

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 1st May, 2013</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest**

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

**3. Minutes of Previous Meeting (Pages 1 - 14)**

To approve the minutes of the meeting held on 10 April 2013.

**4. Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

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

5. **13/0823N Red Acres, Windmill Lane, Buerton CW3 0DE: Re- Submission of an application for 9 affordable houses for Housing Association within the green belt under Rural exceptions policy for Markden City Homes Ltd** (Pages 15 - 28)

To consider the above planning application.

6. **12/2276N The Spinney, Wirswall Road, Wirswall SY13 4LB: Replacment Agricultural Building for Mr Mike Merrill, Swanley Mowers** (Pages 29 - 34)

To consider the above planning application.

7. **12/4319N Bentley Motors Ltd, Pyms Lane, Crewe, Cheshire CW1 3PL: Erection of a Two Storey Temporary Office Accommodation with Links to an Existing Building to Accommodate Existing Staff Relocated on Site for Mr Andrew Robertson** (Pages 35 - 40)

To consider the above planning application.

8. **12/4533N Land next to Acton Church of England Primary School, Chester Road, Acton, Cheshire CW5 8LG: 14 houses for affordable rent, comprising four two bedroom/four person houses, nine three bedroom/five person houses and one four bedroom/six person house. The proposals also comprise the enlargement and improvement of the adjacent school car park for Mr Philip Palmer, Mulbury Homes Ltd** (Pages 41 - 60)

To consider the above planning application.

9. **13/0535C Cherry Lane Farm, Cherry Lane, Church Lawton, Cheshire ST7 3QX: Demolition of existing barn and construction of four new residential dwellings for Mr & Mrs David Leech** (Pages 61 - 70)

To consider the above planning application.

10. **13/0673N Overwater Marina, Coole Lane, Newhall, Cheshire CW5 8AY: Variation of condition 22 on approcal P08/1239 relating to the use of the cafe/shop for Janet Maughan** (Pages 71 - 78)

To consider the above planning application.

11. **13/0765C Old Foden Works, Training Centre, Hill Street, Sandbach, Cheshire CW11 3JE: Extension to Time Limit of Outline Planning Application 09/3337C for Demolition of Existing Industrial Unit, Clearance of Site and Redevelopment by the Erection of Residential Units for CIC: Community Integrated Care**  
(Pages 79 - 84)

To consider the above planning application.

12. **13/0992N Land off St Annes Lane, Nantwich: Variation Of Conditions (Plans) on Application 12/1989N - Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping And Associated Works for P. E. Jones (Contractors) Ltd** (Pages 85 - 92)

To consider the above planning application.

13. **13/1097N Land on Newtown Road, Sound: The erection of a detached property, double garage and associated access provision for Paul Bradbury**  
(Pages 93 - 100)

To consider the above planning application.

14. **13/1327C Alsager Civic Centre, Lawton Road, Alsager, Stoke On Trent ST7 2AE: Removal Of Existing Concrete Canopy And Erection Of New Steel & Glass Canopy To Front Of Building . Building Of New Rear Doors & Timber Screen To Rear Of Building To Increase Space Of Store Room. Removal Of Existing Front Doors & Gates Replacing With Glass Automatic Sliding Doors for Cllr S Jones, Alsager Town Council** (Pages 101 - 106)

To consider the above planning application.

15. **13/1331C Alsager Civic Centre, Lawton Road, Alsager ST7 2AE: Advertisement Consent For 4 Fascia Signs, 4 Illuminated Poster Cases And 3 Occasional Banners for Cllr S Jones, Alsager Town Council** (Pages 107 - 110)

To consider the above planning application.

16. **Proposed Deed of Variation to the Section 106 Agreement to Allow for a Widening of the Eligibility Criteria - P03/1059 - Weir Cottage Warmingham**  
(Pages 111 - 114)

To consider a proposed Deed of Variation to the Section 106 Agreement in respect of Weir Cottage and its associated car parking space.

17. **Tree Preservation Order at The Old Vicarage, Crewe Road, Winterley**  
(Pages 115 - 126)

To consider a report regarding a Tree Preservation Order at The Old Vicarage, Crewe Road, Winterley CW11 4RE, which was made on 5 February 2013.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 10th April, 2013 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)

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

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors D Brickhill, D Brown, M Parsons and J Wray

**OFFICERS PRESENT**

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

**Apologies**

Councillors M J Weatherill and S McGrory

**159 DECLARATIONS OF INTEREST**

The following declarations were made in the interests of openness:

With regard to application number 13/0018N, Councillor R Cartlidge declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

With regard to application number 13/0018N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

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.

Councillor P Butterill declared that, notwithstanding the publication in the press of a letter from her regarding development on Greenfield sites, she had kept an open mind with respect to all the applications on the agenda for the current meeting and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also stated that, as she had now made the same declaration on several occasions, it was not her intention to do so at future meetings, but she would continue to keep in mind the need to have an open mind on each matter in which she was involved in the decision, and would withdraw if any case arose in the future where she considered she had fettered her discretion.

With regard to application numbers 13/0210N and 13/0415N, Councillor J Clowes declared that she had called in the applications but had not been involved in any discussions and had kept an open mind.

With regard to application number 13/0506C, Councillor A Kolker declared that he was a governor at the school and would withdraw from the meeting during consideration of this item.

With regard to application number 13/0880C, Councillor A Kolker declared that he knew the applicant, who was a member of one of the parish councils in his Ward.

With regard to application number 13/0757C, Councillor A Thwaite declared that he had attended a meeting with his fellow Ward Members, the applicant and the Southern Area Manager – Development Management. He had not expressed an opinion and had kept an open mind.

With regard to application number 13/0506C, Councillor Rhoda Bailey declared that she knew the applicant in her capacity as the Cabinet Support Member for Children and Families.

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. Councillor Bebbington also stated that, as he had now made the same declaration on several occasions, it was not his intention to do so at future meetings, but he would continue to keep in mind the need to have an open mind on each matter in which he was involved in the decision, and would withdraw if any case arose in the future where he considered he had fettered his discretion.

160 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 20 March 2013 be approved as a correct record and signed by the Chairman.

161 **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**

Note: Ms F Chaplin (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 satisfactory completion of a Section 106 agreement to secure:

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

and 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 100% as being affordable units in perpetuity
- 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 1<sup>st</sup> March and 31<sup>st</sup> 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)

162 **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**

Note: Councillor D Brickhill (Neighbouring Ward Councillor), Parish Councillor C Pywell (on behalf of Hough & Chorlton Parish Council), Ms D Hewitt (on behalf of a Local Representative Group), Mr D Rock (objector) and Mr D Taylor (on behalf of the Applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management which confirmed the receipt of an amended plan showing a revised boundary.

RESOLVED – That the application be REFUSED for the following reasons:

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.

163 **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**

Note: Councillor D Brown (Ward Councillor) attended the meeting and addressed the Committee on this matter.

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

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

1. 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.
14. Notwithstanding details Plot 7 shall be 450mm lower at 127.35 FFL
15. Implementation of changes to Plots 7, 10-17 commence within 3 months and completed within 12 months
16. Additional landscaping Plot 7

164 **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**

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

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to the receipt of a satisfactory ecological survey and 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 within the site
7. Prior submission of surface-run off limitation measures
8. Prior to commencement submission of an implementation programme of archaeological work

165 **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**

Note: Mr J Pound (on behalf of the applicant) had registered his intention to address the Committee on this matter but did not attend the meeting.

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 which confirmed the date of the previous meeting as 20 March 2013.

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

The proposed dwelling would not respect the pattern, character and form of the surrounding area and therefore have an adverse impact on the streetscene contrary to Policy BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011.

166 **13/0415N 20, PASTURES DRIVE, WESTON CW2 5SD: PROPOSED 2 STORY REAR EXTENSION FOR MR ANDREW BEARDMORE**

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

Note: Parish Councillor J Cornell (on behalf of Weston & Basford Parish Council) and Mr G Kinsey (objector) 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 approval, the application be REFUSED for the following reasons:

1. The proposed extension by virtue of its scale and mass would be out of character with the surrounding area and therefore contrary to BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011.
2. The proposed extension would have an unacceptable impact on neighbouring amenity by means of overshadowing and overbearing impact and therefore is contrary to BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011.

167 **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**

Note: Dr S Bowman (objector) and Mr R Broster (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. Time - temporary consent for 3 years
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

- 168 **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**

Note: Having declared that he was a governor at the school, Councillor A Kolker withdrew from the meeting during consideration of this item.

Note: Councillor R Cartlidge left the room prior to consideration of this application.

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

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

1. Standard Time
2. Approved Plans
3. Materials as per application
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

- 169 **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**

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

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

Note: Ms E Warren (on behalf of the applicant) had registered her intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

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

1. Standard time 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

**170 13/0791C LYNDAL & 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**

Note: Councillor J Wray (Ward Councillor), Councillor R Coulson (on behalf of Brereton Parish Council) and Mr A Lindsay (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be REFUSED for the following reason:

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.

**171 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**

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

Note: Mr J Halstead (supporter) and Mr I Pleasant (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 the application be REFUSED for the following reason:

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.

**172 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**

Note: Councillors J Clowes and S Davies left the meeting prior to consideration of this application.

Note: The Senior Lawyer advised the Committee that there were sufficient differences between the previous application and this resubmitted application for Members to be able to approach it with an open mind.

Note: Councillor M Parsons (Ward Councillor), Mr S Molesworth (on behalf of a Local Representative Group), Mr B Cole (objector) and Ms H Hartley (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. There was also an oral update by the Southern Area Manager – Development Management, who clarified that

CIL Regulations did not cover the provision of affordable housing and reported comments from Councillor S McGrory, who was unable to attend the meeting.

