measures), GR15 (Pedestrian Measures), GR16 (Footpath, Bridleway and Cycleway Networks), GR17 (Car Parking), GR18 (Traffic Generation), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation (Statutory sites)), NR3 (Wildlife and Nature Conservation (Habitats)) and NR4 (Wildlife and Nature Conservation (Non-statutory sites)). The proposal also accords with the NPPF.

RECOMMENDATIONS

APPROVE subject to the following conditions

1. **Standard (3 years)**
2. **Plans**
3. **Materials as per application**
4. **Landscaping (details – including buffer zone)**
5. **Landscaping (implementation)**
6. **Prior submission of a Schedule of works to improve Footpath 19 between Pochin Way and Brooks Lane**
7. **Prior submission of surface-run off limitation measures**
8. **Prior submission of a report assessing the impact of the development upon Badgers, associated mitigation measures, the location of an artificial sett and compensation for a loss of badger habitat**
9. **Prior submission of an implementation programme of archaeological work**



Application No: 13/0403N

Location: 32, NANTWICH ROAD, WRENBURY, CHESHIRE, CW5 8EN

Proposal: Outline application for erection of small 2-storey dwelling on vacant land

Applicant: Ms Shirley Wardle

Expiry Date: 04-Apr-2013

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

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on trees and landscaping
- Other Matters

1. REASON FOR REFERRAL

This type of application would normally be dealt with under delegated powers; however Councillor Stan Davies has called the application in to Southern Planning Committee for the following reasons;

‘Over development of the site’

This application was deferred from the 20th March 2014 Southern Planning Committee for a site visit.

1. DESCRIPTION OF SITE AND CONTEXT

The application site forms the side garden area of No.32 Nantwich Road, Wrenbury. No.32 Nantwich Road is a semi-detached dwelling with a moderately sized side and rear garden. The application site is surrounded by residential development on three sides, with Wrenbury Medical centre sited in front of the development site on the opposite side of the road.

2. DETAILS OF PROPOSAL

The proposal seeks outline planning permission with all matters reserved for one dwelling on the site. An amended indicative plan was submitted on the 12th March 2014 to show a two storey two bedroom house on the site.

3. RELEVANT HISTORY

No planning history

4. POLICIES

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

Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on potentially contaminated land)
TRAN.9 (Car Parking Standards)
RES.4 (Housing in villages with settlement boundaries)

Supplementary Planning Documents

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

Other Material Considerations

National Planning Policy Framework 2012

5. CONSULTATIONS (External to Planning)

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

Environmental Health – No Objections subject to conditions for construction hours and an advisory note regarding contaminated land.

United Utilities: No objections

6. VIEWS OF THE TOWN COUNCIL - At its meeting held on 13 February, the Parish Council considered this application and resolved to submit a strong objection to the application. The development will adversely affect the amenity value of adjacent properties (Policy BE.1) and is out of character with the surrounding area (Policy BE.2). The proposed property is neither in-keeping nor in proportion with neighbouring properties and does not enhance the built environment. It fails to respect the character and form of the surroundings. It is considered to be

inappropriate infill development at this location. The Parish Council urges the Borough Council to refuse this application.

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupants of No.34 Nantwich Road. The main issues raised are;

- Rear bedroom may be used as a living room due to design of dwelling and therefore would overlook neighbours bathroom window,
- Plans show a window in the roof, therefore possible second floor living accommodation,
- Angle of development would not be in keeping with the existing streetscene,
- Overdevelopment of the site,
- Dwelling would overlook the neighbours garden,
- Contrary to paragraph 53 of the NPPF in relation to garden development
- Contrary to local plan policies BE.1 (Amenity), BE.2 (Design) and the SPD: Development on Backland and Gardens Supplementary Planning Document (2008)
- Existing drainage issues will be exacerbated
- Sufficient parking is required.

9. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Contaminated Land Questionnaire

10. OFFICER APPRAISAL

Principle 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) 2013.

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

In this instance the development site is situated within the Wrenbury settlement boundary which allows for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.4 (Housing in villages with settlement boundaries) of the Local Plan. In order to fully accord with Policy RES.4 the development must also be in keeping with the requirements of policies BE.1 – BE.5, and the adopted SPD on Development on Backland and Gardens.

Access, Appearance, Landscaping, Layout and Scale

As the application is outline, the access, appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application (incorrectly marked in the application form as being considered within this application). The general layout proposed is considered acceptable; although it does not strictly follow the pattern of development within the streetscene it would create a staggered affect to this corner plot.

The amended plans do not include elevations and therefore it is not possible to comment on the design element of the proposal given the alterations to the floor plans. The ground floor no longer includes an integral garage and therefore would ensure each room only has principal windows on the front and rear elevations.

There is sufficient space to park two cars on the front of the site, utilising the existing access to No.32.

To ensure the size of the property is in keeping with the surrounding streetscene, it is considered that a condition should be attached to the permission to ensure that dwelling is only two storeys, and permitted development rights removed to ensure that the LPA has control over any future development.

Therefore given all matters have been reserved for a future detailed application it is considered that relevant conditions can be attached to ensure the property does not have an adverse impact on neighbouring amenity and is of a design which is in keeping with the surrounding streetscene. It is considered that the general layout and scale of the dwelling although different from adjacent property would not have an adverse impact on the streetscene provided suitable materials were used and the elevations improved.

Amenity

Neighbouring amenity

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

The amended plans do not include elevations and therefore it is difficult to determine where windows will be placed. However this element can be controlled during the more detailed reserved matters application and by conditioning that no principal windows are site on the side elevations.

The amended indicative layout suggests that the dwelling could be sited on a similar build line to No.34 Nantwich Road. The neighbours elevation has several windows which serve a bedroom, bathroom, hallway and kitchen. Although the building will be sited closer to the boundary with No.34 Nantwich Road, it is considered that this would not have a detrimental impact on the secondary and principal windows on the side elevation of the neighbouring property, due to the position of the dwelling set forward in the plot. It is therefore considered unlikely that the development would have a significantly detrimental impact on neighbouring amenity by means of overlooking or overshadowing.

The applicants property has several windows on the side elevation, two on the first floor, which serve a bedroom and bathroom and three at ground floor which serve a hall and kitchen. The ground floor no longer includes an integral garage and therefore would help to ensure each room only has a principal window on the front and rear elevations. The re-positioning of the building would have a lesser impact on the existing kitchen window on the side elevation of No.32 Nantwich Road than the previous proposal. Furthermore, the indicative plan shows a new garage to be constructed on the side elevation of No.32 at ground floor level which will help to mitigate for some of the impact of the new dwelling.

It is therefore considered to be acceptable in principal as the amended plan shows a building can be accommodated on the site without having a significantly detrimental impact on neighbouring amenity. Although as noted above the proposed plans are indicative and therefore further consideration regarding the impact on neighbouring amenity can be considered during the detailed reserved matters application.

Occupier Amenity

The Council's Development on Backland and Gardens SPD requires a minimum of 50m² private amenity space for new dwellings. The indicative plans shows at least 64m² of private amenity space to the rear of the dwelling, and some private amenity space to the front although it is likely that a significant amount of this would be used for car parking. Notwithstanding this it would appear that there would be a suitable amount of private amenity space for a two bed roomed property.

Impact on Highway Safety and Parking

As the application is outline with all matters reserved the access and parking does not form a detailed part of the application. However, the plans show the access could be achieved to the front

of the existing access used for No. 32. It is considered that the site is capable of achieving two off street car parking spaces within the curtilage and this would be suitable within for a two bedroom dwelling.

11. CONCLUSIONS

The application site is situated within the Wrenbury village settlement boundary, and it is considered that there are no significant amenity or highway safety issues arising from the development. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on potentially contaminated land), RES.4 (Housing in villages with settlement boundaries), and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the Development on Backland and Gardens Supplementary Planning Document (2008) and the National Planning Policy Framework.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Outline Time**
- 2. Time for Reserved Matters**
- 3. Approval of Reserved Matters**
- 4. Two Storey Dwelling only**
- 5. No principal windows to side facing elevations**
- 6. Hours of construction**
- 7. Removal of PD**
- 8. Approved Plans – not including design of dwelling**

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0415N
Location: 20, PASTURES DRIVE, WESTON, CW2 5SD
Proposal: Proposed 2 story rear extension
Applicant: Mr Andrew Beardmore
Expiry Date: 27-Mar-2013

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

- Impact on the host dwelling
- Impact on the streetscene
- Amenity impact on neighbouring property

REASON FOR REFERRAL

This scale of development would normally be considered under the Councils delegated powers, however in this instance Cllr Clowes has called the application in to Southern Planning Committee for the following reason:

‘Please find below the material concerns of the Parish Council in relation to this application.

The formal comments which the Parish Council has submitted on this application are set out below:

"The Weston and Basford Parish Council objects to this two storey extension on the grounds of its excessive scale. It will, in our judgement, have an overbearing effect on the neighbours on either side in Pastures Drive and be highly detrimental to their amenities.

The Council sees no objection to the principle of a modest extension on the rear of this property - much smaller and possibly single storey.

We understand that the neighbours on either side are unhappy and will be writing in with an objection."

DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated on Wychwood Village, which is a residential estate within the open countryside. The existing dwellinghouse is a large detached property on a moderately sized curtilage. The rear elevation of the dwelling overlooks Gorstyhill golf course.

DETAILS OF PROPOSAL

The proposal seeks planning permission for a two storey rear extension. The proposed extension will project 4m off the existing rear elevation, will have a width of 11.6m and maximum height of 7.7m. The proposed extension will form two gable projections off the rear elevation with a balcony element in between the two gable projections at first floor level. The proposed extension will extend the lounge and kitchen/family area at ground floor level and enlarge two of the bedrooms at first floor level with a balcony between.

RELEVANT HISTORY

No relevant recent planning history

POLICIES

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

The relevant development plan policies are:

Local Plan Policy

NE.2 (Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

RES.11 (Improvements and Alterations to existing Dwelling)

Other Material Considerations

National Planning Policy Framework

Extensions and Householder Development SPD

CONSIDERATIONS (External to Planning) – None received at time of writing this report.

VIEWS OF THE PARISH / TOWN COUNCIL-

The Weston and Basford Parish Council objects to this two storey extension on the grounds of its excessive scale. It will, in our judgement, have an overbearing effect on the neighbours on either side in Pastures Drive and be highly detrimental to their amenities.

The Council sees no objection to the principle of a modest extension on the rear of this property - much smaller and possibly single storey.

We understand that the neighbours on either side are unhappy and will be writing in with an objection.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of No. 11 and 18 Pastures Drive. The main issues raised are;

- Loss of light to conservatory and kitchen window of No.18
- Loss of view of sky and trees from No.18
- Window on side elevation moved and will now over look a conservatory
- The extension will be an over development of the plot leaving a very small garden,
- There is a clause within the deeds which states no development within 10 years of the purchase of the property,
- Management company have not agreed to the extension,
- A single storey extension would be more suitable on the plot.

APPLICANT'S SUPPORTING INFORMATION – None received

OFFICER APPRAISAL

Principle of Development

The proposal site is situated on a residential estate within the open countryside. The principle of householder development within the open countryside is considered acceptable provided that the proposed extensions remain subordinate and the original dwelling remains the dominant element, in accordance with Local Plan policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to existing Dwellings).

Design

The proposal seeks permission for a two storey extension sited on the rear elevation of the dwelling. The proposed extension will project 4m off the existing rear elevation, will have a width of 11.6m and maximum height of 7.7m. The proposed extension will form two gable projections off the rear elevation with a balcony element in between the two gable projections at first floor level. The proposed extension will extend the lounge and kitchen/family area at ground floor level and enlarge two of the bedrooms at first floor level with a balcony between. The proposed gable projections will mimic the design of the front elevation of the dwelling.

The proposed two storey projections will have a lower ridge height than the existing ridge height of the dwelling which will help to create a subordinate extension to the existing dwellinghouse. The proposed extension will not increase the original dwellinghouse by more than double the volume, and therefore it is considered that the scale and design is in keeping with the existing dwellinghouse.

The extension will not be visible from the streetscene given its position on the rear of the dwelling, however will be visible from the adjacent golf course. Given the extension is of a similar design to the front elevation of the property, and will have a number of large glazed openings which are a key feature of the dwellings in this area, it is considered that the extension will appear in keeping with the design of the existing dwellings.

It is considered that the proposal is of size and design which is in keeping with the existing dwellinghouse. It is considered that the proposed alterations will appear in keeping with the

existing dwellinghouse and the surrounding streetscene, and therefore are in accordance with Local Plan policy BE.2 (Design Standards).

Amenity

The proposed extension will be sited to the rear of the dwelling, and will project 4m off the rear elevation of the property.

The adjacent neighbours at No.18 and No. 22 are set further forward in the plot than the application site, and are not set in a straight line adjacent to one another as the dwellings turn a corner within the streetscene. Therefore, given the proposed extension will be set in from the existing side elevations of the dwelling, by 0.2m the overall impact on the neighbours will not be significant to warrant refusal on these grounds.

The applicant has submitted a block plan which shows that the proposed extension would not breach the 45 degree code from the rear windows of No.18, or No.22 and therefore will not have a significantly detrimental impact on neighbouring amenity by means of overshadowing or overbearing impact. It should be noted that a conservatory is not considered to be a principal window.

Although the extension may be visible from the neighbours property this is not a sufficient reason for refusal. Furthermore, the objectors note that the extension would have an adverse impact on their view of the sky and trees from the conservatory. Impact on views is not a material planning consideration.

The proposal includes a ground floor window on the side elevation of the property facing towards the neighbours boundary at No.18. There is a 1.8m boundary fence between the two properties and therefore this will mitigate for any overlooking of the neighbours conservatory.

The proposal includes a long high level window on the side elevation of the property which would face towards the garden of No.22. These windows are secondary in nature and will serve only to add light to the extension, due to their position and orientation will not over look the adjacent neighbour's rear windows.

The neighbours at No.12, 14, and 24 also have rear elevation windows which over look the extension, however the extension will be sited over 21m from these rear elevations principal windows and therefore would meet the separation standards for extensions.

The proposed extension will not reduce the garden area by less than 50m² and therefore it is considered that the proposal will retain a suitable amount of private amenity space for the future occupiers.

The proposed balcony area to the rear of the site will overlook the golf course and therefore will not have a detrimental impact on neighbouring amenity.

It is considered that the proposed extension will not have a significantly detrimental impact on neighbouring amenity in accordance with Policy BE1 (Amenity).

Other Matters

Within the letters of objection the neighbours have noted that there is restriction within the deeds in regards to development being constructed within the first 10 years of the occupied dwellings. This is a legal matter and not a material planning consideration and therefore does not alter the recommendation of this application.