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

- Amenity green space contribution in lieu of on site provision:

Recreation Space	Enhanced Provision: £ 3,909.42 Maintenance: £ 8,750.50 25 years)
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Open Space	Enhanced Provision: £10,621.22 Maintenance: £22,089.00 (25 years)
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(and that consideration be given to ring fencing the contribution for investment in the open space/play area at Fountain Fields on Queen Street)

- 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
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree and hedgerow protection measures
7. Arboricultural Specification/Method statement
8. 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
9. Implementation of landscaping scheme
10. Submission of updated ecological survey (badger)
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. 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
14. Site drainage on separate system - details to be submitted
15. 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

16. 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
17. Submission of mitigation measures to minimise any impact on air quality from construction dust
18. Submission of a Contaminated Land Phase II investigation.
19. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc).  
Construction traffic access via Nantwich Road only
20. 10% renewables
21. Construction specification/method statement
22. No new windows – gable elevations plot 12 and 15
23. Details of design / surfacing of proposed footpath links to site frontage
24. Landscaping to include replacement hedge planting to boundaries
25. Open plan estate layout – removal of permitted development rights for fences in front gardens
26. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
27. Details of ground levels to be submitted
28. Details of bin/bike store to be submitted and implemented for plots 12-15
29. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
30. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
31. The parking provision to plots 12 to 15 shall be a maximum of 150%
32. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:
  - The numbers, type, and location on the site of the affordable housing provision which shall consist of not less than 30% of the dwellings (7 units)
  - The tenure shall be split 65% social rented or affordable rented and 35% intermediate
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the open market dwellings shall be occupied before the affordable housing is completed and available for occupation.
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved.



- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- The affordable homes to be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3

The meeting commenced at 2.00 pm and concluded at 7.20 pm

Councillor G Merry (Chairman)

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Application No: 13/0823N

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

Proposal: Re- Submission of an application for 9 affordable houses for Housing Association within the green belt under Rural exceptions policy

Applicant: Markden City Homes Ltd

Expiry Date: 24-Apr-2013

**SUMMARY RECOMMENDATION****Approve****MAIN ISSUES**

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

**REASON FOR REFERRAL**

**This application has been brought to Southern Committee**

**DESCRIPTION OF SITE AND CONTEXT**

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

**DETAILS OF PROPOSAL**

This application proposes the construction of 9 dwellings as a rural exception site. The scheme includes 1no. 4-bedroom dormer bungalow, 4no. 3-bedroom two storey semi detached dwellings, and 4no. 2-bedroom semi-detached dwellings. 4 dwellings would be rental units and 5 dwellings would be shared ownership units. The site would be accessed via a driveway from Windmill Lane

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

## **RELEVANT HISTORY**

**12/2532N** - Construction of 9No. Affordable Homes in Conjunction with Housing Association on Land within Open Countryside as a Rural Exceptions Site with Associated Access Road and Car Parking, Withdrawn 18 September 2012

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

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

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework (2012)

### **Local Plan Policy**

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy))

Policy TRAN.9 (Car Parking Standards)

### **Other Documents**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

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

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

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

**United Utilities** – No objection; advice letter issued

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

## **VIEWS OF THE PARISH COUNCIL**

Make General comments that:

- 1) In principle residents have no objections to the development
- 2) Potential risks with residents and agricultural machinery – suggestion made to relocate agricultural access
- 3) Visibility lanes should be assessed as the access forms onto a 30mph limit road.

## **OTHER REPRESENTATIONS**

11 letters of objection received from nearby residents and a petition with 22 names, the salient points being that:

- Application for 10 houses and a shop
- Proximity of development to rear boundary of neighbouring dwelling
- The criteria for affordable housing
- Proposed farm access to new development would result in highway safety issues
- Highway safety issues as a result of the proposed layout, cars reversing down access roads.
- Highway safety issues as existing road is set to national speed limit
- Insufficient parking proposed
- Development would result in highway safety issues & accidents
- Drainage unable to support existing rainwater
- Sewerage system unable to cope with existing demand
- Concerns relating to damage hedgerows between application site and neighbours
- Will the remaining fields to the rear of the site remain in agricultural use
- Impact of any street lighting proposed in the future
- Irregular bus services in Buerton
- Destruction of habitats, wildlife and protected species
- Existing road network cannot support existing volume of traffic
- Unsustainable location; no amenities
- No school in the area
- No employment or employment opportunities in the area
- Already existing housing for sale in the area
- Impact upon amenities of neighbouring residents

- Housing in the Open Countryside
- Questions whether the dwellings are affordable due to their scale
- Sufficient provision of affordable housing elsewhere in Cheshire East
- Issues with construction traffic and where the vehicles will park
- Existing roads in poor state of repair
- Potential flood risk – area liable to flooding
- Only half of the application site is Brownfield
- National speed limit road, not 30mph
- Concerns for road and pedestrian safety
- Insufficient cycle routes
- Impact on house prices
- Cannot realistically walk to Audlem

2 letters were also submitted objecting to the comments submitted by the Parish Council.

### **APPLICANT'S SUPPORTING INFORMATION**

- Supporting Statement
- Affordable Housing Need Statement
- Protected Species Survey
- Flood Risk Assessment

### **OFFICER APPRAISAL**

#### **Principle of Development**

The application site lies solely within the Open Countryside, as defined by the Local Plan Proposals Map, on the edge of the settlement of Buerton. Buerton itself does not benefit from a Settlement Boundary and is also whitewashed as Open Countryside. Policy NE.2 of the Local Plan restricts development in Open Countryside locations and residential development is generally (subject to certain criteria) an inappropriate form of development in such locations. An exception to Open Countryside Policy is for the provision of affordable housing.

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

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

#### *Housing Need*

The Interim Planning Statement on Affordable Housing states that any application should be supported by an up to date Housing Survey of the Parish. This application has been supported by some public consultation in the area that has been documented in the supporting information submitted as part of the application.

The Housing Strategy and Needs Manager has been consulted as part of the application and raises no objections to proposal, stating that Rural Housing Needs Survey were published in 2013 for the Audlem and Buerton areas. The surveys findings were as follows;

### Buerton

The Rural Housing Needs Survey for Buerton was carried out in November 2012, questionnaires were sent out to 217 households and 75 were returned giving a response rate of 35%.

The survey established that there were 7 households which had a member of their household who wished to form a new household within the next 5 years, in 2 of these households there were 2 members of the household who wished to move, therefore a total of 9 residents of Buerton wish to form new households.

The survey also established that there were 6 households in Buerton where members of that household had moved out of Buerton because they could not afford to buy or rent in the area, of these 2 have said they want to return to Buerton.

Overall this gives a total of 11 residents who wish to form a new household in Buerton.

The Strategic Housing Market Assessment 2010 established an average house price of £280,425 and median house price of £250,000 in the Audlem sub-area which Buerton is included in.

In order to afford a mortgage of £250,000 a household would need to have an income of around £71,429 (this is based on a multiplier of 3.5 x income).

The income levels of 6 of the 7 residents who currently live in Buerton and the 2 households who want to return to Buerton are below £30k and this suggests that 8 of the 9 households who either currently live in Buerton or wish to return could only afford rent or subsidised home ownership as their incomes are short of that required to purchase on the open market.

### Audlem

Audlem is one of the parishes which adjoins Buerton. A Rural Housing Needs Survey was carried out in January 2013 in Audlem, survey forms were delivered to 810 households in Audlem and 416 were returned. Although this survey is not being used to demonstrate affordable housing need for Buerton it is worth noting the level of affordable housing need in Audlem.

The survey demonstrated quite a high level of demand for affordable housing in Audlem with around 43 households requiring affordable housing. It doesn't appear that there are many sites in Audlem and with such a high housing need in that Parish alone it would be unlikely that the affordable housing need for Buerton could be met in Audlem.

Buerton comes under the Audlem sub area of the SHMA 2010. The SHMA identifies that for the sub area of Audlem there is an annual affordable housing need of 6 new homes each year between 2009/10 – 2013/14.

Cheshire Homechoice, which is the choice based lettings system for allocating social housing across Cheshire East, currently has 2 applicants who have selected Buerton as their first choice, whilst this number appears low there are only 10 affordable properties in Buerton, 4 of these are bungalows.

In addition to the above on 3<sup>rd</sup> April 2012, Markden Homes and Plus Dane carried out a consultation event and interested residents were invited to express interest in the properties. 13 people have registered an interest in the properties and 10 of these appear to have a clear local connection.

The Rural Housing Needs Survey identified a clear need for 8 affordable homes taking account of the incomes and local house prices, and the proposal is for 9 dwellings. However taking account of the other need information including the consultation event carried out on the 3 April 2012 and the lack of affordable housing delivery anticipated in the Audlem sub-area, it is not considered that this is an unreasonable level of provision.

In summary, the evidence submitted suggests that there is a need for affordable housing in Buerton. The up to date Needs Survey offers support for the need of affordable housing in the area, providing a clear argument in favour of the proposal.

#### *Sustainability of Site*

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

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

The nearest larger settlements to the application site which do offer extended amenities and services are Audlem, which is approximately 3km to the west along the A525, and Woore, which is approximately 5km to the east along the A525. These settlements are considered to be of a distance which is not realistically walkable due to the distance and lack of footpaths. Cycling is



also considered to be unrealistic due to the traffic volumes and narrow winding nature of this, largely de-restricted road.

In the light of the above it is considered that this is an unsustainable location. As such, the key assessment with regards to the application is whether the need for affordable housing in the area outweighs the fact that the site is unsustainable.

### *Conclusion of Principle of Development*

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development. An up to date survey has been submitted, and it is considered that there is evidence available of the need for affordable housing in the area. The site is not located within a sustainable location, however the proposed development would be located on the edge of an existing settlement. Buerton has few local amenities, however is situated within 3km of Audlem where all service needs are covered. Evidence has been submitted that suggests there is a specific need for affordable housing within the locality, and in this case, it is considered that the need for the housing outweighs the unsustainable location of the site.

The principle of affordable housing within the area is therefore accepted.