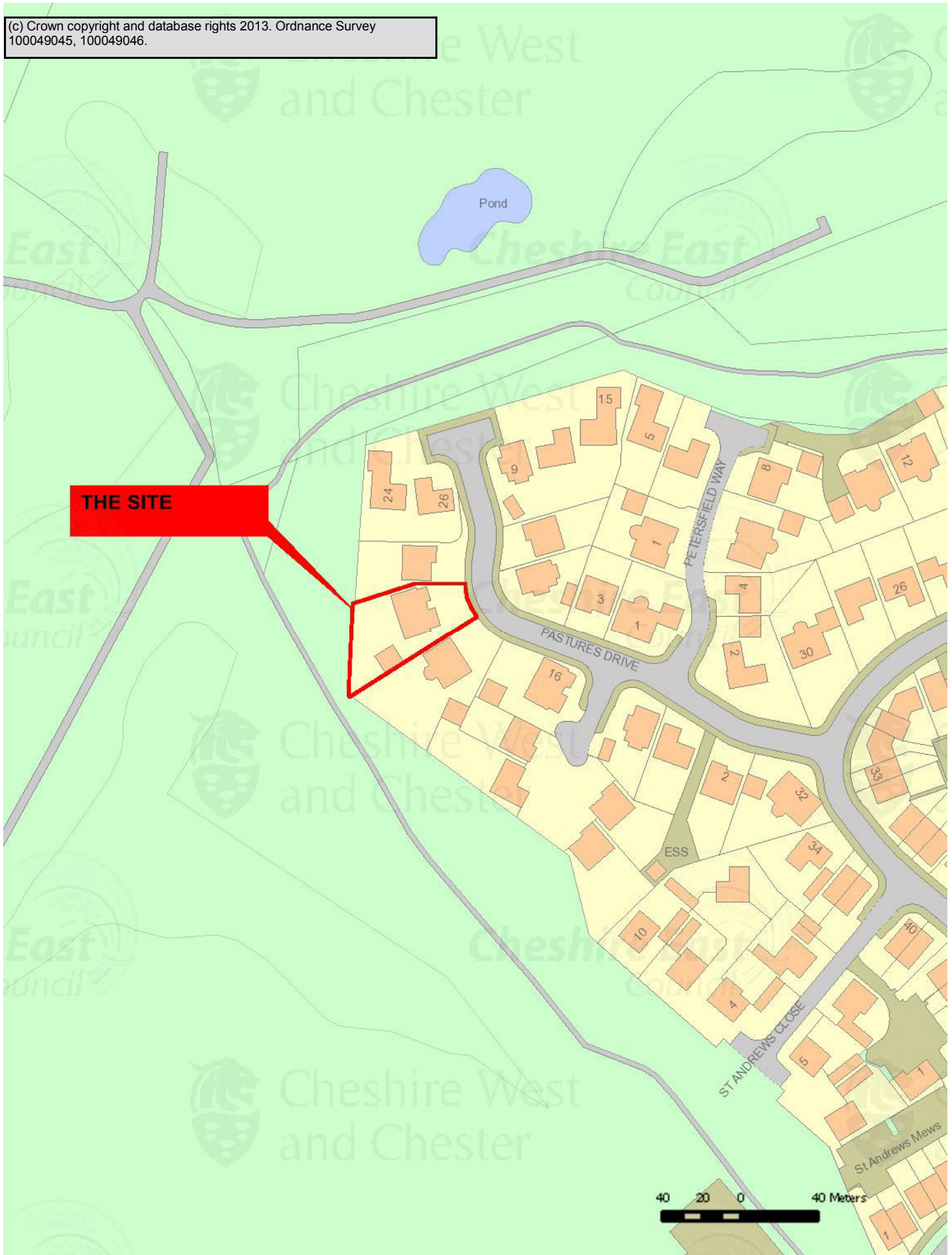
CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed development is of size and position which is in-keeping with the host dwelling, and the surrounding area. The proposed development will not have a significantly negative impact on the adjacent neighbours and is therefore considered to be acceptable and in accordance with the relevant policies of the Local Plan.

Conditions

- 1. Standard Time**
- 2. Materials to match existing dwelling**
- 3. Approved plans**

(c) Crown copyright and database rights 2013. Ordnance Survey
100049045, 100049046.



Application No: 13/0501N

Location: Land adjacent to New Farm Buildings, Bunbury Common Road, Bunbury, Tarporley, Cheshire

Proposal: Erection of a temporary agricultural workers dwelling - Resubmission of 12/0083N

Applicant: Mr Richard Broster, R & H Broster & Sons

Expiry Date: 05-Apr-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- Principle of development
- Siting and Design
- Landscaping
- Amenity
- Highway safety

REASON FOR REFERRAL

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

'This is an exceptions application as it is a dwelling outside the parish boundary. The is also questionable such as a change of use. As the farm is currently an active shop? I would also question the impact on the highways and design statement of the village. It has a temporary application which is questionable and is un popular.'

DESCRIPTION OF SITE AND CONTEXT

The application site is on land to the south of Bunbury Common Road, Bunbury within the Open Countryside. The site consists of 3 agricultural buildings and a farm shop and is surrounded by open paddock on all sides.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a temporary agricultural workers dwelling to serve a new farmstead.

The proposed dwelling would be a temporary mobile home which would include a living room/kitchen, a bathroom a hallway and 2 bedrooms. The unit would measure approximately 10.5

metres in length, 3.7 metres in width and would have a shallow, dual-pitched roof approximately 3.2 metres tall from ground floor level.

The size of the holding which includes the new buildings, where the dwelling is proposed is 94 acres. In addition to this holding, the applicant farms a number of other pieces of land which total approximately 348.5 acres. This land is scattered around the Bunbury area incorporating another farm, Haycroft Farm and includes 33.5 acres in Cheshire West. In total, the applicant owns 108 acres and rents the remaining 334.5 acres.

This application is a re-submission of 12/0083N which was refused as it was deemed that the proposal did not meet the functional test, financial test and the functional need could be fulfilled by other existing accommodation. Furthermore, it was considered that the siting and finish of the proposal was unacceptable.

This application seeks to address these concerns.

RELEVANT HISTORY

12/0083N - Agricultural Workers Dwelling (Mobile Home for a Period of 3 Years) – Refused 17th February 2012

11/4023N – New farm building – Approved 30th December 2011

11/2479N – New farm building – Approved 30th August 2011

11/1723N - Agricultural determination Agricultural storage building – Invalidated 9th June 2011

11/1370N - Agricultural general storage building – Withdrawn 9th June 2011

10/0106N - Agricultural livestock building – Approved 25th March 2010

09/3931N – Agricultural determination Agricultural storage building – Approval not required 18th December 2009

09/3420N - Agricultural determination Agricultural storage building – Refused 5th November 2009

4/5/5166 - O/a dwelling and garage – Refused 19th July 1965

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

NE.2 - Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 – Housing in the Open Countryside

RES.6 – Agricultural and Forestry Occupancy Conditions

Other Material Considerations

The Agricultural Wages (England and Wales) Order 2011

Pre-application letter provided by Cheshire East Council regarding the proposal

CONSULTATIONS (External to Planning)

Environmental Health – No objections, subject to the unit being occupied by individuals connected with the farming business and a contaminated land informative.

Environment Agency – No objections

Strategic Highways Manager - No comments received at time of report

United Utilities – No comments received at time of report

Public Rights of Way Office – No objections, but recommend an informative be added to the decision notice, should the application be approved, reminding the applicant of their duties.

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council – Object to the proposal on the following basis; No need, impact upon the highway and impact upon the design of the village.

OTHER REPRESENTATIONS

2 letters of objection have been received. The grounds of objection raised relate to;

- Principle of the development
- The general extent of development on the site
- Highway safety – Increase in traffic, road condition
- Design – siting, visual amenity
- Whether the size of the holding / business justifies a dwelling
- Financial stability of the business

Concerns regarding an ongoing enforcement matter in relation to a farm shop have also been raised.

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement
Design and Access Statement

OFFICER APPRAISAL

Principle of Development

Policy RES.5 of the Local Plan states that residential development is only acceptable in the Open Countryside for a person engaged full-time in agriculture or forestry, where it can be demonstrated that the location is essential for the efficient working of the enterprise, it can be demonstrated that the new dwelling cannot be accommodated within a defined settlement, there is no suitable existing

dwelling on the site or nearby, there are no suitable buildings on the site or nearby which could be converted into a dwelling.

If the new dwelling is deemed to be acceptable in principle, Policy RES.5 states that where possible, it should be sited within a nearby group of existing dwellings or a farm/building complex and that the form, bulk and design of the dwelling reflect the locality's rural character and the enterprise needs. Furthermore, it is advised that the dwelling should not be unusually large in relation to the size of the holding not too expensive to construct.

Paragraph 55 of the NPPF advises that;

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- ***The essential need for a rural worker to live permanently at or near their place of work in the countryside; or***
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *Significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.'*

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise for example if workers are needed to be on hand day and night.

Although PPS7 has been superseded by the NPPF, the criteria contained within this document are still used as a guide to assess worker dwellings, particularly Annex A.

Paragraph 10 of PPS 7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural full time workers to live at, or in the immediate vicinity of, their place of work.

Policy requirements of temporary Agricultural Workers' Dwellings

Annex A in PPS7 outlines the relevant assessment to establish whether there is a case for a new dwelling to accommodate a worker. It advises that *'if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or on an established one, it should*

normally, for the first three years, be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation.’ It should satisfy the following criteria, listed below:

- Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- Functional need
- Clear evidence that the proposed enterprise has been planned on a sound financial basis
- The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned; and
- Other normal planning requirements, e.g. on siting and access, are satisfied

In response to these policy requirements;

Clear evidence of a firm intention and ability to develop the enterprise concerned

It is advised within paragraph 6.2.1 of the submitted Supporting Statement that the applicant’s acquired the land in 2009 ‘*...with the intension of establishing an independent viable agricultural unit based upon a variety of mixed farm enterprises.*

Physical structures

Paragraph 6.2.2 states ‘*Over the last 3 years Mr Broster has put significant investment into the site in the region of well over £300,000, constructing agricultural buildings and other landscaping works*’

This investment has resulted in a farmstead which currently has approval for;

- **12/2724N** – New farm building (loose housing for cattle) – Approved 5th September 2012
- **11/4023N** – New farm building – Approved 30th December 2011
- **11/2479N** – New farm building – Approved 30th August 2011
- **10/0106N** - Agricultural livestock building – Approved 25th March 2010
- **09/3931N** – Agricultural determination Agricultural storage building – Approval not required 18th December 2009

In addition, there is currently a live planning application for another farm building for tagging (planning application 13/0966N) under consideration.

Current enterprises

To date, paragraph 4.3.2 of the supporting statement advises that the enterprise now consist of:

- Heald of Sucker cows – 52 Aberdeen Angus and Hereford cows
- Beef fattening unit - Approximately 266 heads of cattle
- Sheep Enterprise – 200 Texel/Suffolk Cross Ewes and 10 lambs slaughtered every week
- Free Range Egg Enterprise – 1400 hens
- Silage crops – Approximately 270 acres

- Maize and fodder – 18.5 acres
- Cereal crops – 20 acres
- Potato crops – 25 acres
- Vegetable crops – 5 acres

From visiting the site, it was clear that this was a new, busy, working farm enterprise. The erected structures were in use and cattle, sheep and poultry were visible at the site, as was the small farm shop. It is advised that to date, approximately £300,000 has been invested in the enterprise. This is an already established enterprise and the number of previous agricultural-related planning applications submitted since the acquisition of the site has demonstrated the intension of the applicant to develop the business.

This was also the conclusion within the 2012 assessment.

Functional Need

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise for example if workers are needed to be on hand day and night;

- (i) in case animals or agricultural processes require essential care at short notice;
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automated systems.

PPS7 also states that the protection of livestock from theft or injury by intruders may contribute towards the justification to the need for a new dwelling however, this will not by itself be a reason to justify one.

As part of the 2012 application, within the associated submitted Agricultural Appraisal and Planning Statement, the agent acting on behalf of the applicant advised that the functional need included;

- The twice daily feeding on a year round basis of all housed livestock together with the checking of water supplies and provision of bedding etc.
- The twice daily inspection of all livestock both housed and grazed to check animal's health and welfare, with particular requirement to check for any early stages of animal diseases or injuries
- Both sheep and cattle have tendency to serious injury and entanglement with fences/gates/hedges which can lead to injury or often death if not attended to at the earliest opportunity.
- Hourly supervision on a 24 hour basis of all in calf (pregnant) cows, and assistance and supervision at calving to avoid loss and injury and suffering both cow and calf.
- Hourly supervision on a 24 hour basis is required during the lambing period and also prior to the commencement of lambing, when the ewes are in the later stages of pregnancy and prone to varying ailments as 'twin lamb disease' pro-lapses, abortions and calcium deficiency.

- Permanent residence is required to oversee the arrival and dispatch of livestock for both welfare/husbandry grounds, and also administration purposes in respect of the necessary movement licences required, passports and consents.
- The incidents of theft and vandalism on agricultural units is an increasing problem on many holdings, which can result in significant losses and suffering to stock by acts of cruelty, damage to water supplies and release or theft of livestock. The human presence helps to deter such acts.
- A constant presence is required to assist in undertaking all routine repairs, maintenance and farm operations all of which can more effectively be undertaken at appropriate opportunities if the applicant is resident on the holding.

Furthermore, animal specific related activities were detailed as follows;

Chickens

- During colder spells the eggs need to be collected every 3 hours to prevent them from freezing/cracking and the frozen drinking water needs to be replaced.
- First egg collections are at 5:30am
- Generally need to be on hand to monitor drinking water
- Need to be on site in the event of a power cut effecting the chicken coop lights and electric fence
- Chickens need to be put to bed when it gets dark
- Loss of stock to foxes

Suckler Cows

- Need to be onsite for calving for the health and wellbeing of calve and mother

Sheep

- Need to be present for lambing between January and May each year

Other Cattle

- Need to train calves to drink from a trough
- Inspection at 11pm

As part of the current submission, in addition to the above, it has been advised that the range of farming duties conducted include;

- Strategic day to day management of the farm business
- Bedding down of all cattle
- Moving the chickens to new pasture when required
- Monitoring livestock performance and growth rates
- Tractor driving, including arable operations, silaging and growing of the potatoes and vegetables.
- To adhere with the EU Council Directive 98/58/EC in terms of animal welfare – These regulations legally require owners and keepers of animals to ensure the welfare of these

animals under their care and to ensure that the animals are not caused any unnecessary pain, suffering or injury

- To adhere with the government's 'Welfare Code', which backs up the legislative requirements and advises that stock-keepers should have enough time to inspect the stock and take action to deal with any problems. It is advised within paragraph 6.1.6 that '*...these symptoms cannot be properly identified remotely and the stockman needs to undertake inspections personally, often outside normal working hours and treat promptly...*'
- The finishing of bought in cattle
- Rearing of bull beef
- Overall labour requirement of the agricultural unit

In response to the above, the first test that workers need to be on site day and night within PPS7 is '*in case animals or agricultural processes require essential care at short notice.*'

As part of the 2012 assessment, it was concluded that a worker would need to be on site day and night at short notice for the lambing season. However, other aspects of the operations could be managed during the day without the requirement for a farmer to be there at night and at short notice. It was also concluded that due to the low volume of cattle, this number was not considered to be significant enough to warrant day and night supervision.

As such, it was concluded that the number of animals and the size of the holding were insufficient to justify a dwelling.

Since this determination, paragraph 4.1.3 of the Supporting Statement advises that '*...Mr Broster has taken out an agreement on a further 165 acres of pasture land, taking the total land farmed to approximately 480 acres (194.25 Ha).*'

This land is scattered around the Bunbury area incorporating another farm, Haycroft Farm and includes 33.5 acres in Cheshire West. In total, the applicant owns 108 acres and rents the remaining 334.5 acres.

In terms of the number of animals, according to the submitted information accompanying both the previous planning application and this proposal the numbers of animals have varied as follows;

- Heald of Sucker cows – Increase by 17 heads of cattle (49% increase)
- Beef fattening unit - Increase by 96 heads of cattle (56% increase)
- Sheep Enterprise – No change
- Free Range Egg Enterprise – Increase by 400 heads of poultry (40% increase)

Given this increase in holding size and animal numbers, it is considered that this shows a firm intention to expand the business further and to a holding size that is sufficient to sustain a temporary dwelling.

As a result, it is considered that the proposed dwelling meets the functional test.

Clear evidence that the proposed enterprise has been planned on a sound financial basis

It was advised within the submitted Supporting Statement that accompanied the 2012 application that the business has been financed entirely out of capital/savings, and does not have any long term borrowing or mortgages.

Within the submitted business accounts for this application, it shows that in 2009/2010 the farm operated at a net loss and gross profit (before tax) of -£30,069, in 2010/2011 the farm operated at a net profit of £10,697 and a gross profit (before tax) of -£11,021, in 2011/2012 the farm operated at a net profit of £77,586 and a gross profit (before tax) of £43,380.

A letter from Howard Worth Chartered Accountants projects that the accounts for 2012/2013 will show a gross profit of £60,732.

It should be noted that the gross profit figure takes into account depreciation.

The submitted accounts accompanying the 2012 application showed that in 2008/2009 the farm operated at a loss of £2,284, in 2009/2010 the farm operated at a loss of £30,069, in 2010/2011 the farm operated at a loss of £11,021. It is advised that the applicant would/could generate a gross profit before tax, drawings and property of £42,158 for 2011/2012.

All of these figures do not include the wages of the 3 full-time or 1 part-time employees.

The financial test for temporary accommodation requires clear evidence that the business has been planned on a sound financial basis. The business must be economically self-sustaining and capable of producing a return on the capital invested in it. Guidance from the former MAFF on the topic indicated that a financially sound business should be able to provide a reasonable return on all inputs used (which, in the case of agriculture, would include land, labour and capital). The methodology assumes that a minimum return to land would be a value equivalent to the rental income attainable from the land; that the minimum agricultural wage would provide a reasonable return to labour; and that a reasonable return to capital employed in the agricultural sector would be 2.5%. For a holding to be considered financially sound both now and in the future, the net profit achieved would have to cover these notional deductions.

In response to this test, the land which is calculated at £58 per hectare potential rental income, equates to £2,494 for this 108-acre holding which is owned by the applicant. As a guide, within The Agricultural Wages (England and Wales) Order 2011, it is advised that a standard worker's wage would be £13,728. When this is multiplied by 3 it equates to £41,184 per annum. With regards to capital investment, because it is advised that approximately £300,000 has been invested to date, 2.5% of this figure would be £7,500. As such, in total £51,178 needs to be subtracted from the annual income in order to test the financial soundness. Once subtracted, the figures indicate that in 2008/2009, the farm operated at a loss of £53,462. In 2009/2010, the farm operated at a loss of £81,247 and in 2010/2011, the farm operated at a loss of £62,199.

It was originally determined that although it is accepted that any new business would require a degree of start-up costs, because each projection indicated a loss, it was not considered that the business was financially sound.

Since this determination, the projected figure for the 2011/12 financial year for a net profit of £42,158 and a gross profit of -£20,792 was adjusted to and confirmed as a net profit of £77,586, and a gross profit of £43,380. When applying the MAFF deductions, this would result in an overall loss of £7,798.

The 2012/13 projections show a gross profit of approximately £60,732 which would equate to a £9,554 profit after MAFF deductions.

Although these records indicate a history of financial losses taking into account the MAFF deductions, these figures demonstrate a year-on-year upward curve in the financial fortunes of the business leading to an overall profit (including deductions) for the first time projected for this financial year.

The additional financial information provided provides sufficient proof that the financial situation of the business is continuing to improve. As such, it is considered that enough evidence has now been provided to satisfy the financial requirements of a temporary dwelling.

It should be noted however, that these figures would not be sufficient to justify a permanent dwelling.

The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned

It was originally determined that there were other dwellings within the area which could fulfil the functional needs of the business. However, due to the increase in the size of the business since this determination, it is now considered that there is a functional need for the farmer to live on site for the reasons detailed within the functional test assessment. As such, this test is nullified.

Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied

This issue will be addressed separately below.

Impact upon the character and appearance of the Open Countryside

The proposed temporary dwellinghouse would have accommodation on one floor with an approximate total floor area of 42 square metres. Within the justification text of Policy RES.5 of The Borough of Crewe and Nantwich Adopted Replacement Local Plan, it is advised that a maximum size for which permission will be given is 140 square metres. As such, it is considered that the unit is of a modest scale and design and therefore acceptable.

Siting and Design

Policy RES.5 of the Local Plan advises that new dwellings will be restricted to those that: *'Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building context.'*

Within paragraph 13 of Annex A of PPS7, it is advised that planners should not *'normally give temporary permissions in locations where they would not permit a permanent dwelling.'*

The original submission was partially refused because of *'...its distance from and relationship with the existing farm buildings which are at present, neatly grouped in an elongated fashion.'*

As part of this submission, the siting of the temporary home has been amended. The revised position of the home has been moved further back within the application site away from the

highway. It would now be approximately 40 metres from Bunbury Common instead of 35 metres. Furthermore, it has been moved to be closer to the existing agricultural development within the site. Although the site would be in a prominent location, it has been moved closer to the existing group of buildings and would therefore no longer appear detached from the holding.

With regards to the design, the proposal is effectively a static caravan. It is proposed that the development would be a brown / cream in colour which was originally considered to appear incongruous within this prominent location close to the highway.

However, because the development has now been moved further back from the highway and relates to an adjacent barn which is light brown in colour, it is no longer considered that this will appear incongruous, especially once landscaping has been implemented.

Landscaping

Existing hedgerows would provide a degree of screening from the road and the surrounding area. Subject to the protection of such and the use of additional planting, there is no landscaping objection to the proposed development.

Amenity

The nearest residential property to the application site is located over 350 metres from the proposal. Such distance is sufficient in order to ensure that the proposed dwellinghouse would not impact upon residential amenity or privacy.

Highways

In the absence of any objections from the Strategic Highways Manager, it is not considered that the proposed development would raise any highway safety/parking implications.

CONCLUSIONS

The proposal complies with the relevant policies of the Development Plan and is considered to be acceptable. The proposal has an acceptable impact upon the amenities of neighbouring properties. The visual impact of the proposal on the character and appearance of the area is considered to be acceptable.

The proposal therefore adheres with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), RES.5 (Housing in the Open Countryside) and RES.6 (Agricultural and Forestry Occupancy Conditions). The proposal would also adhere with the NPPF.

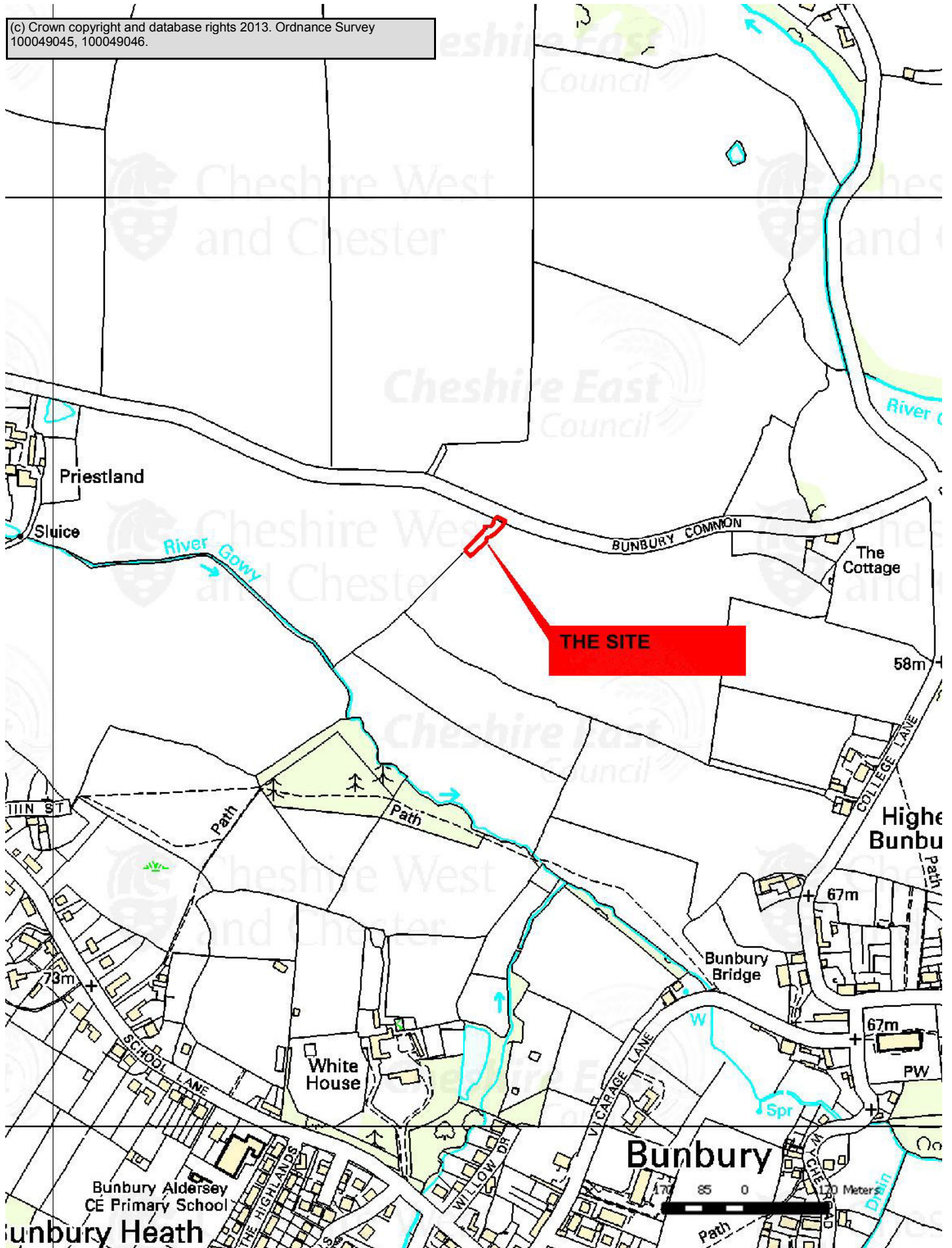
RECOMMENDATIONS

APPROVE subject to conditions

1. Time (Standard)
2. Plans
3. Materials as per application
4. Details of surfacing materials

5. Landscaping (Details)
6. Landscaping (Implementation)
7. Boundary treatment
8. PD removal – Class E
9. Agricultural workers only

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0506C

Location: HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE,
HOLMES CHAPEL, CHESHIRE, CW4 7DX

Proposal: 1) Development of a new 2 storey extension to the existing sixth form and arts block. 2) Relocation of T1 Portacabin to make way for new extension to the south of the campus. 3) Minor recladding of the existing sixth form and arts block to upgrade elevation. 4) Minor external landscaping works to car park. The new 2 storey extension forms the main part of this application. Externally there is minor landscape works to create a new arrival plaza, an outdoor teaching terrace and minor reconfiguration of the car park and footpaths

Applicant: Mr Denis Oliver, Holmes Chapel Comprehensive School

Expiry Date: 03-May-2013

13/0506C – Holmes Chapel Comprehensive School, Selkirk Drive

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Design considerations

Amenity

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee as the development is major application with the creation of more than 1,000sq.m of floor space.

DESCRIPTION OF SITE AND CONTEXT

The application relates to Holmes Chapel Comprehensive School which is situated off Selkirk Drive. Part of the school site is situated within the Settlement Zone Line of Holmes Chapel, with the school playing fields to the rear falling within the Open Countryside. Residential properties bound the application site to the north and east.

DETAILS OF PROPOSAL

The application relates to the provision of a new two-storey extension to the existing sixth form block which would accommodate the sixth form block and drama studios. This building would measure 29.1m in width and 27.1 metres in length. The site of the new building currently includes three temporary classrooms with areas of hardstanding and grass.

The application also includes the relocation of 1 portacabin classroom to the south of the site to the rear of the existing sports hall with some minor re-cladding of the existing sixth form block and arts block and minor landscaping works to the car park.

PLANNING HISTORY

12/2934C - To install temporary Portakabin Limited buildings to be used as teaching facilities for the 6th form whilst works are carried out to rectify the structural defects in the existing 6th form teaching facilities. It is proposed that there will be 2 classroom buildings, 1 building to be used as a common/study area and one building to be used as office space, all buildings to be hired from Portakabin Limited for a period of 3years – Approved 24th September 2012

11/3345C - Extension to Time Limit on Planning Permission 08/1514/FUL – Approved 30th November 2011

10/0781C - Application to vary condition 2 of 09/3239C for new pre-fabricated learning centre and associated car park – Approved 28th April 2010

09/3239C – A new pre-fabricated learning centre and associated car park – Approved 12th January 2010

08/1514/FUL - The provision of an astroturf pitch and associated works – Approved 2nd December 2008

35445/3 – Provision of access road and car park for 38 vehicles and external lighting to car park – Approved 22nd April 2003

33793/3 – New arts classroom block in place of mobile classroom and the provision of drama department extension – Approved 17th December 2001

POLICIES

National Planning Policy

National Planning Policy Framework

Regional Spatial Strategy (NW)

Policy DP7 Promote Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Services Provision

Congleton Borough Local Plan First Review 2005

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

RC2 (Protected Areas of open Space)

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No comments received at the time of writing this report

Jodrell Bank: No comment on the application

Sport England: No comments received at the time of writing this report

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

Environmental Health: Condition suggested in relation to hours of construction.

VIEWS OF HOLMES CHAPEL PARISH COUNCIL

Subject to the following points there is no objection to the application:

- To protect neighbouring properties an hours of work condition should be included in any consent
- There should be adequate landscaping and boundary treatment, which should be enforced
- There should not be any access from Grasmere Drive
- Safe access to this area of the school site should be ensured.

OTHER REPRESENTATIONS

Three letters of concern have been received; these letters do not object to the principal of the proposal but just raise the following concerns;

- Noise and disturbance caused by the construction works
- Concerns over which access construction vehicles will use, this should not be via Grasmere Drive
- Previous schemes of boundary treatment/landscaping have not been implemented and careful consideration should be given to screening for the adjacent residential properties.
- All portacabin's should be removed from the site
- The new building should be constructed at the same time that the building is being renovated
- The whole site should be re-landscaped
- Any new lighting should be at a low level and directed away from households
- All work should be constructed in the shortest time frame possible
- All contractors should be monitored to minimize pollution
- Concerns over construction hours
- Possible obstruction of a public footpath
- Adequate car-parking should be provided on the site

The full content of these objections is available to view on the Councils website.

SUPPORTING INFORMATION

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The school site falls part within the Holmes Chapel Settlement Zone Line and part within the Open Countryside. The proposed development would be situated within the Settlement Zone Line. The site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no

significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss.

The proposed two-storey sixth form block and drama studios would be located on an area of existing hardstanding which is occupied by 3 temporary classrooms. The proposed site for the portacabin would be on an area of hardstanding to the rear of the sports hall which is currently occupied by 3 containers. As a result the development would not result in a local deficiency in the quantity and range of open space and the proposal would comply with policy RC2 (Protected Areas of Open Space).

The key considerations in the determination of the application is therefore whether or not the proposal complies with Local Plan policies GR1 (New Development), GR2 (Design) and GR6 (Amenity and Health).

Design

The existing school complex includes a range of modern buildings of varying styles. The proposed sixth form and arts block would be of a similar height to the adjacent buildings and the scale of the development would sit comfortably on the application site. The design of the building includes two elements of varying heights. The elements would have mono-pitched roofs which would slope in opposite directions and there would be a glazed link between the existing building and the proposed building.

The detailed design of the proposal is considered to be acceptable and would not appear out of character on this site. A glazed link between the buildings would help to reduce the bulk of the resultant built form, whilst the use of cladding on both the existing and proposed would give a visual link between the buildings.

The re-sited portacabin is of a good standard and would be relocated on the site of 3 existing containers. The re-siting is considered to be acceptable.

In design terms therefore, the proposal would be acceptable having regard to Local Plan policies GR1 (New Development) and GR2 (Design).

Amenity

The main impact would be from the proposed two-storey building which would be sited to the north of the site. There would be a separation distance of approximately 55 metres from the nearest point of the proposed building and the nearest residential properties which front onto Mardale Court. Given the separation distances involved and the scale of the development it is not considered that there would be a detrimental impact to neighbouring residential amenity.

The concerns raised about construction disturbance have been noted and a condition will be attached at the request of the Environmental Health Officer to control the time of construction works.

The other elements of the scheme are small-scale and would not have any impact on neighbouring residential amenity over and above the existing site arrangements. The proposal would comply with Local Plan policy GR6 (Amenity and Health).

Highways

Although no highway comments have been received at the time of writing this report it is not considered that the development would raise any severe highway impacts.

A condition will be attached to ensure that delivery/construction vehicles use the Selkirk Drive access to protect residential amenity.

Other issues

There is no public right of way on the site which would be affected by the development.

It is not possible to require all portacabins to be removed from the site as they will be subject to separate planning applications with controlling conditions.

The suggestion to secure landscaping on the site is appropriate but any landscaping will need to be reasonable to the development proposed and this will be controlled by condition (it is not reasonable to secure mature landscaping for the whole of the site as suggested by one local resident).

Details of external lighting will be controlled by condition.