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

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

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

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

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

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

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

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

The proposed bungalow would be sited along the southern boundary of the site. At the closest point, the dwelling would be between 1m and 3.5m from the boundary of No.10 Windmill Close. The bungalow would have an eaves height of 2.5m and a maximum height of 6m. The dwelling would be 31m from the rear of No.10 Windmill Close. From conducting a site visit at No.10 Windmill Close it is apparent that the dwelling has ownership of a parcel of land to the rear of the dwelling resulting in a rectangular garden. The proposed bungalow would abut the boundary of No.10 Windmill Close and would essentially consume the rear boundary of the property. A significant distance of 31m would remain between the rear elevation of No.10 Windmill Close and the side elevation of the bungalow, as such it is not considered that the proposal would result in any loss of privacy. The rear garden to No.10 Windmill Close slopes downwards towards the property, however due to the orientation of the bungalow there would be no loss of light to the rear amenity space or to the property itself. The key consideration is whether the bungalow would result in an overbearing impact to the rear amenity space of No.10 Windmill Close. Whilst it is agreed that the bungalow would be overbearing when viewed from the end of the rear garden, it is considered that the rear amenity space afforded to No.10 is large enough for the bungalow not to adversely impact upon the entire rear garden. Taking into account that the proposed dwelling is a bungalow, the impact would not be adverse enough to substantiate grounds for refusal. In addition the dwelling is sited at a satisfactory distance from the rear elevation of properties on Windmill Close.

Concern has been raised about the amenity impact upon No.7 Windmill Lane as a result of overlooking from the proposed dormer windows. That property is 36m from the proposed dwelling and its garden is 28m away, and as such would not result in any amenity issues to No.7. It is of merit to note that No.7 Windmill Lane is not immediately to the front of the bungalow.

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

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

### **Contaminated Land**

Information regarding contamination was submitted under the previous application 12/2532N, and has been viewed by Environmental Health. Further investigations are required and a condition requesting a Phase II contaminated land survey be submitted to and approved by the Council.

### **Impact on Highway Safety**

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

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

### **Impact on Protected Species**

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

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

and provided that there is:

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

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

Local Plan Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the nature conservation resource. Proposals for development that would result in the loss or damage of any site or habitat which supports protected species will not be permitted, unless this is compensated by the provision of a similar feature. In addition Policy NE.9

(Protected Species) states that development will not be permitted where it would have an adverse impact on protected species or their habitats.

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

The NPPF states that LPA's should aim to conserve and enhance biodiversity.

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

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

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

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

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

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

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

### **Other Matters**

Policy RT.3 identifies that in small residential developments occupied in schemes of less than 50 people reasonable contributions will be required towards the provision of childrens play space and casual recreational open space public open space improvements. There is no existing equipped

play space in the area and a small contribution towards improvements could be considered to be reasonable in this instance if minded to approve the application.

### **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 respect of loss of foraging habitat will ensure that the additional habitat provision can be made elsewhere in the Borough and that appropriate mitigation for the affordable dwellings can be made.

The contribution is necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

### **CONCLUSIONS**

The application site is not within a sustainable location, Buerton is a small village settlement that is within the Open Countryside, the very nature of these settlements dictates that few services would be available locally. The proposed development would be sited on the edge of the settlement. The application site has access to services in the neighbouring settlements of Audlem (3km) and Woore (5km), however only limited bus services are available. However, whilst recognising that the application site does not fall within a sustainable location, evidence has been provided that there is a clear need for affordable housing locally. The proposal would provide 9 affordable dwellings which would act to provide an adequate level of affordable housing within the Buerton area.

The siting, layout and design of the proposal is considered to be acceptable.

It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents, or upon protected species.

The objections received from residents have been considered fully, however do not offer grounds for refusing the application. No other material planning considerations would warrant refusal of the application. As such, the scheme is considered to be acceptable.

### **RECOMMENDATION:**

**Approve subject to Unilateral Undertaking / Planning Obligation to secure**

- **9no. Affordable Dwellings**
  - **£2,000 contribution to used to implement barn owl conservation work in the Borough**
1. Commence development within 3 years
  2. Development in accordance with approved plans
  3. Submission of details/samples of external materials

4. Submission of a scheme of landscaping of the site including the retention of the hedgerow to the north and west boundary of the site
5. Implementation of approved landscaping scheme
6. Submission and implementation of details of boundary treatments
7. Submission and implementation of a tree protection scheme
8. Submission and implementation of an arboricultural method statement
9. Removal of permitted development rights for extensions, roof alterations and outbuildings
10. Limit on hours of construction
11. Limit on hours of piling
12. Lighting details submitted, approved and implemented
13. Submission of Phase 2 Contaminated Land Survey
14. Protection for breeding birds
15. Surveys for Environment Agency
16. Nature Conservation Enhancement
17. Limit on hours of construction
18. Submission of detailed drainage scheme

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Application No: 12/2276N  
Location: The Spinney, WIRSWALL ROAD, WIRSWALL, SY13 4LB  
Proposal: Replacment Agricultural Building  
Applicant: Mr Mike Merrill, Swanley Mowers  
Expiry Date: 26-Nov-2012

**SUMMARY RECOMMENDATION: Approval**

**MAIN ISSUES: Agricultural justification.**  
**Impact on the character of the surrounding area.**  
**Impact on amenity.**

**REASON FOR REFERRAL**

The application is subject to Councillor call-in by the ward member as *"the building is too large for the paddock and can be seen from the A49"*

**1. DESCRIPTION OF SITE AND CONTEXT**

This application site comprises a 2.4ha field within the open countryside in an area identified as Special County Value by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The field is accessed by an un-surfaced single track lane from Wirswall Road which is class as a bridleway.

The site does not appear to have any existing agricultural purpose but contains a small set of wood stables and a steel clad building, which has recently been enlarged and is open on one side. There is no record of planning consent for these buildings or the extension. It is also noted that a large area of hard standing in the form of re-used concrete railway sleepers has been introduced without consent however, the agent has indicated that a separate application would be submitted in due course.

The Authority has been in negotiation with the Applicant for a number of months due to concerns relating to justification and the buildings relationship with the existing stables and the hard standing. In response the applicant has submitted a business case to support the proposal.

**2. DETAILS OF PROPOSAL**

The proposal only involves replacement of the steel clad building with a modern steel frame building at the same position. The applicant intends to use 50% of the land as a nursery for the growing of conifer trees which would be harvested for use as decorative Christmas trees. The building which measures (approx) 14m x 8m x 5.3m high is required for the storage of equipment, machinery and pesticides in associated with the planting and general maintenance of the land.

**3. RELEVANT HISTORY**

None recorded

**4. POLICIES**

**Local Plan Policy**

NE.2 Open Countryside

NE.3 Areas of Special County Value.

NE.9 Protected Species.

NE.14 Agricultural Buildings Requiring Planning Permission.

BE.1 Amenity.

BE.2 Design Standards.

**Other Material Considerations**

National Planning Policy Framework (NPPF)

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

**Environmental Health:** No objection

**Public Rights of Way Unit:** No objection in principle

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

No comments

**7. OTHER REPRESENTATIONS:**

A number of comments have been received from the general public. The material planning issues raised are:-

Concerns relating to the scale of the building and its impact on the character of its surroundings;

Impact of increased vehicle movements along the access track;

Inconsistencies in the supporting planning statement.

The presented justification lacks credibility.

The Authority has also received two comments which support the proposal on the basis that increased activities on the site had resulted in improvements to the bridleway (access track)

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

### **Planning Statement and Business Plan submitted by the Applicant's agent.**

The main points are:-

- The current dilapidated building is inadequate due to its condition and the Applicant's new requirement to store machinery and equipment securely.
- The new building will replace a building which has become an eyesore.
- The building will be agricultural in style and located over the footprint on the existing building.
- The development is compliant with Policies NE.2 and NE.3 of the Local Plan.
- The Applicant wishes to make a supplementary income from the underutilised parcel of land.
- Initially 2000 saplings will be planted covering 0.5 acre although it is anticipated that half of the site (1.2 ha) will be covered by year 6.
- Each 0.5 acre will generate a 10% return on the investment after six year cycle.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

A number of comments have been received relating to other activities on the site including a large area of hard standing however, this application only relates to the construction of a building for agricultural/horticultural purposes. Reference has been made to inconsistencies in the supporting planning statement however, the subsequently submitted business plan clarifies the intended use of the land and provides the business case for the building.

As the building would be considerably larger (112m<sup>2</sup>) than the existing building which had a floor area of approx. 35m<sup>2</sup>, additional information was requested in order to ascertain whether the building could be justified. The additional information together with the planning statement demonstrates that the existing steel clad building is not appropriate for storing equipment and material associated with the agricultural use of the land due to its design and current condition.

Policy NE.2 and Policy NE.14, amongst other things, supports the construction of new agricultural building when they are essential to the agricultural operation. The Applicant states that he wishes to intensify and change the way in which the land is currently utilised. It is clear that the original building is not fit for purpose, due to its condition. Whilst the new building is considerably larger than the original building it is relatively modest in scale when compared to other agricultural buildings.

It is considered that the applicant has demonstrated that the building is essential to the intensified agricultural activities and will facilitate for the storage of a tractor and other associated equipment and material however, a condition is recommended requiring the removal of the building should it cease to be required for the purposes of agriculture within the holding.

However, the proposal must be measured against other relevant policies, in particular Policy BE.1 & BE.2, to fully assess the impact.

### **Design**

Policy BE.2 & Policy NE.3 require development to achieve a high standard of design and to respect the pattern, character and form of the surroundings. The original scheme proposed a slate roof and wooden cladding however, following officer comment the finishes have been amended to provide steel profiling to both the roof and walls, Juniper Green in colour, because it was considered this design characteristic better reflected the utilitarian nature and purpose of the building. The design and finish of the building is typical of small agricultural buildings found within the open countryside and whilst it can be seen from both the adjacent bridleway and the A41 the visual intrusion will be mitigated by the existing hedgerows and the adjacent woodland.

The actual construction detail of the building has not been provided therefore, a condition requiring these details to be agreed is recommended to ensure that the form of the building is appropriate to its intended function.

### **Amenity**

The building is located well away from residential property therefore, there will be not direct amenity issues. Comments have been received which claim that the building will facilitate for an increase in vehicle movements along the access track and that this will have an adverse impact on amenity. The applicant has stated that he intends to intensify the use of the land therefore, it is reasonable to anticipate that there will be an increase in associated vehicle movements. However, the activities referred to could take place without the building as agricultural activities fall outside the scope of planning control. Notwithstanding this comment, it could be claimed that the building will reduce the number of vehicle movements because machinery and material can be stored on site without the need to transport to and from.

### **Ecology**

The building is considered to be modest in scale and as such it is not considered that it would have a measurable impact on an ecological resource. Nevertheless, a survey of

the existing building to be demolished is required to ensure that there is no adverse impact on any protected species. This has been reported to the applicant's agent and an update will be provided accordingly.

## **10. CONCLUSIONS**

Section 3 of the NPPF imposes a duty on the Local Planning Authority to support a prosperous rural economy and to promote the development of agricultural businesses.

The proposed building is considered to represent a use that can be essential to the agricultural use of the land within the open countryside location. The modest scale and capacity of the building and its relationship to nearby dwellings will not result in an adverse impact on amenity over and above that which is normally experienced within rural areas.

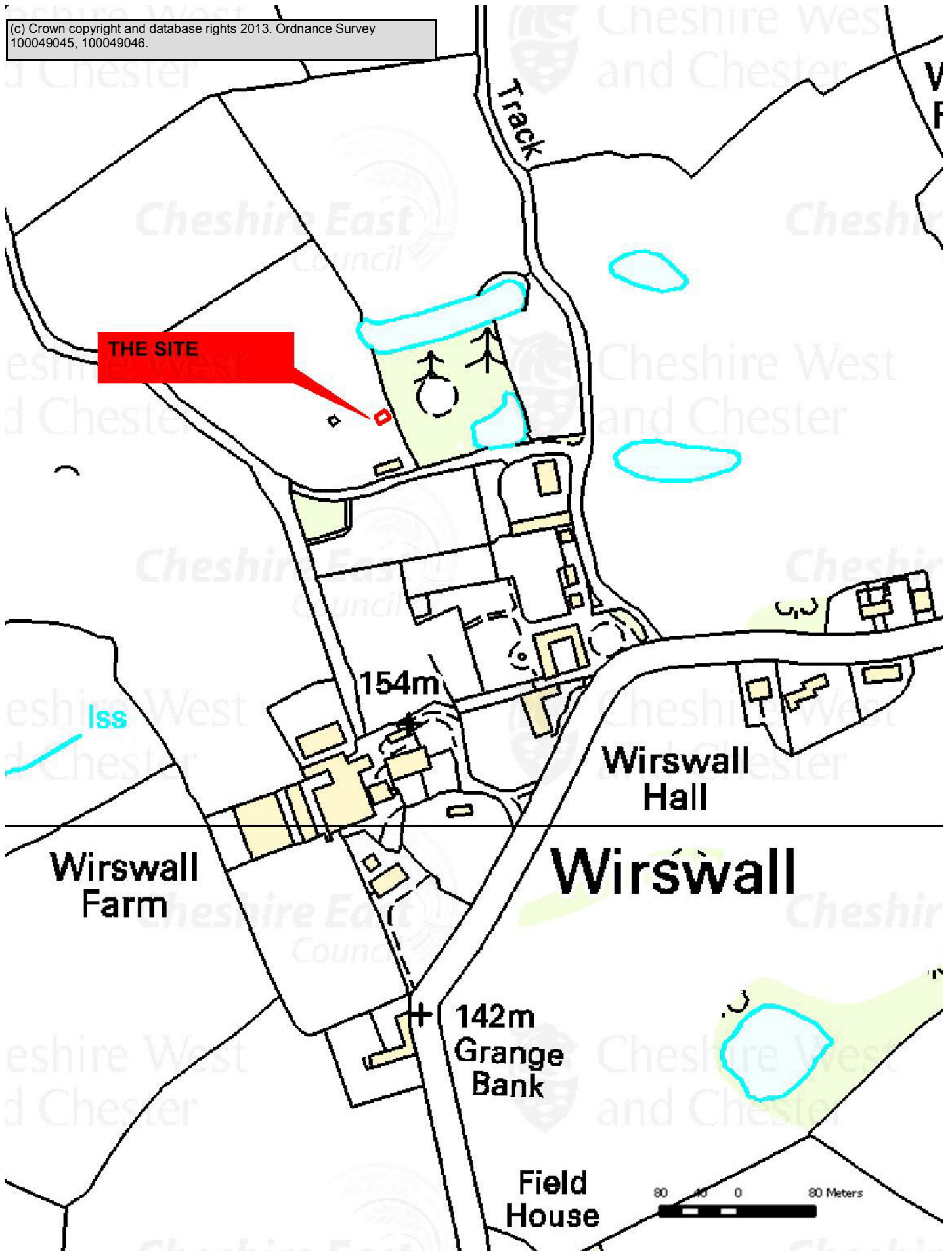
The proposal, as conditioned, represents an appropriate form development within the open countryside without detrimental impact on neighbouring amenity or environmental resource and therefore complies with Policy NE.2 (Open Countryside); NE.14 (Agricultural Buildings Requiring Planning Permission); BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and compliant with guidance contained within the National Planning Policy Framework.

## **11. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard**
- 2. Construction details to be submitted for agreement.**
- 3. Removal of the building should the land cease to be used for agriculture within 3 years.**
- 4. Drainage**
- 5. Approved plans**

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Application No: 12/4319N

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

Proposal: Erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site.

Applicant: Mr Andrew Robertson

Expiry Date: 07-Feb-2013

**SUMMARY RECOMMENDATION**

**Approve with conditions and subject to a Planning Obligation for provision of pedestrian crossing(s)**

**MAIN ISSUES**

- Principle of Development
- Design, Character and Appearance
- Parking, Highway Safety and Traffic Generation
- Impact on Amenity of Adjacent Properties

**1. REASON FOR REFERRAL**

This application is to be determined by Southern Planning Committee as the proposal exceeds 1000 square metres in floorspace.

**1. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of Bentley Motors, a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. The factory site consumes a significant area which is contained by Pym's Lane to the north, a railway to the south, Sunnybank Road to the west and an area of open space to the east. There are other areas outside of this area which are within the applicant's ownership for car parking and ancillary development. There are numerous large factory buildings within the site. The application site itself relates to a portion of land situated along the eastern boundary of the site, to the rear of buildings fronting Pym's Lane. Some of the buildings fronting the site are Art Deco and are on the Council's Local List of Historic Buildings. The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011

**2. DETAILS OF PROPOSAL**

This application proposes the erection of a two storey temporary office building with links to an existing building to accommodate existing staff relocated on site.

### **3. RELEVANT HISTORY**

There is an extensive history for the site.

### **4. POLICIES**

#### **Local Plan Policy**

BE.13 (Buildings of Local Interest)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
E.4 (Development on Existing Employment Areas)  
TRAN.3 Pedestrians  
TRAN.8 Existing Car Parks  
TRAN.9 Car Parking Standards

#### **Other Material Considerations**

National Planning Policy Framework

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

**Strategic Highways Manager:** No objection subject to the provision of pedestrian crossing facilities.

**Environmental Health:** None received.

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

N/A

### **8. OTHER REPRESENTATIONS**

None received at time of writing report

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

Design and Access Statement

### **10. OFFICER APPRAISAL**

#### **Main Issues**

The main issues in this instance are whether the proposed development is acceptable in principle, whether it would result in harm to the character and appearance of the area, the locally listed buildings, and the amenities of nearby properties, and also highway considerations.



## **Principle of Development**

The proposed temporary office accommodation is needed to assist the relocation of existing staff at the site. Bentley Motors are a large local employer who are seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main office and production areas of the plant to enable future growth. The proposals will therefore assist in the economic growth of the existing business and the area as a whole.

In terms of the local plan policy, the site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

In terms of compatibility, the use would be for a purpose which is ancillary to the existing employment use at Bentley Motors and is therefore considered to be acceptable and complimentary in principle when considering the proposal against the Crewe Local Plan. The proposal would be well related to the operations and built development as it would attach and link with the existing buildings on the eastern edge of the site. Whilst there are residential properties located to the east of the site, the proposed office use would be less intense than the existing operations and by their nature, would not conflict with neighbouring uses.

Ultimately, the proposal will assist in the longer term vision and future expansion of Bentley Motors being realised. There are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. It is considered that such benefits are in line with the local plan and the aims of the NPPF and as such, the principle of the development is deemed to be acceptable.

## **Design - Character and Appearance**

Given that the application relates to the site of a large factory, the size and scale of the proposed office accommodation would appear subordinate to the main plant. Further, its positioning midway back along the eastern boundary means that it would not be prominent from Pym's Lane, as it would be tucked away behind existing built development.

In design terms, the proposed building would be two-storey, of modular construction and would be configured in an 'L' shape arrangement where it would wrap round the corner of an existing building. In terms of height and scale, the proposal would not be out of keeping with adjacent buildings. With respect to visual appearance, the proposal would be clad with grey metal cladding and would take on a contemporary style. Similar style modular office accommodation has been constructed elsewhere on the site.

Having regard to pattern and character of the existing development in the area, in design terms, it is not considered that the proposals will harm the visual appearance of the site or surrounding area or locally listed buildings. Subject to appropriate materials, which could be secured by condition, it is considered that the proposal is acceptable in design terms.