CONCLUSIONS

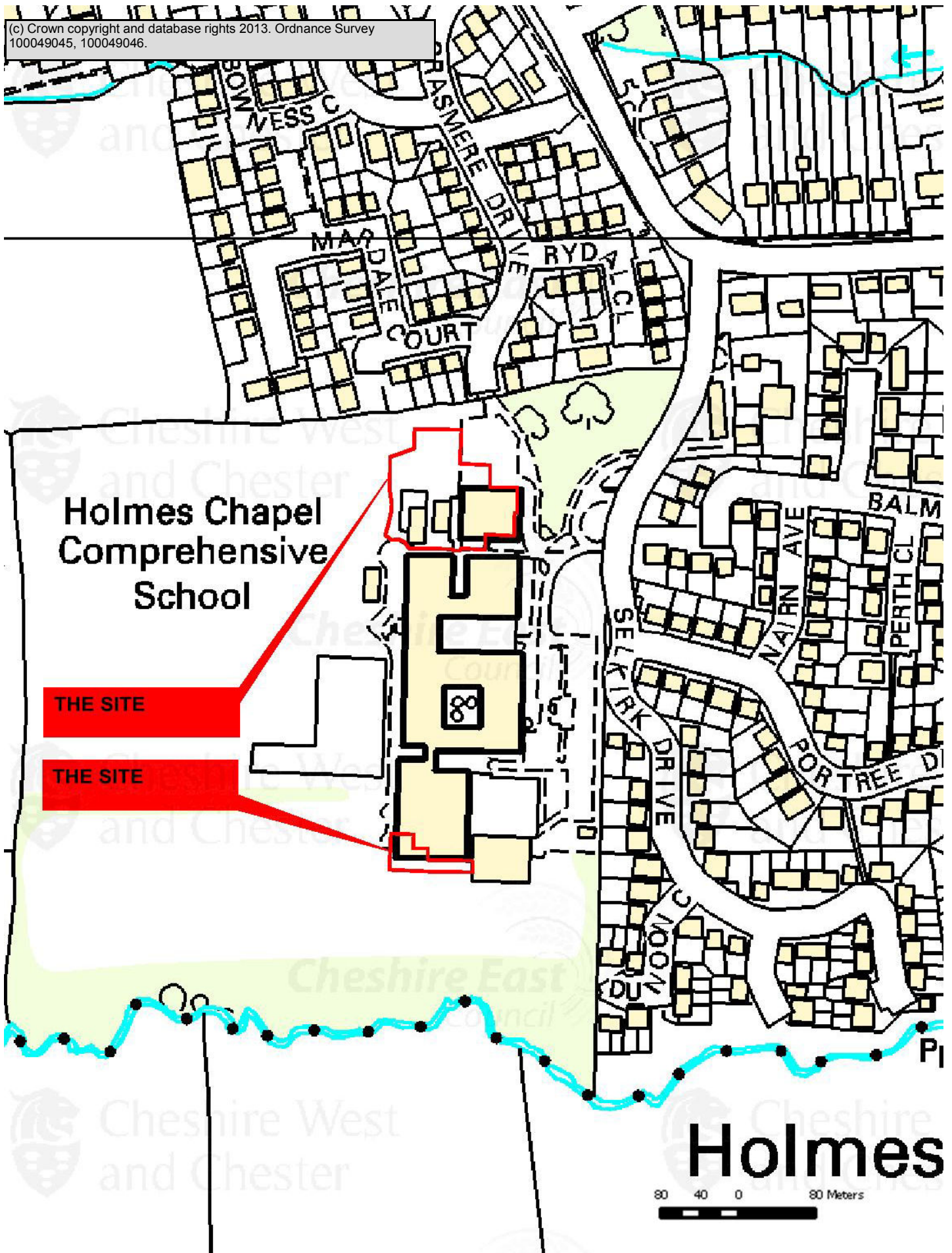
It is considered that the application proposes an acceptable form of development in design terms will not impact upon the protected open space and will not impact on neighbouring residential amenity. The proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval.

RECOMMENDATIONS

1. Standard Time
2. Approved Plans
3. Materials to Match
4. Landscaping to be submitted and agreed with the LPA
5. Implementation of the approved landscaping
6. External lighting details to be submitted and agreed with the LPA
7. The hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil
8. Construction vehicles shall access the site via Selkirk Drive only

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 13/0757C

Location: LAND AT, CANAL ROAD, CONGLETON, CW12 3AP

Proposal: Residential Development with Access off Wolstanholme Close, Reserved Matters Application for Appearance, Landscaping, Layout and Scale

Applicant: Wainhomes Developments Limited

Expiry Date: 20-May-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- Principle of Development
- Character and Appearance
- Trees and Landscaping
- Amenity
- Drainage and Flood Risk

1. REASON FOR REFERRAL

This application seeks approval of the reserved matters of a scheme of more than 10 dwellings and is therefore to be determined by the Southern Planning Committee.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The majority of the site was previously Greenfield with the remainder comprising the residential property known as 'Canal Villa' and an area of land used for the parking of plant hire equipment. However, work has already begun on implementing a previous planning approval (planning ref; 11/0861C), which granted full planning permission for the erection of 17 dwellings with access taken off Wolstanholme Close.

3. BACKGROUND & RELEVANT HISTORY

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

The Southern Planning Committee resolved to approve an outline application for residential development subject to conditions and the signing of a legal agreement at the meeting of 13th October 2010. However, prior to the signing of the legal agreement, the applicant lodged an appeal against non-determination and the Planning Inspectorate allowed the appeal (planning ref: 10/2653C).

In 2011, Members resolved to approve a full detailed application for 'the erection of 17 Dwellings, Associated Work and Vehicular Access and Single Garage for Canal Villa (planning ref; 11/0861C). Whilst work has begun on constructing the 17 houses which were previously granted planning permission, the site levels were increased on parts of the site and this in turn led to higher slab levels and therefore taller ridge heights. The change in levels also warranted the building of some large gabion retaining structures. Such changes were not approved as part of the approved scheme.

Members will recall that they recently refused an application (ref; 12/4069C) to regularise this position which sought to reduce the slab levels and the ridge heights of plots 10-17, which are the units in the far north-eastern corner of the site where they wrap round the side and rear of the existing property referred to as 'Canal Villa'. However, Members did not consider that such changes went far enough to reduce the visual harm to the character and appearance of the area and the streetscene. The developer has lodged an appeal against this refusal.

4. DETAILS OF PROPOSAL

This application is for the approval of the reserved matters to outline application 10/2653C that was approved on appeal. Access was determined at the outline stage and therefore this application seeks the approval the details of appearance, landscaping, layout and scale. The scheme is based on the full application that granted approval for the erection of 17 dwellings referenced 11/0861C and notwithstanding the changes in levels, is the one which the developer has sought to implement

This revised scheme seeks to address Members concerns by dropping the slab levels of Plots 10-17 and installing a pumped surface water drainage system so that it is not gravity fed. This in turn will result in the removal of the existing gabion structures which have already been erected around these plots.

5. POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

6. CONSIDERATIONS (External to Planning)

Environmental Protection:

No objection subject to contaminated land conditions - The applicant has supplied a geo-environmental investigation report. Although the report is two years old, no potentially contaminating former land uses were identified on the site. Trial pits were revealed a hydrocarbon odour and remediation of the affected area was recommended in the report. As such, a site completion report will be required by condition.

Highways:

No objection

United Utilities:

No objection provided that:

- The overflow from the pond into the public sewerage system should be removed
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes

Environment Agency:

No objection subject to a condition that if contamination is found during development, a remediation strategy must be submitted for approval.

Canal & Rivers Trust:

No objection

7. VIEWS OF CONGLETON TOWN COUNCIL

REFUSE – Development to adhere to the original plans – the height and levels of the proposed development not to be increased.

8. OTHER REPRESENTATIONS

Letters have been received from 6 neighbouring address objecting to this proposal on the following grounds:

- The development should conform with the original approval
- The development will tower above the surroundings if the levels are not changed back
- The finished houses will be over dominant and visibly obtrusive
- Overlooking
- Drainage will lead to flooding
- Loss of vegetation and amenity of trees affected
- The proposed buildings will swamp neighbours outlook, result in a loss of privacy and cause loss of light
- The window height of the houses will still remain the same
- Before building started the field and parking used by Canal Villa sloped down from Wolstanholme Close and now it rises up by at least 1 metre#
- The development is now at least 2 metres higher
- The builder has brought in over 50 HGVs full of aggregate to build up the levels
- Excess surface water now flows into the drain infrastructure of Wolstanholme Close; this was originally designed to only cope with 13 houses
- Potentially damaged the tree line at the boundary with no. 17 Wolstanholme Close
- The raising of the footings height level and the removal of immature trees makes this development clearly visible to the canal
- Proposal is contrary to local plan policies GR1 and GR6

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement

Drainage Plan

Cross Sections

Contaminated Land Report

Landscaping Plan

Materials Schedule

Scheme for Nesting Birds

10. OFFICER APPRAISAL

Principle of Development

Members may recall that full planning permission was granted for the construction of 17 dwellings on land off Canal Road, Congleton with access proposed off Wolstanholme Close. Building work on the site is well under way with the slab levels for most of the units already in place. However, the works that have been carried out are not in accordance with the approved plans.

The levels of the site have been altered, with an increase of levels towards the north and northern western corner of the site where the site adjoins the side and rear of the existing property referred to as 'Canal Villa'. Such changes have led to an increase in the height of the slab levels for plots 10-17 and it is these which are most prominent and visible from views of Canal Road and the access path serving 'Canal Villa' and the canal towpath running along the northern boundary of the site.

Thus, the principle of the development and its access has already been accepted by the granting of the outline consent. A subsequent full application has already accepted the details relating to design, layout, trees and landscaping, ecology, affordable housing and public open space. This scheme does not deviate from these details. The affordable housing requirements and public open space contributions have already been secured as part of the legal agreement submitted with the outline application and therefore such considerations do not need to be revisited.

The key issues that Members need to consider are whether the proposed reduction in the levels and removal of the gabion retaining structures are acceptable in terms of their impact on the character and appearance of the area (including landscaping) and the impact on the residential amenity afforded to neighbouring residents.

Character and Appearance

The proposed layout is the same as that which has already been approved. Also, the detailed elevations and house types are also the same. As Members may recall, the approved layout is served by a single access point by continuing the existing turning head off Wolstanholme Close into the site. The road would turn 90 degrees which would allow a block of 4 mews properties to front the access and to provide a focal point when entering the site (plots 10-13). The dwellings would be arranged around an L shape with 4 further units situated behind the mews properties on plots 14-17 to provide an enclosed courtyard. This courtyard would be served by an underpass located within the front units.

Having begun works on the site, the levels towards the northern end have been increased by at least 2 metres in order to accommodate the previous fall on the site and to link the drainage system in with the existing drainage infrastructure on Wolstanholme Close. It is this which has dictated the increase in levels and therefore the corresponding increase in the slabs levels of units 10-17 and their final height. To retain the earthworks and soften their appearance the developer has already put in place a number of 'Permacrib' retaining structures running along the boundary with Canal Road to the rear of plots 14-17 which then turns and wraps around the rear of Canal Villa and then travels up alongside plots 10-13 parallel with the canal. In parts, these retaining structures are some 3 metres higher than adjacent ground levels.

In order to reduce the visual impacts, the developer has tried to respond to concerns expressed by the Council, by reducing the resultant height of the affected dwellings on plots 10-17. The developer is now proposing to bring the slab levels of plots 10-17 down to more or less what they were before the levels were altered. This in turn would result in the removal of the existing unauthorised gabion retaining structures which currently dominate the north and north-western corner of the site. It is considered that such revisions would adequately address the Council's previous concerns and would bring the proposal in line with the original planning approval.

Owing to the site's elevated position compared with Canal Road, with the properties on the opposite side occupying much lower ground, the resultant plots 14-17 will be prominent. However, the impact on the character and appearance of the area will be reduced to an acceptable level by the proposed revisions. Plots 14-17 are set back from the Canal Road frontage (because they back onto it). Once the planting has established itself as detailed in the proposed landscaping plan, the proposal will not have a significantly greater impact than the originally approved scheme.

With respect to plots 10-13, these will be tucked behind units 14-17 and Canal Villa and will not be evident from views off Canal Road. Given that this proposal will see the reduction of the slab levels to their previous height and given that the large gabion retaining structures will be removed, and would be acceptable as viewed from the adjacent Macclesfield canal.

Notwithstanding the mews properties, the other houses types would vary in terms of their architectural detail but would all be of a similar character and style. The units positioned towards the south-eastern boundary would be larger detached units to help assist with the transition with those dwellings to the south which are larger in size and set within spacious plots. Overall, the proposed development would complete the development of this part of Congleton, and as the surrounding development is mixed in terms of its design and style. The proposed materials are also acceptable.

Such changes will vastly reduce the visual impact of the currently constructed slab levels, retaining structures and resultant dwellings. Taking this and the above into account, this scheme will not be significantly greater than the originally approved scheme and as such the scheme is found to be acceptable in terms of design and appearance.

Trees and Landscaping

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. Of particular note is a mature protected oak tree situated close to the proposed access off Wolstanholme Close. The proposed layout would allow for the retention of the protected Oak tree and many of the other prominent trees. The submitted landscaping scheme secures replacement supplementary planting within the proposed layout. Subject to tree protection conditions and compliance with the landscaping plan, the scheme is found to be in compliance with local plan policy GR4.

Residential Amenity

The other key consideration for Members is the potential impact on the residential amenity afforded to neighbouring properties. In some cases, SPG2 states that a greater separation distance of 27.5 metres can be sought where for example the dwellings and rear gardens are

comparatively small. Given that the site is more elevated than the properties on the opposite side of Canal Road, the proposed dwellings are likely to have a greater impact than if they were at the similar levels. However, even assessing the proposal against the more onerous separation of 27.5 metres, the proposal exceeds this requirement. The distance between the rear of plots 14-17 and the property directly opposite no. 124 Canal Road would be approximately 34 metres. As such, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west.

With respect to Canal Villa to the north, the proposals would achieve the minimum interface distances advised within SPG2. As such the proposed dwellings themselves would not give rise to direct overlooking, loss of light or increased sense of enclosure. The removal of the retaining structures will improve the amenity afforded to Canal Villa and the reduction in slab levels will make units 10-17 less elevated and therefore will reduce any impacts. Subject to the removal of permitted development rights, as per the original approval, the proposal is found to be acceptable in terms of residential amenity.

Drainage and Flood Risk

To accommodate a reduction in levels, a surface water pumping system will be installed. United Utilities have not objected to the application provided that the proposed pond in the south-western corner of site does not link in with the sewerage system. This could be secured by condition.

Some objector's have expressed concern about the existing ground conditions and have pointed out that the development of the site would lead to the increased risk of flooding. The site is not within an area at risk from flooding and the Environment Agency has offered no objection. As such, the scheme is found to be acceptable in terms of flooding and the revised drainage details.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development has already been accepted. This reserved matters application would address the Council's previous concerns regarding the visual impact of the increased slab levels of plots 10-17 on the character and appearance of the area and the streetscene. The proposal would also result in the removal of the existing unsightly gabion retaining structures. As such, the proposal is in line with what was originally envisaged for the development and therefore the details of appearance, landscaping, layout and scale are found to be acceptable. The application is therefore recommended for approval.

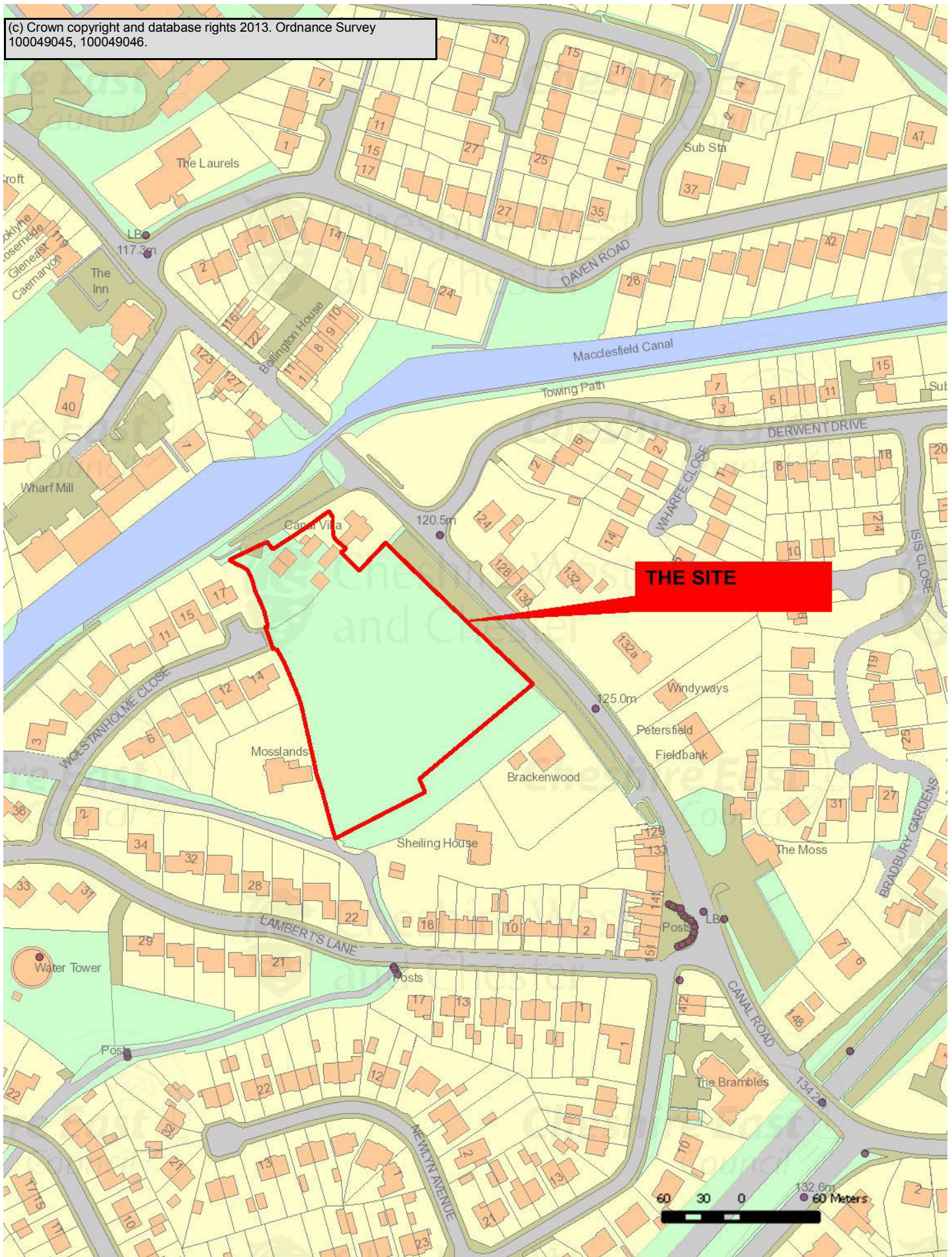
12. RECOMMENDATION:

Approve subject to the following conditions:

1. Reserved Matters
2. Development in accordance with approved plans
3. Contaminated land – site completion report to be submitted pursuant to condition 8 of outline approval
4. Drainage in accordance with submitted detail (except for pond discharge)
5. Landscape scheme in accordance with submitted detail
6. Implementation of landscaping

7. Tree protection with adherence to Arboricultural Method Statement
8. Site specific details of no dig construction for footpath
9. Development to be carried out in accordance with submitted levels and set out on site for LPA approval
10. Materials as per application
11. Removal of permitted development rights classes A-E for plots 10-17 inclusive
12. Removal of permitted development rights for openings for plots 1, 2, 4, 5, 7, 8, 9, 10, 14 and 17
13. Obscured glazing within southeast facing side elevation of plots 7 and 8.