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

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

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

The Strategic Highways Manager has viewed the application and is satisfied that any additional vehicular movements and parking requirements as a result of the proposals could be catered for by the existing parking provision on the opposite side of Pym's Lane. It is important to note that one such temporary car park has recently had approval to make it permanent with an increase in provision.

Whilst there are no concerns with respect to parking arrangements, there is concern for the safe pedestrian access and egress to the site by existing and future employees. Currently, there are no pedestrian crossings catering for such pedestrian movement from the existing car parks on the northern side of Pym's Lane over to the main factory plant on the southern side. This proposal would exacerbate this situation and would result in additional harm. To that end, the Strategic Highways Manager has requested that provision should be made for some crossings to accommodate these movements.

It is considered that such measures are required to mitigate the harm generated by the proposals and as such, would be in line with the relevant tests outlined in the Community Infrastructure Levy.

The applicant has agreed to this, and therefore subject to Unilateral Undertaking (which is currently being drafted) or failing that, a S106, the proposal is deemed to be acceptable in respect of highways.

### **Impact on the Amenity of Adjacent Properties**

There are residential properties located to the east of the site, comprising a recently built cul-de-sac development. However, the nearest property side's onto proposed eastern boundary of the site where the office accommodation would look out. There is a strip of land separating the site from the nearest neighbour, and the nearest properties do not have any primary windows that directly face the site. The proposal would meet the minimum separation distances advised in the Council's guidance relating to new residential development, and therefore it is not considered that proposal would materially harm neighbouring amenity by reason of loss of light, direct overlooking, visual intrusion or noise.

## **11. CONCLUSIONS**

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local employer. The design of the proposals would not impact detrimentally on the character, appearance or landscaping of the site or locally listed buildings. The proposal is considered to be acceptable in terms of its impact upon residential amenity, and subject to the provision of pedestrian crossings, is acceptable in highways terms. The proposal therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

## **12. RECOMMENDATIONS**

**APPROVE** subject to completion of a Unilateral Undertaking or S106 Agreement to secure pedestrian crossing(s) and subject to the following conditions:

- 1) Standard time limit (3 years)**
- 2) Development to be carried out in accordance with approved plans**
- 3) Materials / colours to be submitted**
- 4) Hours of construction limited**
- 5) Hours of piling limited**
- 6) Acoustic Enclosure of any Fans / Compressors to be submitted**

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Application No: 12/4533N

Location: LAND NEXT TO ACTON CHURCH OF ENGLAND PRIMARY SCHOOL,  
CHESTER ROAD, ACTON, CHESHIRE, CW5 8LG

Proposal: 14 houses for affordable rent, comprising four two bedroom/four person houses, nine three bedroom/five person houses and one four bedroom/six person house. The proposals also comprise the enlargement and improvement of the adjacent school car park.

Applicant: Mr Philip Palmer, Mulbury Homes Ltd.

Expiry Date: 21-Feb-2012

#### **SUMMARY RECOMMENDATION**

**Refuse**

#### **MAIN ISSUES**

- Principle of Development
- Housing Need
- Sustainability of the Site
- Design
- Amenity
- Drainage
- Primary School
- Highways
- Ecology
- Landscaping
- Historic Battlefield
- Renewable Energy
- Other Matters

#### **REFERRAL**

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

#### **1. SITE DESCRIPTION**

The application site is part of an existing field which lies in open countryside adjacent to the main A534 Chester Road, just to the north of the hamlet of properties within the rural Parish of Acton. The site extends to approximately 0.5 hectares (1.3 acres), and is some 1.5 miles from the centre of Nantwich.

The site occupies the corner of a large field and is bounded by a mature hedgerow to the west which fronts the road, and to the south by hedging which lies adjacent to the access road to Acton Church of England Primary School. Open fields lie to the north, east and over the road to the west.

## **2. DETAILS OF PROPOSAL**

The scheme seeks permission for 14 affordable dwellings and a new parking area for the school. The mix of housing would provide 4x 2-bed, 9x 3-bed and 1x 4-bed accommodation. The two-storey dwellings would be arranged around a central courtyard in groups of two or three with shared parking areas.

Vehicular access off Chester Road would be provided to the northern side of the site which would give access to the courtyard. Pedestrian access would be provided to the rear of the existing hedgerow along Chester Road which would lead into the courtyard. A further area of open space would be provided to the southern corner of the site adjacent to the school access.

A new area of parking for 20 cars will be provided to the east of the proposed dwellings. This area lies immediately adjacent to the school and will provide better parking for the school, while enabling the existing car park to be used as a drop off/turning area.

New hedgerows and landscaping will be provided as part of the development.

## **3. PREVIOUS RELEVANT DECISIONS**

7/17602 – 12 Detached Dwellings and Garages – Withdrawn – 7<sup>th</sup> June 1990

## **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)  
BE.7 (Conservation Areas)  
BE.17 (Historic Battlefields)  
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 (External to Planning)**

**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.

**Highways:** No objections subject to conditions relating visibility splays and amended plans illustrating three additional parking spaces.

**English Heritage:** Objects to the proposal as it will lead to substantial harm or total loss to the Nantwich battlefield which is a significant heritage asset.

**United Utilities:** No objections

**Archaeology:** No objections subject to the issues surrounding the battlefield can be addressed satisfactorily and the imposition of the following condition:

No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

**Housing:** Objects to the proposal there is no need for 14 dwellings at this locality and the type of housing proposed does not meet local needs

## **6. OTHER REPRESENTATIONS**

7 Letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- We would not like to see any further development than that currently proposed in this location;
- We have doubts over how the turning circle/school drop off will work in practice, given the level of car use to this school. The design appears to be out of character for a small rural school;
- If the application is approved, we would like to see the developer make a contribution to the traffic calming proposal on Chester Road. The Parish Council commissioned a report from Martin Stockley and Associates on how the nature of the road could be changed at the junction of Wilbraham Road to reinforce the speed limit and create a village setting. This is very much supported in the local community;
- Some residents are concerned with the effect this development will have on the existing infrastructure in the local area with regard to electricity supply capability, water supply and existing drainage for the village, we suffer power dips and water pressure drops now;
- The proposal will exacerbate road traffic in the locality which may lead more damage to the highway and increase the probability of more road traffic accidents;
- The village is losing its rural identity;
- There are sufficient houses being built elsewhere in the Borough;
- The submitted plans do not reflect the true levels of the site and neighbouring land;
- The buildings are poorly designed and do not sit comfortably in the locality;
- The proposal sits alongside the conservation area and within the historic battlefield and the proposal will destroy an important heritage asset;



- All the houses are affordable which is contrary to Local Plan which states there should be a maximum of 35% affordable housing on sites; and
- Buses are infrequent; and
- The site is located within the Greenbelt and is wholly unsustainable.

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

Acton, Edleston and Henhull Parish Council comment that it considers that no adequate justification has been made for the proposed affordable housing. The Council has a five year housing supply and this number of additional properties is not required. The Affordable Housing Officer states only 10 units are required in this locality and the proposed dwellings are too large

This is specially so as planning approval has been granted for housing, including 6 affordable dwellings, on the opposite side of Chester Road.

In addition the emerging core strategy for Cheshire East proposes further development north of Kingsley Fields, giving ample opportunity for affordable housing if needed.

No account has been taken of the Parish Council proposals for environmental improvements on Chester Road, recently safety audited by Cheshire East.

The proposal is acknowledged by the applicant to be the first phase of a larger development, without which this application is not financially viable. The Parish Council therefore questions if it can reasonably be considered in isolation.

The proposal requires the removal of yet another oak tree which is important in the village landscape and as an entry point into the conservation area.

The new access arrangements for the school seem to add to the traffic chaos that will surround that part of Chester Road. In view of the development at Church Farm which necessitates the moving of the entrance towards the School on the main road, and this proposed development on the land next door to the School, we feel that the amount of cars entering onto that section of road, is excessive. Plus the streetlights have been switched off on Chester Road.

The design of the proposed dwellings is not in keeping with the locality and greater improvements could be made. There are no children's outdoor play areas.

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

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

Ecology Survey  
Botanical Appraisal  
Arboricultural Assessment  
Tree Survey  
Housing Need Survey

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 Acton Settlement Boundary and is wholly 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 application is for 14 affordable homes, made up of 4x 2-bed houses, 9x 3-bed houses and 1x 4-bed house. The proposed tenure of these houses is not clear, the Application for Planning Permission states that the tenure will be Affordable Rent however the Design and Access Statement states that the development will be mixed tenure made up of affordable rent and shared ownership.

A rural housing needs survey was carried out in January 2010 which covered the Cheshire East Southern Rural Parishes. This survey was conducted by sending a questionnaire to all the residential households in a geographical area made up of a number of rural parishes including Acton across the Southern area of Cheshire East, The results were collated as a whole and by individual parishes. As Acton operates under a combined parish council made up of Acton, Edleston and Henhull the results were shown as a combination of the three. A hidden household is a household within an existing household such as an adult child wanting to form his/her own household. The survey showed that there were 7 hidden households in Acton at the time of the survey. In addition it was discovered that there were 7 people who had left Acton in the preceding 5 years because they could not afford to buy or rent a property in the area and who wished to return. In total 4 of the respondents would consider Shared Ownership as the preferred tenure

The survey also showed that there is a greater need for 1 and 2-bed properties rather than 3-bed and that there is a need for houses, bungalows and one respondent needs a flat.

In addition to the Rural Housing Needs survey the SHMA 2010 identifies an affordable housing need for the former Crewe and Nantwich ward of Acton. The affordable housing need is 8 new units per year between 2009/10 – 2013/14 which gives a total requirement of 40 units for the period. The SHMA also shows that there is an oversupply of 3-bed properties and an

annual need for 6x 1-bed properties. The former Crewe and Nantwich ward of Acton contains 830 households and the Acton area (the parishes of Acton, Henhull and Edleston) contain 189 households.

Cheshire Homechoice is the choice based letting system that operates throughout the Cheshire East area for the allocation of affordable housing. The majority of people registered with Homechoice are in need of rented accommodation. Applicants indicate where they would most like to live. On the 20<sup>th</sup> December 2012 24 applicants in total were registered on Homechoice with Acton as first choice. Of these 6 have demonstrated a community connection to Acton by residence or family connection. A number of the other applicants may also have a connection to Acton although this is not shown on the information from Cheshire Homechoice.

A consultation event for the proposed development was held on the 25<sup>th</sup> October 2012. Invitations were sent to all residential households in the Acton Parish. Included in the invitation was a form that allowed interested parties to register interest in one of the proposed homes. A number of these forms were returned and this shows that 8 people were interested and who would qualify in terms of need and local connection. Five of these people would consider rent as a tenure, one would consider Shared ownership and two would consider either rent or shared ownership.

Colleagues in Housing have stated that due to the identified housing need highlighted above they could only support an application for up to 10 units on this site. There is also evidence of there being a need for 1-bed properties and older person's accommodation both of which are not included in this proposal. There is no housing need information above that supports the delivery of 9x 3-bed houses.

The applicant has submitted additional information stating that there are no units to meet the demand from those applying for accommodation through Cheshire Homechoice. There are already 29 units of social/affordable rented accommodation provided by Wulvern Housing in Acton village.

However, the register of interest was sent to all households in the Acton, Henhull and Edleston parishes along with the details of the Public Consultation event of 25<sup>th</sup> October 2012. As such it was possible to register and interest without attending the Public Consultation. The Council considers that this register of interest is a good source of information on housing need and has been used previously on other similar sites. The 8 qualifying households that returned the form does not support the need for an exceptions site of 14 units and this will form a reason for refusal.

Furthermore, it is considered that the mix of housing proposed does not reflect the findings of the Strategic Housing Market Assessment (SHMA). The SHMA shows an oversupply of 3 bed accommodation however the proposal is for 9 out of 14 units to have 3 bedrooms.

## **Sustainability of the Site**

Letters of objection refer to Acton 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 Acton which is listed as a settlement within Policy RES.4. In this case, Acton has facilities in the form of a Public House, church and primary school. Furthermore, there is a bus service. In addition, Nantwich town centre is located approximately 2.5km to the south and can be accessed via existing footpaths. Overall, it is considered given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Acton is a sustainable settlement and a reason for refusal on sustainability grounds alone could not be sustained.

## **Design**

### *Policy Context*

The National Planning Policy Framework supports a mix of housing types within new development. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive.

Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area. The application site is located just outside the Acton Conservation Area boundary.

With reference to the above policy context, in order to ensure that the proposal satisfactorily contributes to and improves the street scene, it needs to be reflective of and complementary to the local vernacular, which will mean modest sized properties which are simple in design terms with gardens.

The application proposes a mixture of two storey dwellings including semi detached and terraced properties. According to the submitted plans there will be 4no. semi-detached properties and 2no. blocks of terraced dwellinghouses. Typically the dwellings will measure approximately 6m high to the eaves and 9.5m high to the ridge. According to the submitted plans and the Design and Access statement the dwellings will be constructed out of facing brick, under a concrete tile roof, details of which will be secured by condition. In addition to the above, the proposal will incorporate projecting gables of various sizes, in order to make the

dwellings appear less stolid and uniform. All of the properties will incorporate a string course and include a canopy and/or porch detail.

The nature of the site, which is a rectangular plot (roughly) somewhat constrains the way in which the site can be developed. It is noted that there is a significant difference in levels between the application site and the adjoining Chester Road. This difference in height will exacerbate the scale of the proposed dwellinghouses and it is considered that the submitted streetscene plan is not a true reflection. Therefore, it is considered given the significant difference in levels will make the dwellings appear overly dominant in this prominent location.

The application site would be served by a single vehicular access point off Chester Road. According to the submitted plans plots 1 to 4 will face the internal spine road. Whereas, plots 5 to 11 will all face the internal courtyard with areas of car parking located to the sides or fronts of the dwellinghouses. The proposed courtyard will be landscaped in order to soften its appearance. Plots 12 to 14 will front directly onto Chester Road. Located in between plots 11 and 12 will be a pedestrian footpath linking the site to Chester Road.

Plots 12 to 14 are located adjacent to the corner of the internal spine road and the newly formed access off Chester Road. This group of dwellings in footprint terms resembles a letter 'L'. Plot 14 is double fronted with one elevation facing the access road and the other elevation facing Chester Road. Plots 5 to 7 and 10 to 11 are all in the shape of letter 'U'. Whereas, the remaining plots are rectangular in footprint terms.

It is acknowledged that the layout has been improved and the courtyard character within the heart of the scheme has been enhanced. However, the scheme still feels overly dense given its fringe location in respect to the village and the arrangement of plots 10 and 11 with backs to Chester Road are a symptom of this. The omission of 1 or 2 plots would help create space in proximity to the Oak tree and avoid a negative relationship between the house/garden of plot 10 and the Oak tree.

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. However, it is considered given the location of the proposed development is out of character with the surrounding land use and will appear as an incongruous and alien feature within the streetscene.

All the buildings have a uniform height being 2 storeys high, and this create a very distinct and regular built edge on the fringe of the village. It is noted that this has been softened to some degree by the introduction of boundary hedging on the northern edge of the site. However, the scheme still appears to be very suburban with very little group value and appears as separate massing units. As such the proposal does not respect the rural vernacular as there was no sense of containment or completeness to the form. The proposal creates a visual challenge to the muted and subdued landscape character, and the proposal creates a threat to the sense of completeness of the village contrary to advice advocated within Policy BE.2 (Design Standards).

Overall, it is considered that this scheme does not relate positively to the traditional characteristics of buildings within the village. A more contextually driven approach, particularly the Chester Road frontage and the northern edge of the site would have helped better assimilate the development into the village. The application site is located on the fringe of the village and the buildings have an urban rather rural vernacular and as such will draw greater prominence to themselves and this is exacerbated by the difference in levels.

### **Residential Amenity**

The surrounding development comprises a church, Acton Primary School located immediately to the south, and beyond that a 1950's cul-de-sac

development. Located towards the north and east are open fields and to the west is Chester Road.

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided demonstrates that internally all these separation distances will be met.

The nearest residential dwelling is located to the south of the application site and there is a distance in excess of 36m separating the boundary of the application site to this dwelling. Therefore, no other adverse impacts on the living condition of existing occupiers are anticipated.

The Councils SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. The majority of plots will include significantly more than 50sq.m. However, it is noted that some of the plots have much smaller garden spaces. These plots are primarily the terraced units. The amount of garden space afforded to these units is commensurate with other properties of a similar size in the locality and as such it is not considered that there is sufficient justification to warrant a refusal.

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

A number of local residents are concerned that the proposal will affect drainage and flooding in the area. It is considered prudent to attach a condition relating to drainage, in the event that planning permission is approved. Colleagues in United Utilities have been consulted and have raised no objections. Therefore, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Primary School**



Located immediately to the south of the application site is Acton Primary School. The main access to the school is via a narrow single lane track, which runs along the southern boundary of the site. The applicant is proposing on widening the existing access road and creating a run around facility on the existing car park, so that parents can pick up and drop their children off. In addition, a school car park will be formed with parking for 20 vehicles. The boundaries to the car park will be planted with native species to help assimilate the proposal into the local environ. It is considered that the proposed car park given its location will not have a significant detrimental impact on the character and appearance of the streetscene or the conservation area.

### **Highway Safety and Traffic Generation**

The Council's Highways Engineer has examined the application and visited the site. Policy BE.3 (Access and Parking) 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.

The site is at the extreme north end of Acton village and about 2.5km from Nantwich town centre. The identified parking provision falls just below the council's minimum parking standards, which is 29 spaces, and given the site's car-dependence it is recommended that a further three spaces for residents and visitors be provided in the proposed parking square, which will be conditioned accordingly.

The proposal is seeking to create a new vehicular access directly off Chester Road towards the north of the site and a pedestrian access will link the site to Chester Road, towards the south of the site.

The proposed vehicular access would be located near the present change in speed limit from 40mph to the north to 30mph through Acton. The Highways Engineer considers adequate visibility from the proposed access onto Chester Road is needed which will require the removal of the existing boundary hedge. The submitted drawings show that to the south of the entrance to be removed but not that to the north, which is outside the redline boundary but on land in the applicant's control. This will require visibility splays of 2.4m by 70m at the access. Widening of the frontage footway on Chester Road, and improved speed limit demarcation and gateway signing will also be required to emphasise the change to urban conditions and ensure approach speeds are moderated. These improvements will require the applicant entering an agreement under S278 of the Highways Act.

In addition to the above, the proposals also comprise the enlargement and improvement of the adjacent school car park and entrance. Colleagues in

Highways have been consulted and consider that these proposals are acceptable.

### **Ecology**

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

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

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

The UK 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, Badgers and Great Crested Newts are European Protected Species and need to be considered in line with the above.

### **Great Crested Newts**

An acceptable great crested newt survey has been undertaken in support of this application. A single juvenile great crested newt was recorded at a pond some distance from the proposed development. This pond does not have any direct habitat links with the proposed development site. The Councils ecologist advises that the proposed development is unlikely to have a significant impact on this species and consequently no further action is required.

### **Common toad and Hedgehog**

Both of the above species which are UK BAP priority species and hence a material consideration were recorded to the south of the school complex. It is considered that the proposed development is unlikely have a significant impact on the conservation status of these species. However, the provision of boundary hedgerows would provide some additional habitat for these species.

#### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The proposed development will result in the loss of section of hedgerow to facilitate the site entrance and a significant length of hedgerow on the southern boundary.

In the event that planning permission is approved, a condition relating to landscaping will be attached to the decision notice to incorporate the provision of newly planted native species hedgerows around the boundary of this site to compensate for the loss of existing hedgerows.