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0761C

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

Proposal: Variation of condition 2 (approved plans) on approval 12/4143C

Applicant: Tesco Stores Ltd

Expiry Date: 17-Apr-2013

SUMMARY RECOMMENDATION**Approve with conditions****MAIN ISSUES****Principle of Development****Design and Appearance****Amenity****Highways and Parking****1. REASON FOR REFERRAL**

This application seeks to amend a condition which was attached to an application determined by the Southern Planning Committee.

1. DESCRIPTION OF SITE AND CONTEXT

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

2. DETAILS OF PROPOSAL

This application seeks to relocate the proposed ATM cash machine further left within the west facing elevation of the approved extension and to relocate the service door that it would replace to the far right hand side of the north facing Homes Chapel Road elevation. To do this, approval is sought to amend the approved plans condition to substitute them with the amended plans.

3. RELEVANT HISTORY

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

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

12/4143C - Removal of Condition 4 (Maximum Vehicle Weight) on Planning Permission 12/3234C - Alterations and extension to existing building – Approved 18-Feb-2013

4. POLICIES

Local Plan Policy

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

Other Material Considerations

National Planning Policy Framework

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

5. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objection but has expressed concern that people will stop on the gyratory carriageway of the junction to use the ATM machine.

6. VIEWS OF THE TOWN COUNCIL

No objection

7. OTHER REPRESENTATIONS

One representation has been received from a local resident expressing concern that the proposed lightning in the car park area could disturb amenities of local residents and lead to light pollution which could make the continued observation of the Congleton night sky, the Stars, Planet and Comets even more difficult.

9. APPLICANT'S SUPPORTING INFORMATION

Planning Statement

10. OFFICER APPRAISAL

Principle of Development

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

This application seeks to move the approved ATM cash machine within the east facing elevation of the extension further left in place of what was shown as the ATM service door. Instead, the service door would be relocated round the corner within the far right hand side of the north facing elevation fronting Holmes Chapel Road.

Design and Appearance

In terms of design, the proposed ATM would be moved further along the west facing elevation by only 1.2 metres, which is the elevation fronting the car park and will serve the convenience store. The ATM will replace the service door and the position of the previous ATM will be glazed. In design terms, the relocation of the ATM will not have a significant effect on the character or appearance of the approved extension.

With respect to the service door serving the ATM, this will be positioned around the corner of the extension at the end of the side elevation of the extension fronting Holmes Chapel Road. This will provide some further punctuation within what is a long elevation and will not detract from the character or appearance of the building.

Amenity

The repositioning of the ATM and service door would not exacerbate or materially harm neighbouring amenity. The objector has made reference to the potential impact of lighting in the car park. However, this proposal does not propose to alter the car park. There was a condition attached to the original consent (condition no. 6) which requires submission of any details of lighting to be submitted prior to its installation so as to ensure any light spillage is adequately controlled.

Highways and Parking

The Strategic Highways Manager has expressed concern regarding the potential for people to park on Holmes Chapel Road to use the proposed ATM machine. However, the cash machine would be in a similar position (only 1.2 metres further along) to that already shown on the approved plans and therefore such concern would not warrant a refusal. Further, parking along the Holmes Chapel Road frontage is already prohibited as it is marked with double yellow lines. Any parking along this frontage would be enforced the Police.

11. CONCLUSIONS

The principle of the development has already been accepted. The proposed changes involve the relation of the ATM cash machine and its service door. Such revisions are minor and do not give rise to issues relating to design, character and appearance, residential amenity or parking and highways. As such, the proposal is found to be acceptable and therefore it is recommended that

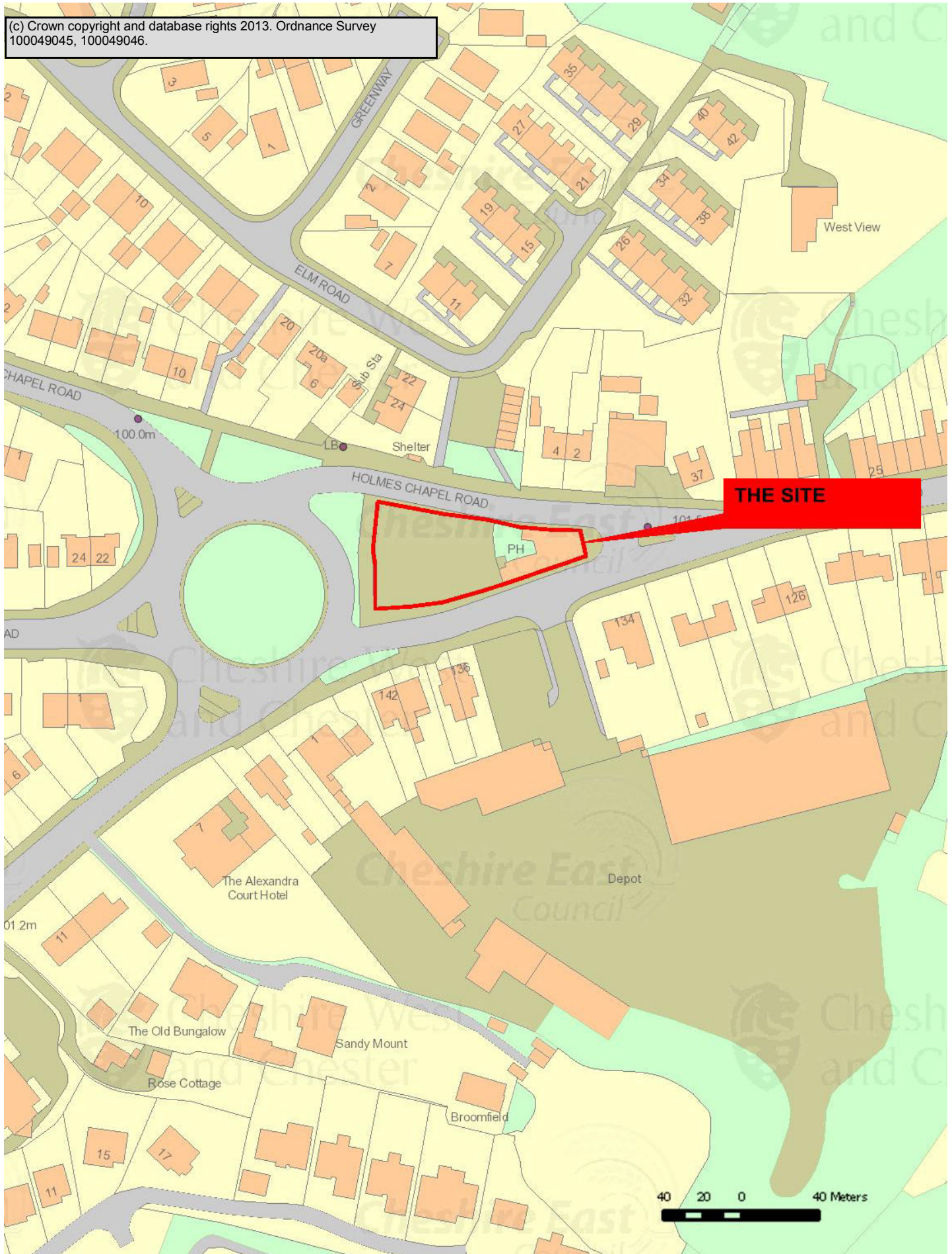
condition number 2 of approval 12/4143C be varied to include the revised drawing numbers, and all other conditions be repeated as before.

12. RECOMMENDATION

APPROVE with conditions

1. Standard time limit
2. Development in accordance with the approved / amended 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

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0791C

Location: Lyndale & 2 Somerford View, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Outline application for erection of four new dwellings including improvement of existing access (resubmission)

Applicant: Mr & Mrs F bailey & Mr M Beech

Expiry Date: 18-Apr-2013

Summary Recommendation:- Refuse

Main Issues:-

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

REFERRAL

An application of the size would usually be dealt with under the Council's delegated powers, however this application has been called into planning committee by Councillor Wray for the following reason,

'Both Somerford & Brereton Parish Councils have requested me as Ward Councillor to call-in this application to Committee as a previous similar application was determined by Committee and refused.'

'Significant concerns or potential significant impact of the development - Unsustainable location and Road Safety as the access is at a dangerous point on the A54'.

1. SITE DESCRIPTION

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

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

This application is a resubmission of a previously refused outline application 12/2508C for 10 dwellings and the demolition of Lyndale.

1. DETAILS OF PROPOSAL

Outline planning permission is sought with all matters reserved. The indicative layout shows four dwellings on the site, and the existing bungalow 'Lyndale' retained. A large dormer bungalow sited to the front of the site, and an 'L' shape two storey barn style development split up into three units. The access is proposed off Holmes Chapel Road within the centre of the development site. The access would form a court yard style development, and would retain an existing outbuilding as a garage for four cars.

2. RELEVANT PLANNING HISTORY

12/2508C - Outline Application for Residential Development to Include the Demolition of Lyndale – Refused 25th September 2012

21356/1 – Bungalow – Refused 3rd October 1989

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

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

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

MCR4 – South Cheshire

Local Plan Policy

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

PS8 Open Countryside

NR1 Trees and Woodlands

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside and Green Belt

H13 Affordable Housing and Low Cost Housing

Other Material 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

5. OBSERVATIONS OF CONSULTEES

Environment Agency – Environment Agency do not have any comments as the proposal falls outside their scope of consultations.

Highways - [Response received on 14th March 2013]

This application is outline in nature however the access to the site is not a reserved matter. In addition, other similar local developments have provided a Traffic Statement and a detailed access design for those development proposals. This application does not provide that level of detail.

The indicated layout for the development is that of a private drive with some highway dimensions shown however full junction geometry and visibility is not provided. Without the above information the Strategic Highways Manager cannot support this application or indeed provide a guiding comment to the LPA or indeed members.

The Strategic Highways Manager therefore recommends refusal of this planning application on the grounds of lack of information. The S.H.M. also recognises that there may well be a viable highway solution for this site in terms of design and layout however this would need negotiation to resolve.

Environmental Health - No objection, subject to conditions for hours of operation, pile foundations and contaminated land.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Brereton Parish Council;

Brereton Parish Council object to this planning application on the grounds of unsustainability. Since the previous application (12/2508C) was deemed unsustainable and the facts remain the same then surely this application will be the same since no circumstance has changed.

We have further concerns regarding road safety in that the site access is at a dangerous point on the A 54 with an adjacent access/site used by all manner of private & commercial vehicles.

Finally, there is no 'local' need for new housing either within Brereton Heath or Cheshire East's plans since Cheshire East has recently indicated that it has in excess of the 5 yr (Government) requirement, the Ivanhoe site, sited on the A54 is well under way (first completions, June of this year) & the Aventis site in nearby Holmes Chapel is also progressing at a pace.

6. OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 2 properties. The main issues raised are;

- Existing dwellings form a string/linear development pattern,
- Clearly back land development rather than infill
- There is no need for further residential development in the area,
- The Local Planning Authority can demonstrate a 5 year supply of housing land
- The proposed development site is not in a sustainable location,
- Although there is an hourly bus service to Congleton and Holmes Chapel no other sustainable services within Brereton Heath,
- Significant impact on road safety on a dangerous road,
- Contrary to NPPF in that the development would not improve the economic, social and environmental conditions of the area
- No shop, pub, post office, petrol station, social/formal leisure facilities of any kind,
- Impact on the open countryside,
- Impact on neighbouring amenity to No.1 Somerford View by reason of noise, disturbance and overlooking,

- Visual impact of the development,

7. APPLICANT'S SUPPORTING INFORMATION:

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

8. OFFICER APPRAISAL

Principle of Development

Local Plan Policy

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

National Planning Policy Framework

The National Planning Policy Framework (NPPF) states at paragraph 47 that 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) 2013. The SHLAA has put forward a figure of 7.1 years housing land supply.

Although the development site is situated within the open countryside it is considered that as the site lies within the infill boundary where there is some potential for limited development, it is considered that the general principal of residential development on the site is acceptable.

In this case, the impact of the proposal on the character of the surrounding area in terms of the design and layout is an important policy factor. Also of relevance are the impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, and Affordable Housing.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable as there is an hourly bus to the town of Congleton and the village of Holmes Chapel where local community facilities are sited. This would allow for a sustainable form of transport other than cars to nearby facilities. Furthermore, the applicant argues that the sustainability of the settlement has recently been accepted in two housing developments along Holmes Chapel Road.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal on the edge of Brereton Heath would not create isolated new homes. Furthermore, the site is located within the infill settlement boundary and therefore the suitability and sustainability of the settlement in principle for some further limited development has been established through this policy. This is reflected in the two recent applications for housing developments along Holmes Chapel Road. The sustainability of the site was also considered to be acceptable in the Committee Report for the previous application on the site.

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

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

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

Jodrell Bank

No comment had been received from the University of Manchester at the time of report preparation. However, no objection was received to the previous application nor other developments close by and therefore it is not considered that this limited amount of the development would have a significantly detrimental impact on Jodrell Bank.

Residential Amenity

The surrounding development comprises a semi-detached dwelling and a bungalow to the north of the site and a large protected woodland area to the rear. To the west of the site is an area of land used for commercial purposes. The wider area is surrounded by open countryside. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

The proposal is in outline. However an indicative layout shows distances in excess of 30m will be achieved between the proposed plots to the rear of the site and the dwellings fronting Holmes Chapel Road. The side elevation of the new bungalow has secondary windows at ground floor level facing towards the side elevation of the retained bungalow, Lyndale. There are no windows on the side elevation of the bungalow, and the separation distance increases to 15m to the conservatory. This would meet the separations distances and therefore will not have a detrimental impact on neighbouring amenity. The internal separation distances are also acceptable.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be exceeded in respect of distances to existing properties and, within the site. The indicative layout therefore appears to meet relevant residential amenity standards.

Ecology

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

(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.

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 submitted report relates to the previously refused application (in relation to the demolition of building on the site which are now to be retained) however was carried out less than 1 year ago.

In this instance the Council's Ecologist has assessed the application and states that there is evidence of bat activity in the form of minor roosts of two relatively common bat species has been recorded within the bungalow and garage. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present.

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

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

relation to bat mitigation measures, and breeding birds the proposal is considered to be acceptable.

Contaminated Land

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

Access and Highway Safety

The application initially did include access as a reserved matter however, given the objection from the highways authority the agent has removed this element from the outline and is not to be considered as part of the reserved matters applications.

However, the Strategic Highways Manager (SHM) considered that the information initially submitted with the application was insufficient for the Highways department to make comments on the application and therefore recommended refusal on the grounds of insufficient information.