#### Bats

Bat activity around the site is relatively low. Most activity recorded was along the southern and western boundary. The loss of hedgerows on this site will have a localised adverse impact on bats. The Councils ecologist recommends that the adverse impact of the development upon bats should be addressed by the creation of new hedgerows as described above.

#### Badger

An active badger sett was recorded during the submitted surveys. The sett will not be directly affected by the proposed development. There will however be a loss of badger foraging habitat as a result of the proposed development. This impact could again be partially compensated for by means of the new hedgerows around the site and the incorporation of fruit bearing trees into the hedgerow planting schedule.

#### Breeding Birds

The proposed development of the site is likely to support a number of species of breeding birds including the more widespread Biodiversity Action Plan species which are a material consideration for planning. The loss of breeding bird habitat on site could again be compensated for through the planting of additional hedgerows.

#### Reptiles

No reptile survey has been undertaken however, the site does not appear particularly suitable for reptiles and so it is not anticipated that the proposed

development will be likely to have a significant impact on this species group.

## **Landscaping**

### *Trees*

The Senior Landscape Officer has examined the proposals and commented that site measures 0.54 hectares of agricultural land bounded by Chester Road to the west and a farm track and the school to the south. There is a well established hedgerow to the south adjoining the track and a 'gappy' hedge on the western boundary adjoining Chester Road which contains two mature trees.

The application is supported by a tree survey, tree constraints plans and an Arboricultural Impact Assessment. The tree survey affords the roadside Oak tree a Grade A and recommends the Sycamore tree for removal on grounds of poor condition.

The current proposal will involve the removal of the above mentioned Sycamore tree and a length of the southern boundary hedge. According to the tree survey protective measures are recommended to allow the successful retention of the mature Oak tree, together with retained lengths of hedgerow. According to the Councils Landscape Officer the removal of a poor quality Sycamore tree is reasonable and subject to appropriate protection the Oak tree should be retained.

### *Hedgerows*

According to the submitted plans will necessitate the removal of a section of the southern boundary hedgerow (and in order to comply with the highways engineer request a section of the northern hedgerow will need to be removed). The proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should the hedgerow be found to be 'Important' is a significant material consideration. The applicant has failed to assess the hedgerow in order to determine whether it is 'Important'. Consequently, this will form an additional reason for refusal.

## **Historic Battlefield**

The application site forms part of the 1644 battle of Nantwich battlefield. According to Policy BE.17 (Historic Battlefields) states development proposals within the historic Nantwich battlefield will only be permitted where there would be no adverse effects on

- The historical value of the site;

- Its archaeological value;
- The appearance of the landscape; and
- They would not prevent the historical interpretation of the site.

The battlefield at Nantwich is of considerable local, regional and national interest, although registered battlefields do not currently have statutory protection. They are, however, a material consideration in planning terms. It is noted that battlefields are not easy to conserve as part of a development because what is of significance tends to be topographical features such as slight changes in elevation.

It is noted on English Heritage interpretative plan of the battlefield includes an area of high ground that is within the proposed development. Some of the hedgerows that remain today were also of importance during the battle. Colleagues in English Heritage have been consulted and they consider that the proposed development will destroy such features and it is uncertain whether there is any suitable mitigation that would compensate for the loss.

It is considered that the applicant has failed to provide sufficient justification for the loss of this important heritage asset and as such is contrary to policy BE.17 (Historic Battlefields) and advice advocated within the National Planning Policy Framework.

### **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 could be controlled through the imposition of a planning condition.

### **Other Matters**

A number of objectors are concerned that if this application is approved a precedent will be set for other similar types of development in the immediate area. However, this is a hypothetical situation and all cases must be determined on their own merits and any future applications would need to be considered against the circumstances applicable at that time.

A number of objectors state that the application site is located within the Green Belt. However, the site is located wholly within the open countryside.

## **10. CONCLUSIONS**

The proposed development relates to the provision of affordable housing outside the settlement boundary of Acton. This type of development is

appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. The current proposal is for 14 dwellings which are made up of 4x 2-bed houses, 9x 3-bed houses and 1x 4-bed house. However, it is considered that there is a requirement for only 10 units and more 1 and 2 bedroom units. 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 this provision of affordable housing on this site will form a reason for refusal.

The layout, design and scale of the proposed dwellings are not considered to be appropriate. The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species.

The proposed development would not have a detrimental impact upon highway safety or traffic congestion and the Strategic Highways Manager has requested that the visibility be secured by condition.

The proposed development will be constructed on the Nantwich battlefield, which is a significant heritage asset. According to guidance advocated within Policy BE.17 and the NPPF, the applicant should provide clear and convincing justification for building on the site. The substantial harm to or loss of designated heritage asset should be wholly exceptional and it is not considered that the applicant has demonstrated the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, and this will form a reason for refusal.

The applicant is proposing on removing sections of hedgerow, and no hedgerow assessment has been conducted to ascertain whether they are 'Important'. Consequently, this will form another reason for refusal.

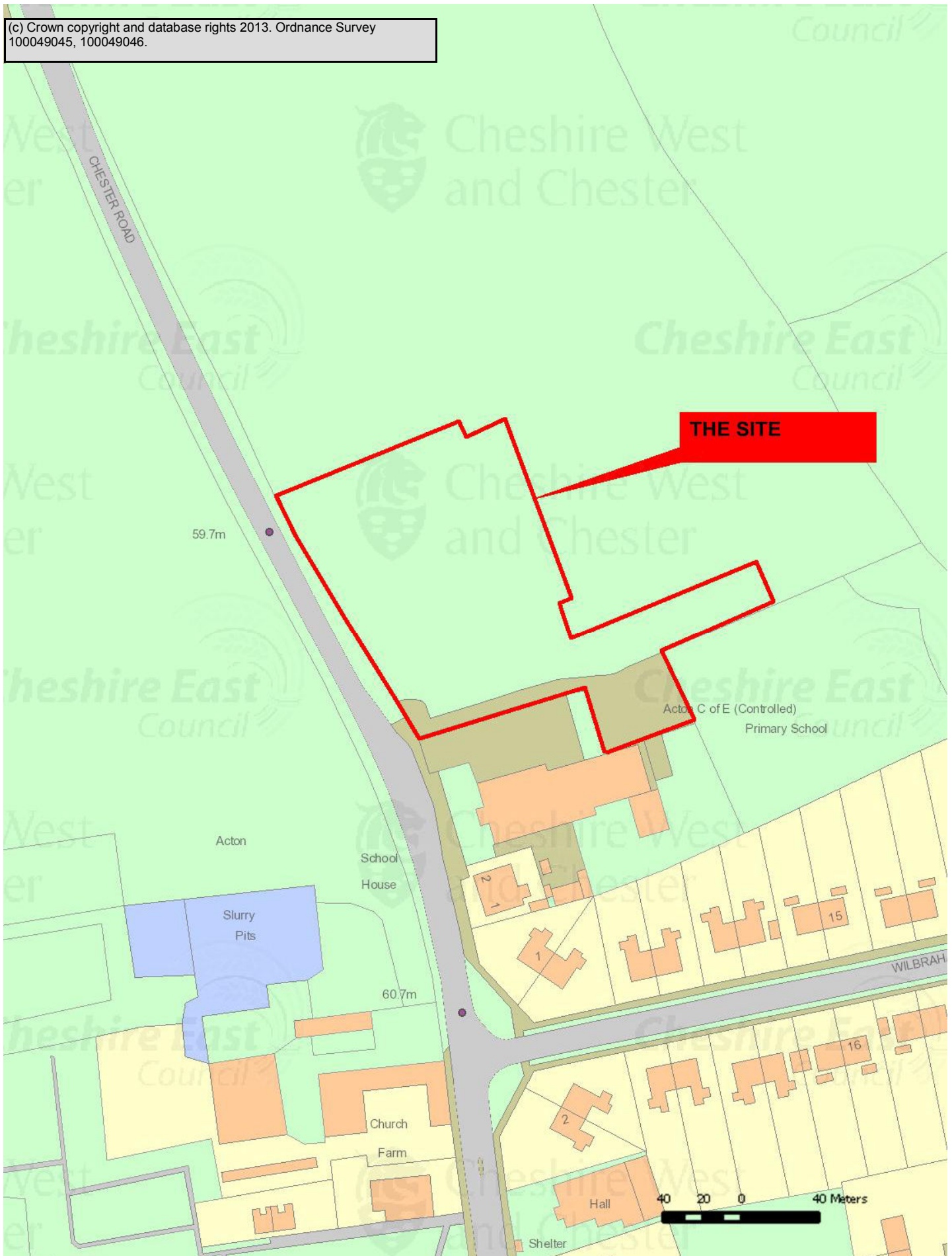
#### **11. RECOMMENDATION: Refuse for the following reasons**

- 1. The proposed development, by means of its layout, design and siting would be out of character with the existing residential development in this rural settlement contrary to Policies BE.2 (Design Standards) and BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 2. The proposed development relates to the provision of affordable housing within the open countryside adjacent to the Acton Settlement Boundary. The rural housing survey does not identify a need for this number of affordable houses within the Parish of Acton. Furthermore, the SHMA shows an oversupply of 3 bed accommodation and the proposal is for 9 out of 14 units to have 3 bedrooms. 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 Policies RES.8 (Affordable Housing in Rural Areas Outside the Settlement Boundaries) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the Interim Planning Statement on Affordable Housing and the NPPF.

3. Insufficient archaeological or historic information has been submitted to determine whether the hedgerow to be removed is of significance according to criteria set out in the Hedgerow Regulations. Without sufficient information the development would be contrary to policy NR.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.
4. The development will have an adverse impact on the Nantwich battlefield which is a significant heritage asset and as such is contrary to policy BE.17 (Historic Battlefields) of the Borough of Crewe and Nantwich Replacement Local Plan and advice advocated within the National Planning Policy Framework.