The applicant has submitted a further detailed plan in relation to the access. This information has been passed to the SHM for consideration, although at the time of writing this report further comments had not been received on this matter. Therefore an update on the amended comments will be made to the committee.

Affordable Housing

The site is located partially over 2 parishes therefore the affordable housing need for both parishes has been considered. The Parishes are located in separate sub-areas for the purposes of the SHMA 2010. The sub-areas the Parishes are located in are Sandbach Rural and Congleton Rural.

The SHMA 2010 shows that there is a requirement for 10 new affordable units per year in the Congleton Rural sub-area and 1 new affordable unit per year in the Sandbach Rural sub-area between 2009/10 – 2013/14, this equates to 55 new affordable units for the two sub-areas, made up of a need for 4 x 1 bed, 2 x 2 bed, 3 x 3 bed, 5 x 4/5 beds and 2 x 1/2 bed older persons accommodation per year (the SHMA 2010 identified a slight oversupply of 2 & 3 beds in the Sandbach Rural area which gives the net requirement of 10 units per year.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 10 applicants on the housing register who have selected Brereton or Someford as the area which is their first choice for a property. The number of bedrooms these applicants require are 2 x 1 bed, 6 x 2 bed and 2 x 3 bed.

The IPS for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 ‘Housing’ states that local authorities may wish to set lower minimum thresholds where viable and practical this

approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state:

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

As the proposed development is for 4 dwellings and the site area exceeds 0.2ha there is a requirement for 30% of the dwellings to be affordable, this equates to 1 dwelling.

The applicant has agreed to provide one of the dwellings as an affordable unit as an intermediate tenure unit. The Housing department have agreed that one unit on the site would be acceptable however require more information with regards to the size of the unit.

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

Design and Layout

Whilst the proposal layout is only indicative the plan shows how 4no. dwellings can be sited within the application site. To achieve a development scheme of 4no. dwellings a similar layout to that proposed will be required. For that reason it is considered that the proposed development is unacceptable, and does not address the previous reason for refusal. The proposed layout would still be out of character with the surrounding area, which is a largely linear form of development which addresses Holmes Chapel Road.

The north edge of Holmes Chapel Lane is characterised by ribbon development with properties fronting the highway with a small gap to the front of the dwelling and with large rear gardens which back on to the area of TPO trees to the rear. Whilst it is acknowledged that there have been several small housing developments of a similar layout and design these have been sited closer to the nucleus of the settlement and not on the edge of rural periphery, differentiating them from the proposal site.

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

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

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

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

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

It is clear that Local Plan policy and National Planning Policy Framework both require good design which improves the character of an area. Whilst it is acknowledged that the 'backland' development has been designed in such a way as to replicate a barn conversion, the position of this building would have a detrimental impact on the open countryside and the existing streetscene.

Trees

The Congleton RDC (Brereton Heath) TPO 1972 & Congleton RDC (Brereton Heath No1.) TPO 1958 protect woodlands to the south and west of the site. The canopy of at least one protected tree extends over the site on the southern boundary. The site also adjoins a Site of Biological Importance.

Taking into account the off-site trees and the orientation of the plots, the indicative layout would result in the gardens of plots to the south of the site being shaded for a significant part of the day. This would impact on private amenity. The amended layout is however, less intensive and an improvement from the last submission.

Given the plan is indicative it is considered that further tree reports will be required as part of a detailed application. Given the siting of the L shape units it is considered unlikely that the proposed development would have a significantly detrimental impact on the neighbours amenity. It is considered that the impact can be designed out and therefore should not form a further reason for refusal.

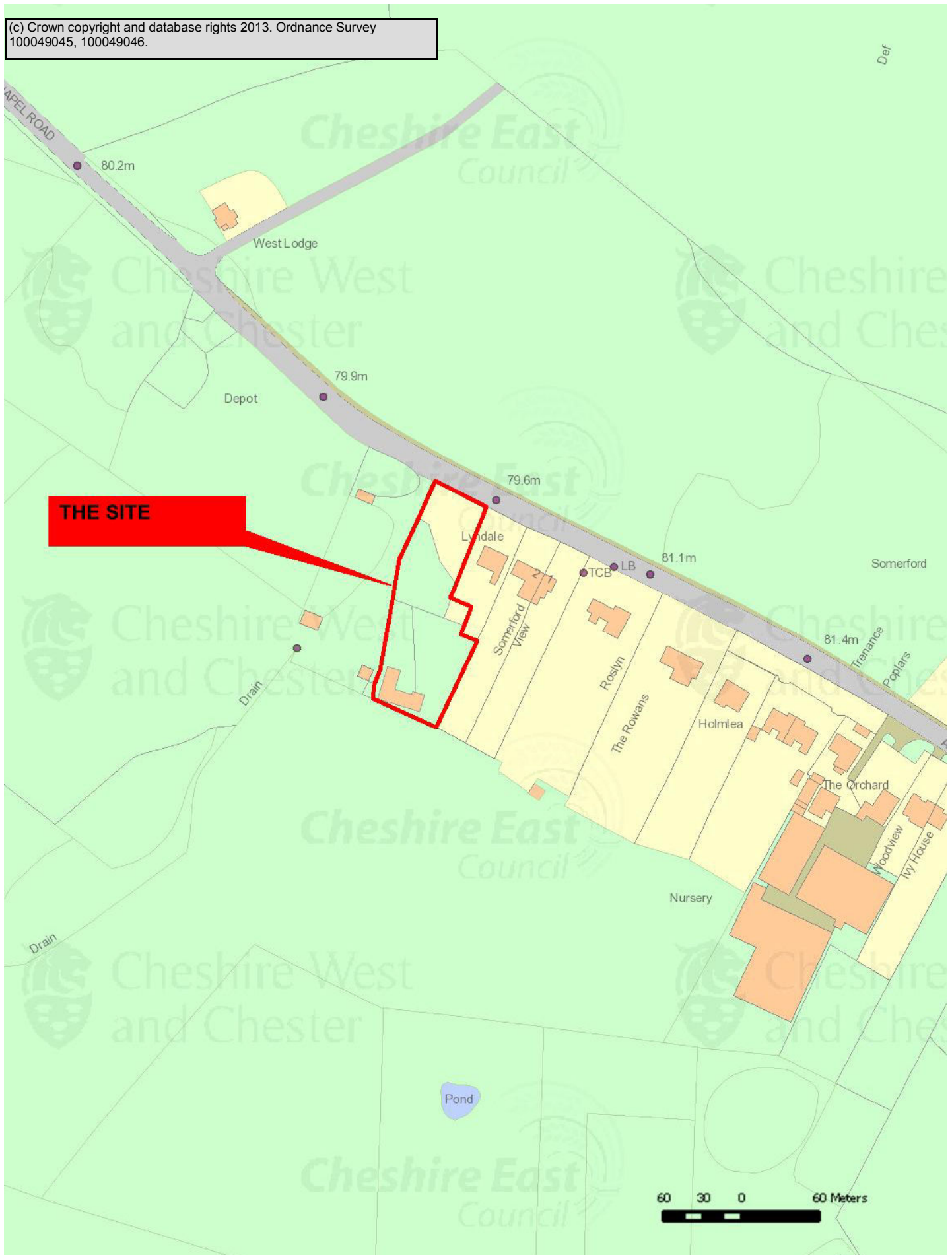
9. CONCLUSION

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

10. RECOMMENDATION – Refuse

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

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/0880C

Location: HOLLY HOUSE FARM, MIDDLEWICH ROAD, CRANAGE, CHESHIRE, CW10 9LT

Proposal: Construction of one new detached house (resubmission of planning application reference 12/4578C)

Applicant: George Yarwood

Expiry Date: 24-Apr-2013

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES:**

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

REASON FOR REFERRAL

Councillor Andrew Kolker has called-in this application to Southern Planning Committee for the following reasons;

‘Local Concern and the complex mixed use of the site.’

DESCRIPTION OF SITE AND CONTEXT

This application site is a field to the southwest end of Holly House Estate. Holly House Estate is a small business park which comprises of a mixture of different types of building and small business. The site lies on the northern side of Middlewich Road, Cranage, within the Open Countryside.

This application is a re-submission of withdrawn planning application 12/4578C. This application was withdrawn following advice to the agent that the application was to be recommended for refusal on sustainability grounds.

DETAILS OF PROPOSAL

Full Planning permission is sought for the erection of a new detached dwelling.

RELEVANT HISTORY

12/4578C - Construction of one new detached house – Withdrawn 22nd January 2013
10/2187C - Erection of Single Storey Temporary Agricultural Workers Dwelling – Refused 3rd August 2010
10/1237C - Erection of Agricultural Building and Hard standing – Approved 1st June 2010
09/3286C - Erection of Agricultural Building and Hard standing For The Farming of Suckler Cows and Calves. Erection of Agricultural Workers Dwelling – Refused 23rd February 2010
07/1122/FUL - Construction of two storey office building with associated car parking – Withdrawn 28th March 2008
36397/3 - Construction of two storey office building with associated car parking – Approved 17th October 2003
35371/3 - Construction of two storey office building with car parking – Approved 17th February 2003

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 – Open Countryside
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR1 - General Criteria for Development
GR2 – Design
GR4 - Landscaping
GR6 - Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision
GR20 – Public Utilities
H1 & H2 - Provision of New Housing Development
H6 – Residential Development in the Open Countryside and the Green Belt
NR2 – Wildlife and Nature Conservation (Statutory Sites)
E10 – Re-use or redevelopment of Existing Employment Sites

Other Material Considerations

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments
The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011)
Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010
Cheshire East 2010 Strategic Housing Market Assessment (SHMA)
Draft Development Strategy

CONSULTATIONS (External to Planning)

University of Manchester (Jodrell Bank) - No comments received at time of report

Strategic Highways Manager – No objections

Environmental Health – No objections, subject to conditions relating to hours of construction and contaminated land and an informative relating to contaminated land is also recommended.

United Utilities - No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Cranage Parish Council – No objections

OTHER REPRESENTATIONS:

No comments received at time of report

SUPPORTING INFORMATION:

Sustainability Statement
Planning, Design and Access Statement
Ecology Report

OFFICER APPRAISAL

Principle of Development

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

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

As the proposed development is for the erection of a new dwelling in the Open Countryside, it is subject to Policy H6.

Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling

- The conversion of a rural building
- The change of use or redevelopment of an existing employment site in accordance with Policy E10
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

The agent / applicant considers that the proposed development falls into the '*...redevelopment of an existing employment site...*' category.

The agent / applicant has drawn reference to a previously approved application on the site. Planning permission 36397/3 for a two-storey office block and associated car parking was granted in October 2003 subject to conditions. The footings of this development have been dug and this has can be evidenced with a building regulations certificate.

As this approved commercial planning permission has not been implemented in full and because the application site is rural in nature and the proposal would not 'tidy up' a developed brownfield site in a visual sense, it is not considered that significant weight should be given to this material consideration. The development should therefore be considered to be contrary to Policy H6 and therefore PS8 of the Local plan.

In addition to Local Plan policy, as with all new housing applications that are considered in the countryside under the current national planning policies, the prime consideration is whether the site is sustainable to support residential living.

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

As such, the Framework restricts new housing in the countryside if it is deemed to be isolated in terms of sustainability.

A common test to ascertain whether a site is in a sustainable location is the completion of the northwest sustainability checklist. This has been completed by the applicant and is shown below.

	AMENITY	RECOMMENDED MAXIMUM DISTANCE (m)	DISTANCE (m)	LOCATION
A	Shop selling food and fresh groceries	(500m)	1125m	Lowes Farm Shop, Moss Lane, Byley, CW10 9NG
B	Post box	(500m)	1125m	Corner of Kings Lane & Oak Tree Lane, Byley, CW10 9LU
C	Playground/ amenity area	(500m)	2090m	Goostrey Country and Leisure, Goostrey Lane, Goostrey, CW4 8HE
D	Post Office	(1000m)	4020m	Holmes Chapel Post Office, The Square, Holmes Chapel, CW4 7AP
E	Bank or Cash Point	(1000m)	3055m	The Trading Post, Boothbed Lane, Goostrey, CW4 8LP
F	Pharmacy	(1000m)	4020m	Lloyds Pharmacy, The Square, Holmes Chapel, CW4 7AP
G	Primary School	(1000m)	1285m	Byley Community Primary School, Moss Lane, Byley, CW10
H	Medical Centre	(1000m)	4185m	Holmes Chapel Health Centre, London Road, Holmes Chapel, CW4 7BB
I	Leisure Facilities	(1000m)	1930m	Cranage Hall, Byley Lane, Cranage, CW4 8EW
J	Local Meeting Place/ Community Centre	(1000m)	1445m	Byley Village Hall, Moss Lane, Byley, CW10 0PD
K	Public house	(1000m)	1930m	Woodside Golf Club Clubhouse, Knutsford Road, Cranage,
L	Public Park or Village Green	(1000m)	1610m	Byley Village Green, Corner of Drakelow Lane and Byley
M	Child care facility / creche	(1000m)	2410m	Cranage Pre-School, Knutsford Road, Cranage, CW4 8EQ
N	Bus stop	(500m)	160m	Opposite Holly Bank, Byley Lane, Cranage, CW10 9LP
O	Railway station	(2000m)	4505m	Goostrey Railway Station, Station Road, Goostrey, CW4 8PJ

As this assessment shows, only 1 of the services is within the recommended standards. This is recognised within the applicants Design, Access and Planning Statement where it is advised that ‘...the site does not adhere completely to the criteria set out in the toolkit...’

Due to this lack in local amenities, approval of a dwelling in this location would encourage unsustainable vehicle movements to and from the site.

Given the isolated location of the application site and the lack of local amenities, it is considered that the application site is not a sustainable location, and as such is also contrary to the NPPF.

Design & Layout

The proposed development site lies on to the north of Middlewich Road within the Open Countryside.

It lies to the southwest of a private driveway into the Holly House Estate. On the opposite side of this driveway, to the north and east of the proposal are a variety of business units.

Policy GR2 of the Local Plan advises that development will only be granted where the proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of: height, scale, form and grouping, the choice of materials, external design features and the impact upon the visual, physical and functional relationship with neighbouring properties, streetscene and locality generally.

The proposal is for a detached, two-storey dwelling which would all front onto the driveway to the Holly House Estate. The unit would consist of 3 bedrooms and would benefit from an integral single-storey double garage. The dwelling would be inset by approximately 43 metres from Middlewich Road. It would have a footprint of approximately 209 metres squared and consist of dual-pitched roofs approximately 9.1 metres in height.

With regards to the scale of the surrounding units, there are no nearby dwellings to draw reference to. The closest business units are of a mixed form and consist of a mixture of

different finishes. Given this reason, and because the new dwelling would not be visible from the streetscene, it is considered that the scale of the new unit would be acceptable.

In relation to materials, it is advised within the submitted Design, Access and Planning Statement that the design philosophy behind the proposed appearance was to create a residential property with traditional character to Cheshire. As such, the building would have a timber frame structure with render infill. The first floor would be canted out over the ground floor and small leaded windows would puncture the fenestration and small amounts of brickwork detailing stonework would blend into the rural Cheshire countryside. Within the application form, the proposed materials description is vague. As such, should the application be approved, it is recommended that the prior submission of materials be conditioned.

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

Amenity

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

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

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

There are no other residential properties within the area other than the occupiers of the applicant's farmhouse over 100 metres away. As such, it is not considered that the proposal would create any neighbouring amenity issues in terms of loss of privacy, loss of light or visual intrusion.

In terms of environmental disturbance or pollution, the Council's Environmental Health department have advised that they would have no objections, subject to conditions relating to hours of construction and contaminated land. An informative is also recommended relating to contaminated land.

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

Highways and Parking

The proposed dwelling accessed via an existing private driveway. Furthermore, there would be sufficient parking for at least 3 cars. As such, it is considered that the development would adhere with Policy GR9 and be acceptable from a Highway Safety perspective. Furthermore, the Strategic Highways Manager has raised no objections.

Nature Conservation

The application was accompanied by a Great Crested Newt Survey. In response to this survey, the Council's Nature Conservation Officer has advised that '*...there are no significant nature conservation constraints on the proposed development.*'

As such, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

CONCLUSIONS

The proposal is for a new isolated dwelling in the countryside and as such is contrary to the NPPF. The unit would not serve agricultural workers, would not relate to a heritage asset, would not relate to the re-use of redundant or disused buildings and are not of exceptional or innovative design. By reason of the isolated location of the site and lack of local public amenities it is not considered that the proposal is in a sustainable location and as such, is contrary to the NPPF.

The proposal would also be contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and the Green Belt) of the Congleton Borough Local Plan First Review 2005.

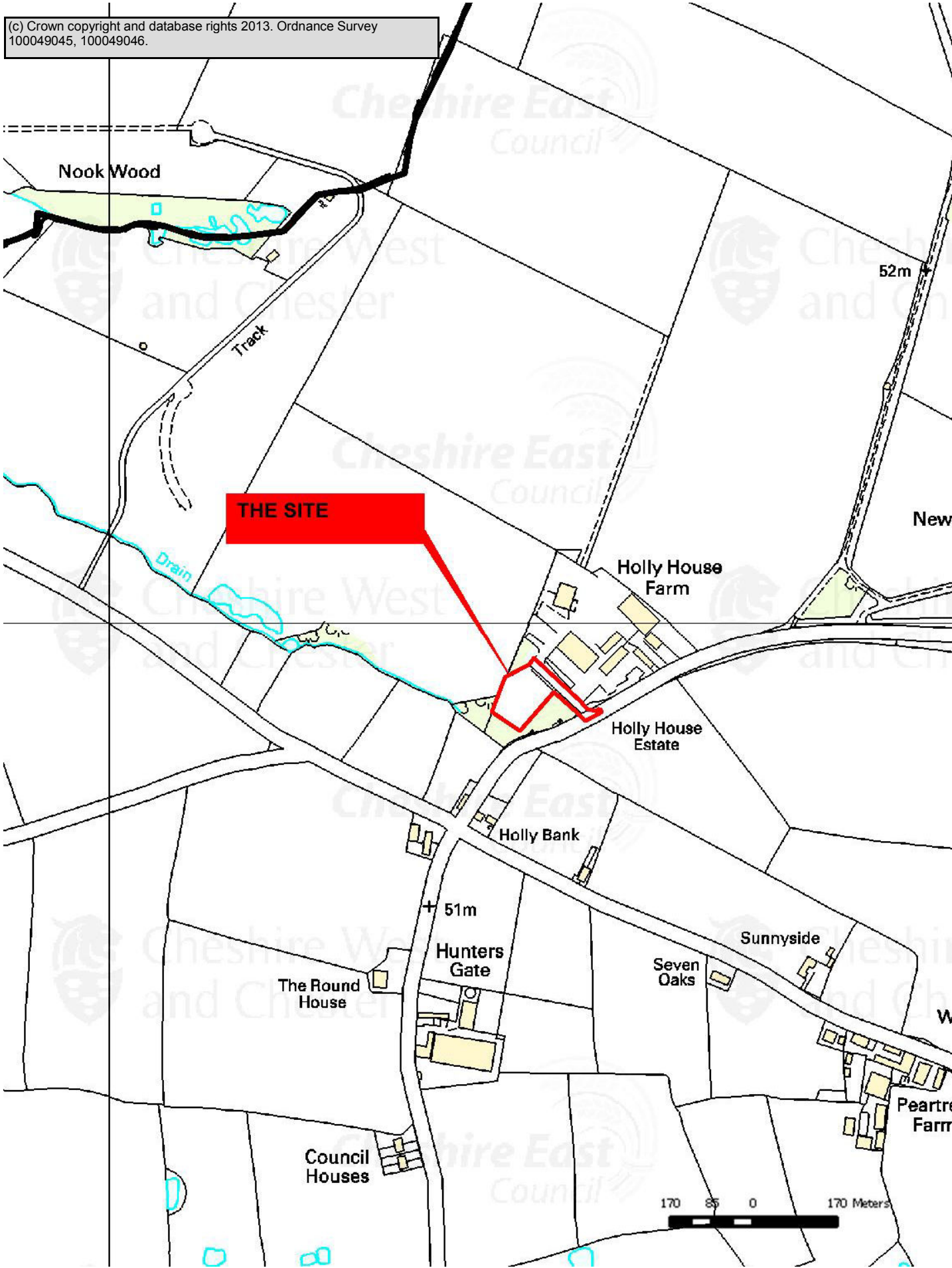
RECOMMENDATION:

REFUSE

1. Unsustainable isolated development contrary to Local Plan Policies and the NPPF



(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 13/0100C

Location: LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE, CW10 9HG

Proposal: Residential development comprising demolition of existing bungalow and outbuildings and erection of 24 dwellings including access, parking, landscaping and associated works (Resubmission)

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 03-Apr-2013

SUMMARY RECOMMENDATION:

Approve subject to conditions and the satisfactory completion of a Section 106 Legal Agreement

MAIN ISSUES:

Planning Policy And Housing Land Supply

Affordable Housing

Highway Safety, Congestion And Traffic Generation

Tree Matters

Ecology

Site Layout and Design

Neighbours Amenity

REASON FOR REFERRAL

Members will recall refusing an identical scheme at this site by the Applicant under reference 12/2225C. The application was refused, contrary to Officer recommendation, on the following grounds;

The proposal, by virtue of the increased traffic generation through the adjacent residential area would have an adverse impact on the amenity of local residents due to traffic generation coming through the estate contrary to Policy GR6 of the Congleton Borough Local Plan First Review 2005.

The Applicant has appealed this refusal of permission and a Public Inquiry is due to be heard in June/July 2013. Statement of Cases are to be exchanging in late April 2013.

The current scheme is identical albeit more information has been provided concerning noise and amenity impacts with specific regard to the amenity impacts and noise environment of the estate.

In the light of the additional evidence that has been submitted, Officers have also sought further advice on the prospects at appeal having regard to the specific reason for refusal. That advice raises concerns about the robustness of that reason for refusal, should a refusal of permission be maintained in this case, having had regard to the fresh information.

This report therefore provides updated information in respect of existing uses on the site so that Members can make a sound judgement such that any reason for refusal are not considered to be unreasonable.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a derelict bungalow with an extensive garden and orchard which has been left unmanaged in the last few years. There are 2 outbuildings within the grounds comprising a single storey brick garage and shed.

The site is surrounded on all sides by residential development. To the north, northeast and west there are modern detached dwellings on Glastonbury Drive and Tewkesbury Close. To the south east the site surrounds the detached dwelling and ancillary outbuilding (2 storey) within no 50 Nantwich Road. The site extends along Nantwich Road to Mill Lane, an unadopted track which serves a small number of dwellings.

There are a number of significant mature trees within the site which are covered by the Congleton Borough Council (Nantwich Road, Middlewich) Tree Preservation Order 1975, including a group of Lime trees to the Nantwich Road frontage of the site.

The Glastonbury Drive access to the modern housing estate is the sole access from Nantwich Road and currently serves a total number of 128 dwellings presently within Glastonbury Drive, Tewkesbury Close, Lindisfarne Close, Welbeck Close and Fountains Close.

The site is situated within the settlement zone line of Middlewich as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing bungalow on the site and the construction of 24 residential units.

The residential mix is:

- 13 no 4 bedroomed houses (2 storey)
- 2 no 3 bedroomed houses (2 storey)
- 9 no 2 bedroomed houses (2 storey)

The proposed access is to be formed adjacent to 28 Tewkesbury Close as a continuation of the estate to the rear of the site and is taken from Tewksbury Drive via Glastonbury Drive. Overall, with this proposal included, Glastonbury Drive would serve a total of 152 residential units.

RELEVANT HISTORY

12/0334C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 28 Dwellings Including Access, Parking, Landscaping & Associated Works – Withdrawn

12/2225C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works – Refused 7 Jan 2013.

POLICIES

Regional Spatial Strategy (RSS)

DP1	Spatial Principles
DP2	Sustainable Communities
DP 3	Promote Sustainable Economic Development
DP 4	Make the Best Use of Existing Resources and Infrastructure
DP 5	Manage Travel Demand; Reduce the Need to Travel
DP 6	Marry Opportunity and Need
DP 7	Promote Environmental Quality
EM11	Waste Management Principle
EM2	Remediating Contaminated Land
EM5	Integrated Water Management)
EM18	Decentralised Energy Supply
MCR3	Southern Part of the Manchester City Region
L2	Understand Housing Markets
L4	Regional Housing Provision
RT2	Managing Travel Demand)
W3	Supply of Employment Land)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision

GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns

Other Material Considerations

The National Planning Policy Framework (NPPF)

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in Residential Developments

SPD4 Sustainable Development

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Middlewich Town Strategy

2013 SHLAA

Emerging Development Strategy

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to conditions concerning hours of work, mitigation strategy for building works to minimise dust, noise

Strategic Highways Manager: No objection subject to conditions concerning construction access methodology and a S106 contribution of £30000 to assist in improving the pedestrian environment on Nantwich Road and providing improved pedestrian linkages to the town centre and waiting restrictions on Glastonbury Drive.

Nature Conservation Officer (NCO): No Objection subject to the implementation of a mitigation strategy for reptiles (Biodiversity Action Plan) species and replacement foraging habitat for bats.

United Utilities : No objection subject to conditions concerning site to be drained on separate system

Forestry Officer - Raises no objection subject to conditions concerning tree protection for TPO trees on Nantwich Road frontage

Housing Strategy and Needs Manager – No objection subject to the provision of 30% Affordable Housing being provided.

Education – Education Contribution is not required in this case

Greenspaces Manager - There is a deficiency in the local area, however, in the light of the limited size of the site, provision of off site works (enhancement of this existing area of Amenity Greenspace) at Fountain Fields are acceptable in terms of the Interim Guidance.

Enhanced Provision:	<u>£ 3,909.42</u>
Maintenance:	<u>£ 8,750.50 (25 years)</u>

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision. The financial contributions sought from the developer would be;

Enhanced Provision:	<u>£10,621.22</u>
Maintenance:	<u>£22,089.00 (25 years)</u>

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council object to the proposal. In their opinion, the site is not allocated within the Town Strategy. Therefore, in supporting the Strategy, and in the interests of consistency the Town Council cannot support this application. If permission is granted they wish to see a pedestrian crossing provided across Nantwich Road.

OTHER REPRESENTATIONS:

A petition containing 117 signatories with addresses in Glastonbury Drive, Tewkesbury Close, Malmesbury Close, Buckfast Way, Welbeck Close has been submitted which states that they consider access should be via Nantwich Road and not through the estate. This petition was originally submitted opposing the first application and has been resubmitted in its entirety against this re-submission

99 letters and emails of objection have been received from residents in the immediate vicinity of the site, including addresses within the existing estate and properties on Nantwich Road. The comments can be read in full on the website but raise the following concerns:

Principle

- The houses are not needed when so many remain unsold.
- Affordable, smaller units are not pepper-potted, focussed in one area of site
- Over-development
- Too much development in the area
- Not in the Middlewich Town Strategy therefore not in the Plan

Highways

- Additional traffic generated - all to Glastonbury Drive/Nantwich Road junction
- Increased volume of traffic
- Safety – Nantwich Road is ambulance priority route
- Additional queuing to get onto Nantwich Road at peak time
- Disturbance during building work through estate
- Parking congestion at the junction with Nantwich Road is already a problem, further additional traffic will add to existing safety problems at the junction
- Putting double yellow lines at the junction of Nantwich Rd moves the parking further into the estate, the layout of which means that there will be congestion further into the

estate, which has a narrow and windy layout. This will lead to more dangerous manoeuvres to avoid parked vehicles.

- The additional traffic will lead to accidents within the estate
- Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road as proposed will be dangerous and dirty and injurious to the amenity of adjoining residents
- The access at 50 Nantwich Road is shared by 5 properties whose consent has not been sought
- Safety of pedestrians on Nantwich Road
- How are people going to cross the road
- No pavements are proposed to increase the numbers of units
- The areas should be amenity space

Infrastructure

- Local schools cannot accommodate the additional children.
- Local doctors can not accommodate more patients

Amenity

- Loss of outlook / views of open area
- Loss of privacy to houses adjacent
- Overdeveloped, cramped layout
- Design is out of character with area and overly prominent
- Loss of light to windows within ancillary outbuilding to 50 Nantwich Road
- Increased noise from parking area in neighbouring garden
- Overlooking from windows of new houses into adjoining dwellings
- Social and play areas should be included
- Boundary treatment long term security
- Increased noise and disturbance as result of increased traffic going through estate
- The noise survey is questioned in terms of the timings and its conclusions. The additional traffic will be noisy for residents at the end of the cul de sac where presently there is no traffic.
- Light intrusion into neighbouring houses where there presently is none due to the cul de sac

Trees

- Impact upon root protection areas of trees outside site in neighbours property
- Impact upon trees within the site
- Arboricultural Report of poor quality
- Lack of consideration of implications for important off site trees and hedges
- Loss of the trees to form the site access (non protected but mature trees which are of high amenity value to locals)
- It would be of greater benefit to residents to remove the TPO trees on the frontage to form the access via Nantwich Road

Ecology

- Impact upon protected species

Drainage

- Services will be an extension of existing in Tewkesbury Drive. Residents have experienced problems in the past, further development will put strain on services

APPLICANT'S SUPPORTING INFORMATION:

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Noise Assessment
- Arboricultural Assessment
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

OFFICER APPRAISAL

Principal of Development

Given the locality of the site within the urban settlement of Middlewich, the site is considered to be highly accessible and sustainable. In principle, Policies PS2 and H4 of the Development Plan state that there is a presumption in favour of new housing development within the settlement, subject to compliance with other local plan policies concerning amenity and site planning factors.

National Planning Policy Framework

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 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 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. The proposal will also address a known need for affordable housing.

Paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme is located within an existing residential area, close to a range of local amenities and is considered to be highly sustainable. Accordingly, there is an in principle presumption in favour of the development in accordance with paragraph 14 of the NPPF.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the presumption in favour of the development.

Previously when refusing 12/2225C, Committee considered that the impacts upon the amenity of existing residents within the estate on grounds of the added disturbance by virtue of the additional traffic associated with the 24 additional dwellings would significantly and demonstrably outweigh the benefits of the development that was sufficient to outweigh the presumption in favour of the development.

The Applicant has undertaken further studies of the noise environment and provided more information to address this concern and to assist Committee in assessing the amenity implications for existing residents. This is considered further below but it is necessary to consider all relevant planning issues;

Impact on character and appearance of the area

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment. Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal, as amended, comprises a small development of 24 no. two storey dwellings which are a mix of detached, semi-detached and small number of terrace blocks arranged around a cul-de-sac road. Plot sizes are smaller than the existing 1980's/1990's housing estate which adjoins most boundaries of the site, however, the density is more in keeping with modern day requirements to ensure the efficient use of land, particularly in the most sustainable of locations. The modern estate itself has a mixed residential character, with modern bungalows, and 2 storey 4-bedroomed detached style modern properties predominating within the Tewksbury Drive estate layout. To Nantwich Road the properties are older, Edwardian terraced housing and Nantwich Road. Most of the site is discreetly located behind the sizeable house, ancillary 2 storey coach-house at 50 Nantwich Road. A Group of TPO protected Lime trees are retained to the Nantwich Road frontage. A path linking Nantwich Road and the site is provided through the tree belt where a detached dwelling fronting onto Nantwich Road adds to passive surveillance.

The cul-de-sac layout of houses would be broken-up by the use of seven varieties of house styles within the layout of the dwellings, parking is set generally behind the building lines for the detached dwellings. Smaller terraced units to the west of 50 Nantwich Road present their rear elevation to the Nantwich Road facing elevation, however, this part of the site has been revised by the Applicant during the course of the application and is now considered to be acceptable.

The density is circa 35 units per hectare which is considered an efficient use of the site. The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties.

When previously determining identical application 12/225C, no concerns were raised by Committee in regard to design, massing, layout or scale. Matters of design and layout do not form any part of the reason for refusal of 12/225c. It is therefore concluded that the proposed development would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies GR1, GR2 and GR3 of the Local Plan.

Highways – safety, access and congestion

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

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should **only be** prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**.

Matters pertaining to the access through the estate were debated widely by the Committee when they resolved to refuse 12/225C. The Strategic Highways Manager has previously advised that, in his expert opinion, a reason of refusal on grounds of highway safety could not be substantiated based upon the additional traffic associated with 24 dwellings going through the estate.

The updated Transport Statement submitted in support of this application demonstrates a worse case scenario of up to 16 vehicle movements in the busiest hour (pm peak) associated with this development. This is equivalent to one additional vehicle movement every 4 minutes in the busiest hour through the estate. The Strategic Highways Manager has previously accepted the Transport Assessment as being robust and there is no reason to dispute the technical data provided now.

Car borne traffic will access the site via the existing network Glastonbury Drive and Tewksbury Close. Both Glastonbury Drive and Tewkesbury Close have carriageway widths of 5.5 metres and two 2 metre footpaths. National criteria and the Design Aid for Housing Roads categorise such a standard as appropriate to serve up to 300 residential units. The current estate access via Nantwich Road serves a total of 128 residential units presently. The proposal will result in 24 additional properties (152 units in total are proposed to be served – technically therefore the existing estate road layout is capable of serving this development and more).

The Transport Statement expresses the opinion that the increased level of traffic generation is negligible and will have no material effect on the traffic capacity of the estate roads or indeed on the junction capacity of Glastonbury Drive with the A530.

The Strategic Highways Manager has considered the trip rates and agrees that they are both appropriate and robust for this type and scale of development. He concurs with the conclusions reached.

There remain numerous objections from residents within Glastonbury Drive, Tewkesbury Close and the other streets within the estate which raise highway safety concerns about the ability of Glastonbury Drive/Tewkesbury Close to cope with the additional traffic and raising safety concerns about the operation of the junction of the access and Nantwich Road. Many people raise existing on street parking in close proximity to the main road junction and within the estate as being an impediment to the free flow of traffic and objectors express concern that this proposal will exacerbate this situation.

Construction traffic going through the existing estate is another common concern and it is understandable that local residents would rather not see these vehicles using the estate road for construction access. The Applicant has stated that they would be willing to access the site via the track adjoining no 50 Nantwich Road for the duration of the development, however, this will impact upon the phasing of the delivery of the affordable dwellings within the development. The Applicant has satisfied the Highways Engineer that a temporary construction access can be technically achieved. Neighbours on Nantwich Road have stated that this shared access will require their consent. This is legal matter. However, it is considered that a permanent access point can not be taken as it would require third party land.

The junction of Glastonbury Drive with the A530 is also a concern for residents. In particular they raise the fact that local residents from Nantwich Road who have no off-road parking tend to park in the initial length of Glastonbury Drive and cause some obstruction to vehicles leaving and entering the estate.

Neighbours also express concern that traffic turning into Glastonbury Drive and meeting an egressing vehicle which is overtaking a parked car may have to stop and may end up encroaching onto Nantwich Road.

The Highways Manager has considered these issues very carefully particularly with regard to accident records. Accident records shows the junction shows no injury accident records for the last 5 years. Accordingly, it is concluded that the junction operates safely.

The main concern expressed by objectors is the likelihood of traffic queuing back onto Nantwich Road whilst waiting for an overtaking car to emerge from Glastonbury Drive.

The highest number of new trips arriving and entering this junction occurs in the evening peak when 12 additional vehicles are calculated to access the proposed development. This is an average of 1 vehicle every 5 minutes which again can not really be judged as a material impact on the operation of the junction. The morning peak traffic has an even lower impact at only 1 entering vehicle every 12 minutes. If the on-street parking is considered, it is necessary to judge whether this would exacerbate the situation sufficiently to warrant concern significant

enough for the Strategic Highways Manager to tender a reason for refusal which would be sustainable.

Several objectors consider that a vehicle access off Nantwich Road would be preferable to taking access from Tewkesbury Drive, as this would not increase traffic flows on residential roads. The Strategic Highways Manager accepts there is some merit in this, but it is recognised good practice to minimise the number of access points onto major routes in the interests of road safety and the smooth circulation of traffic. The junction of Glastonbury Drive with Nantwich Road is of good design and will be able to handle what would be a modest proportional increase in flow as a result of 24 units, particularly given that the access to Nantwich Road is designed to cater for up to 300 units.

A significant element of objection from neighbours concerns the use of the existing estate as the vehicular access for this site. Objection is raised on congestion and safety grounds, particularly the backing up and on street parking congestion at the estate junction with Nantwich Road. Many people consider that the site should be accessed via a roundabout on Nantwich Road, adjoining that part of the site which comprises plot 12.

The Highways Engineer, however, having considered the expressed opinion of existing residents that the access should be via a roundabout on Nantwich Road rather than Glastonbury Road advises that a mini-roundabout could technically be provided.

However, this would require the removal of protected trees to the Nantwich Road frontage and would have potential safety issues itself. It should also be remembered that the Council has to determine the proposal as submitted.

Mini-roundabouts are not recommended where the flow on one arm is very low, which is likely here. In this case, given the limited number of properties which any such roundabout would serve, Nantwich Road drivers would rarely have to give way to turning traffic and thus are likely to treat any such mini roundabout as a T junction with themselves having the priority, which is a concern in highway safety terms. There are also driveways on the south side of Nantwich Road which would be difficult to accommodate safely within the confines of any such roundabout. There are very limited traffic calming benefits of such a roundabout.

A *priority* access onto Nantwich Road has also been considered by the Highways Manager, however, overall given the proximity to the existing Glastonbury Drive entrance, the bend in Nantwich Road and the amenity afforded to the wider area by the TPO trees on the Nantwich road frontage, it has been concluded that the access via Glastonbury Drive, as proposed, would be preferable in highways terms.

The Highways Engineer does consider there to be some merit in the provision of waiting restrictions on Glastonbury Road. The development will add to traffic on Nantwich Road and Glastonbury Drive, routes which already suffer from congestion at peak periods. Also the site will generate pedestrian movements, many of which will be to the town centre and other destinations which will involve crossing Nantwich Road. Accordingly, a S106 contribution of £30,000 to cover necessary improvements to waiting restrictions and pedestrian facilities on the above streets. The Highways Engineer does not consider that the provision of waiting restrictions on Glastonbury Road would result in any severe impact upon highway safety, as required by the NPPF to justify refusal on highway safety grounds.

Pedestrian links

The Traffic Statement also considers sustainable travel options and the links to local amenities and schools within the network. The site layout now includes a pedestrian link between the site and Nantwich Road, which will minimise walking distances for existing residents at the end of Tewksbury Close as well as future residents

The site is within the urban boundary of Middlewich and many facilities such as shopping, education and leisure are within convenient walking distance. It is also desirable, in the interests of sustainability, to make pedestrian routes as direct and safe as possible to discourage use of car for such short journeys.

Walking trips between the site and Middlewich town centre will involve the crossing of Nantwich Road, a principal road which carries a considerable volume of traffic. Pedestrians to and from the site will most frequently be required to cross Nantwich Road to access the town centre facilities. The Strategic Highways Manager has requested a S106 contribution of £30,000 to improve the pedestrian environment to Nantwich Road to link in with the footpath link created next to plot 11. This could include the imposition of Traffic Regulation Orders at the junction of Nantwich Road and Glastonbury Drive which would assist in stopping parking at this junction, a common thread of concern within objections.

Trees

An Arboricultural Tree Survey was submitted with the planning application. A number of Protected trees are located either on the boundary of the site or in neighbouring gardens.

Site access is proposed to be at the end of Tewkesbury Drive. This will require the removal of an unprotected group comprising of a Red Oak, 2 London Plane and a Yew tree. These trees are considered to be an amenity within the street scene for a limited number of residents in the immediate vicinity and some residents within the estate have suggested that these trees should be retained whilst the Protected Lime trees on the Nantwich Road frontage be removed to facilitate the access. This suggestion is not supported by the Tree Officer.

The trees to be removed as part of the proposal are considered the more favourable option as any access off Nantwich Road would have highway safety implications (as discussed in the highways section of this report) and require the removal of at least two protected Lime trees to the main road, more public frontage.

The scheme has been revised to address social proximity concerns expressed by the Arborist with specific regard to Plots 5,6 and 7. The Arborist is now satisfied that the revised layout can be achieved without damaging important trees either within or adjoining the site. None of the trees to be removed are protected and a significant belt of trees will be retained to the site periphery. The Council's Arborist has considered the proposals and raises no objection to the scheme.

Residential Amenity of Neighbours

The surrounding development comprises modern residential cul-de-sac development to the north, south and western sides and older housing to Nantwich Road.

It was concluded by virtue of the decision on application 12/2225C that the layout/overlooking issues and site layout was acceptable and that the proposed development would be acceptable and would comply with the requirements of Policy GR1 of the Local Plan.

Members, when determining that the adverse impacts of the proposal in amenity terms outweighs the benefits, were concerned with the amenity of existing residents within the estate as a consequence of the increased vehicular activity associated with the proposed additional 24 dwellings travelling through the estate.

Further evidence has been submitted by the Applicant to support this application and to assist Members in considering the implications for the noise and amenity environment of existing residents. This is in the form of a noise impact assessment.

The noise impact assessment is considered to be a robust assessment. In precise, the Noise Impact Assessment provides the following –

- i. The Applicant uses the standards contained in Calculation of Road Traffic Noise (CRTN) 1998 as the baseline for assessment.
- i. Noise monitoring of existing conditions has been undertaken by the Applicant in accordance with the CRTN standard.
- ii. CRTN includes a methodology for calculating traffic noise, which has been used to predict the impact of the traffic noise created by the development.
- iii. In order to ensure the assessment is a worse case assessment, peak hour traffic flows from the proposed development (when traffic levels are at their highest) have been compared with existing noise levels in the middle of the day
- iv. The total predicted noise increase is 1dB (A) above baseline.

The Council's Environmental Health Officer (EHO) has considered this further supporting information and accepts the findings. He is further of the opinion that the impact upon the existing noise environment within the estate will be imperceptible and that the Noise Impact Assessment, if anything, is an over-estimation of the likely noise impact of the proposal.

The EHO has confirmed that he would be unable to present evidence to the forthcoming public inquiry to defend this is a reason for refusal, given his professional opinion.

In these circumstances the Council will need to appoint external consultants to present the Council's case at the forthcoming Public Inquiry, which given the lack of evidence would be difficult.

In determining the current application, it is recognised that the residents within the estate may have some real concerns about their amenity. Issues of amenity of residents by virtue of traffic and glare of headlights was considered by the Inspector when granting permission for a significantly larger scheme 165 houses on Warmingham Lane in Middlesbrough (12/0883C). When granting permission in that case, the Inspector states at para 26;

..The alignment of the access directly opposite the detached house at 125

Warmingham Lane would have some adverse effects on the existing residents, owing to the sound of vehicles turning at the junction and the outlook onto traffic facing the house, which could result in some limited glare from headlights. Similar effects would be found at a much reduced scale at other nearby houses. However, none of these effects would be sufficiently serious to justify rejection of the proposal ...

Affordable Housing

The site is in the Middlewich sub-area for the SHMA 2010, which shows that for the sub-area there is a requirement for 280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 56 new affordable units per year made up of a need for 13 x 1bed, 8 x 2beds, 30 x 3beds and 6 x 1/2bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 134 applicants who have selected Middlewich as their first choice. These applicants have indicated that they require 39 x 1bed, 48 x 2bed, 30 x 3bed and 3 x 4bed units (14 applicants have not specified how many bedrooms they require)

Our Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure.

Therefore there is a requirement for 7 affordable units on this site with a tenure split of 65% rent and 35% intermediate tenure. The affordable units will be 7 x 2 bed houses, split as 4 for social or affordable rent (Plots 15-18) and 3 as shared ownership intermediate dwellings (Plots 12, 12A and 14).

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. Whilst the proposal is not fully pepper potted throughout the site, the proposed social units will be of the same materials and they will look no different to the general vernacular. On balance, this is considered acceptable.

Where pepper-potting is not fully achieved the Affordable Housing should normally be provided no later than occupancy of 50% of the open market units.

The Applicant (in the light of highways concerns from neighbours within the Glastonbury Drive/Tewkesbury Close area about construction access through the estate puts forward Nantwich Road as the construction access. This would mean that the affordable housing units adjacent could not be immediately developed. Therefore the developer suggests that the affordable units would not be provided until circa 80% of the open market houses have been occupied.

Whilst this would not normally be acceptable, in the light of the concerns expressed by a large number of people within the estate the Strategic Housing Manager raises no objection to the providing of the affordable units after 80% of the market units have been occupied.

Members should be aware, however, that the Highways Engineer would have no objection to the use of the Glastonbury Drive/Tewkesbury Close for construction access purposes if it is considered that the affordable housing should be provided no later than 50% occupancy.

Neighbours on Nantwich Road have raised concern about the use of the shared drive on Nantwich Road for construction purposes. On balance, however, it is considered that the provision of construction access via Nantwich Road is likely to cause the least disturbance through the estate and this weighs in favour of not pepper-potting.

Ecology

The submission includes a survey for protected species (bats) and reptiles. A single Common Lizard was recorded on site during the submitted reptile survey. Common lizard is a species which is protected from killing and injuring. It is also a UK BAP priority species and is listed on S41 of the Natural Environment and Rural Communities Act as being a species of principal importance in England. Based on the submitted assessment the site is likely to support a small population of the common lizard. A scheme of translocation has been submitted which is considered acceptable.

The site supports a relatively low level of bat activity with no evidence of roosting bats recorded. The proposed development may have a minor impact upon foraging bats. To mitigate any loss of bat foraging/commuting habitat it is recommended that the boundaries of the application site are enhanced through the creation of native species hedgerows and the planting of appropriate native trees as part of the landscaping of the site.

Renewable Energy

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

Conclusion

This site is within the existing urban area and is considered a highly sustainable location. In the light of the advice contained in the newly adopted National Planning Policy Framework planning permission should be granted for sustainable development unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. Given the sustainable, urban location of the site, there is a strong presumption in favour of the development in terms of the adopted policy unless there adverse impacts to amenity or highway safety that would justify refusal.

The non –allocation of the site within the Middlewich Town Strategy would not justify the refusal of permission since the Town Strategy is not a development plan, and can be afforded only limited weight in the determination of any planning application. The objection from the Town Council is noted but can not be sustained as a reason for refusal

The proposal is considered to be acceptable in terms of its impact upon residential amenity of neighbours, ecology, drainage and highway conditions in the vicinity of the site.

Further evidence has been provided in the form of a noise survey of the existing street environment. The Environment Health Officer has considered the robustness of the further evidence in the form of the noise report and has advised the noise associated with the increased vehicular activity through the estate will not be perceptible, and will not therefore not result in any material impact upon the amenity of the residents and no objection in principle is raised in amenity terms.

A suitable Section 106 package is recommended which is considered to be compliant with Section 112 of the CIL Regulations to enable the proposed development to provide adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, the necessary affordable housing requirements and monies towards highways mitigation to be utilised to improve the pedestrian environment to allow for future residents to walk into the town centre.

The application is identical to the previous scheme 12/2225C that was rejected by Members and is now the subject of the forthcoming Public Inquiry. The logical conclusion may therefore be to refuse this application on the same grounds. However, more information has been provided to support this application in the form of the noise assessment. Legal opinion has been obtained which expresses concern about the strength of the reason for refusal in the light of the additional noise evidence that has been submitted and the professional assessment of that noise assessment by the Council's Environment Health Officer.

The advice was that the reason for refusal can not be substantiated and that the Council is at risk of a full award of the Appellants costs in the forthcoming public inquiry.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 24 family sized dwellings, the occupiers of which will use local facilities as there is no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The highways contribution will be utilised to mitigate for the additional traffic and to assist in improving the pedestrian environment in the vicinity to encourage sustainable modes of transport.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- Provision affordable housing provision on site in the form 4 x 2 bed as social rented affordable units and 3 x 2 bed as intermediate units
- Amenity green space contribution in lieu of on site provision:

Recreation Space	Enhanced Provision: £ 3,909.42
	Maintenance: £ 8,750.50 25 years)

Open Space	Enhanced Provision: £10,621.22
	Maintenance: £22,089.00 (25 years)

- Highways commuted sum of £30000 for provision of waiting restrictions and pedestrian improvements on Glastonbury Drive, Nantwich Road

And the following conditions

1. Time limit – 3 years
1. Plans
2. Materials – samples to be agreed
3. Access to be constructed, formed and graded to satisfaction of highways authority
4. Protection of highway from mud and detritus during construction
5. Tree and hedgerow protection measures
6. Arboricultural Specification/Method statement

7. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
8. Implementation of landscaping scheme
9. Submission of updated ecological survey (badger)
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
13. Site drainage on separate system - details to be submitted
14. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
15. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
16. Submission of mitigation measures to minimise any impact on air quality from construction dust
17. Submission of a Contaminated Land Phase II investigation.
18. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
19. 10% renewables
20. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Landscaping to include replacement hedge planting to boundaries
24. Open plan estate layout – removal of permitted development rights for fences in front gardens
25. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
26. Details of ground levels to be submitted
27. Details of bin/bike store to be submitted and implemented for plots 12-15
28. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
29. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
30. The parking provision to plots 12 to 15 shall be a maximum of 150%

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.