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Application No: 13/0535C

Location: CHERRY LANE FARM, CHERRY LANE, CHURCH LAWTON,  
CHESHIRE, ST7 3QX

Proposal: Demolition of existing barn and construction of four new residential dwellings.

Applicant: Mr & Mrs David Leech

Expiry Date: 07-May-2013

**SUMMARY RECOMMENDATION: Approve subject to conditions.**

**MAIN ISSUES:**

**Principle of the Development  
Design**

**Amenity of Neighbouring Properties**

**Highway Safety**

**Ecology**

**Landscape and Trees**

**Impact on the Green Belt**

**REASON FOR REFERRAL**

The application has been called in by Councillor Rhoda Bailey on the grounds that: *"The proposal could give rise to issues of the desirability of building on a brownfield site within green belt, the removal of agricultural requirements, and possible overbearing effect on the neighbouring dwelling and business. These matters would be best dealt with by the planning committee."*

**DESCRIPTION AND SITE CONTEXT**

This application relates to a site currently occupied by former agricultural buildings which is in use by an existing business which supplies hay and fertiliser. It has been confirmed in a previous appeal decision that the use of the site is B8, Storage and Distribution and is therefore considered to be Brownfield.

The site is located on the northern side of Cherry Lane in Church Lawton, which lies within the South Cheshire Green Belt as designated in the adopted Congleton Borough Local Plan First Review.

**DETAILS OF PROPOSAL**

The application seeks full planning permission for the demolition of the existing barn and the erection of four residential dwellings. The buildings are designed to reflect the rural character of the site and take the form of a barn style building that would house two dwellings, a

building described as the Piggery which would house one dwelling and a building described as the farm house that would also house one dwelling.

### **RELEVANT HISTORY**

23871/3      1992      Approval for change of use from broiler houses to storage and distribution of hay, straw and fertiliser

09/3850C      2010      Withdrawn application for agricultural dwelling

10/2414C      2010      Refused application for agricultural dwelling. Appeal dismissed 2011

### **POLICIES**

#### **National Guidance**

National Planning Policy Framework (March 2012)

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

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

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

PS7 Green Belt

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

SPG2 Provision of Private Open Space in New Residential Developments  
SPD14 Trees and Development

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

### **Environmental Protection:**

Request that the hours of construction and any necessary piling are limited by condition and that a Phase II Contaminated Land Investigation should be undertaken.

### **Highways:**

No objection to the provision of four dwellings at Cherry Lane Farm, subject to the amendment of the existing agricultural access to form a private drive that accords with the standards prescribed within the Design Guidance. The requirement to alter the access arrangements should be identified within a condition attached to any subsequent planning consent. The applicant will also be required to enter into a S.184 agreement under the Highways Act 1980 for the provision of a footway crossover.

The Design and Access Statement identifies an intention to provide a minimum of two spaces per dwelling. I would recommend that a condition is attached to any subsequent planning consent identifying the requirement to provide parking in accordance with the emerging Cheshire East standards; namely the following:

- Three Bed Dwellings – Two Spaces (no. 2)
- Four Bed Dwellings – Three Spaces (no. 2)

### **United Utilities**

No objections.

## **VIEWS OF TOWN COUNCIL**

Church Lawton Parish Council has several reservations about this site and fully supports the objections of the neighbouring residents.

The Parish Council is particularly concerned with problems already present in Cherry Lane. This is a narrow country lane which has very little maintenance, existing traffic which include the very large straw & hay lorries already operating from the site, Alsager Plant Hire, Garden Nursery, Private cattery & PDSA cattery already encounter problems as detailed below.

The Design & Access statement says that 'the site is well served by vehicular routes via the A50'. The route directly to the A50 via Cherry Lane is a particularly narrow road with a single track bridge over the canal which can only accommodate one vehicle at a time that is situated on a 'blind' bend.

There are many issues with this route and the Parish Council feels that there should be no additional traffic introduced into this area. The alternative route in the other direction to Sandbach Road is regularly used by the straw & hay lorries & is also a 'rat run' at rush hour times to avoid Lawton traffic lights.

It is considered that the site is unsuitable for housing due to :

- a) lack of main sewerage
- b) proximity to existing straw & hay storage business
- c) possible contamination from nearby land used in the past by Twyfords for dumping waste.

It is felt this that this latter point should be investigated as Twyfords dumped waste over a period of 5 years in the adjacent field.

The current 'barn' on the site is single storey & the proposed dwellings are double storey. This would mean the proposed properties will be directly over looking Valley Cottage, kennels & cattery buildings.

The application makes no reference to the fact the proposed dwellings back onto an existing boarding kennel & cattery business which has been in situ for the last 25 years.

There is no need for further housing in this particular location. A recent planning application within half a mile from this site has been approved on a brownfield site for a residential development to provide housing that will amply fulfil the requirements of the National Planning Policy Framework.

For the above reasons the Parish Council feels that whilst this application is for a small number of houses no further development on Cherry Lane is appropriate as it certainly does not need ANY further traffic either using it or accessing it.

The Parish Council therefore request that this application be refused.

### **OTHER REPRESENTATIONS**

Three representations been received relating to this application, expressing concerns about the following:

- Highway safety
- Additional buildings in the Green Belt
- Drainage
- Misleading information in the application

### **OFFICER APPRAISAL**

#### **Principle of Development**

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

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

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

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The National Planning Policy Framework (NPPF) in paragraph 89 sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. One of the exceptions to this that it lists in this paragraph is, *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

This proposal is for the demolition of the existing barn and construction of four new residential dwellings. In 1992 consent was granted for a change of use to storage and distribution (23871/3). The Inspector in his decision notice for application number 10/2414C confirmed that the site benefits from a B8 Use Class and is therefore classified as brownfield.

The new dwellings would be 1.9 metres higher than the existing barn; however the footprint would be reduced by 559 square metres and the volume reduced by 982 cubic metres. In addition, there would be gaps between the buildings, opening up views through the site, whereas currently there is a building with elevations 35 metres long.

Paragraph 215 of the NPPF states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*. Policies PS7 and H6 do not contain the exception as laid down in paragraph 89 and as such the NPPF takes precedence.

Given the factors addressed above, the proposal is considered to be acceptable in principle as there would be no greater impact on the openness of the Green Belt than that of the existing building on the site. The proposal is therefore in compliance with the National Planning Policy Framework.

## Design

The proposal comprises the demolition of the existing redundant barns on the site and replacement with three buildings. The buildings are designed to reflect the rural character of the site and take the form of a barn style building that would house two dwellings, a building

described as the Piggery which would house one dwelling and a building described as the farm house that would also house one dwelling.

The buildings would create what would appear to be a farm complex that would be appropriate to this rural area. The materials used in their construction would be Cheshire brick, slate for the roofs and timber for the windows and doors. It is considered that the design of the buildings is acceptable in this rural location. All three buildings would be two-storey, but would be 1.9 metres higher than the existing building at the ridge, this however is considered to be acceptable due to the reduction in the footprint and volume from that of the existing building. In design terms, the proposal is therefore considered to be in accordance with Policy GR2 of the adopted local plan.

### **Amenity**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking.

The nearest properties to the application site are Lawton Valley Kennels and Cattery to the south west, (45 Lawton Heath Road) to the north west and Bridge House Farm to the east. All of these properties are in excess of 50 metres away from the proposed dwellings and as such they would not suffer any significant loss of amenity if the application was approved.

The Parish Council have raised the issue of proximity to the existing hay storage business and the kennels and cattery and the possibility of contamination being present in the neighbouring field. It is not considered that the hay storage business or kennels and cattery, would have any significant adverse impact on the amenity of the proposed dwellings. The levels of noise and activity at the hay storage business, due to its size would be acceptable. The distances between the cattery and kennels and the site is in excess of 80 metres.

Having regard to land contamination, the Environmental Protection Section of the Council has requested that a Phase II Land Contamination Assessment is undertaken prior to commencement of development in order to ensure that there are no risks relating to the proposed development.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Highways**

The existing access to the site will be utilised and two parking places provided for each of the dwellings. The objections to the proposal have raised the issue of highway safety; however, given the limited number of dwelling proposed and the resultant additional vehicle movements, it is not considered that a refusal on highway safety grounds could be sustained. In addition the Strategic Highways Manager has no objections to the proposal subject to conditions relating to the access and parking.

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

### **Ecology - Protected Species & Nature Conservation**

No evidence of roosting bats or barn owls was recorded during the survey undertaken and the building subject to this application has limited potential to support these species. It is therefore considered that with the exception of nesting birds protected species do not present a constraint on the proposed development. If consent is granted a condition should be imposed to safeguard breeding birds.

### **Landscape and Trees**

The proposal would retain the existing tree and hedges on the boundary with Cherry Lane and the other boundaries of the site. It is considered that additional planting may be required and as such a condition should be imposed requiring the submission of a landscaping scheme. Tree protection measures should also be secured by condition.

The application states that the boundary treatments would be in the form of post and rail fencing, a condition should be imposed requiring submission of full details of boundary treatments.

### **Impact on the Green Belt**

As stated in the 'Principle' section of this report, paragraph 89 of the NPPF allows for development in the Green Belt on brownfield sites. This is subject to the development not having a greater impact on the openness of the Green Belt. In the case of this proposal the existing building is single storey and the new buildings would be two-storey. However the increase in height would be 1.9 metres; however the proposal would decrease the footprint by 559 square metres and the volume by 982 cubic metres and would open up views through the site. As such it is considered that its impact on the openness of the Green Belt than the existing building.

It is therefore considered that there would be no greater impact on the openness of the Green Belt than that of the existing development, in compliance with paragraph 89 of the NPPF.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

The development would have no greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development, due to the reduction in the footprint and the volume of development on the site.

The proposal is of an acceptable form that would not cause harm to the visual amenity of the surrounding area. The proposals impact upon neighbouring amenity, protected trees and highway safety would also be acceptable and as such the proposal complies with the relevant local and regional planning policies. The application is therefore recommended for approval accordingly.

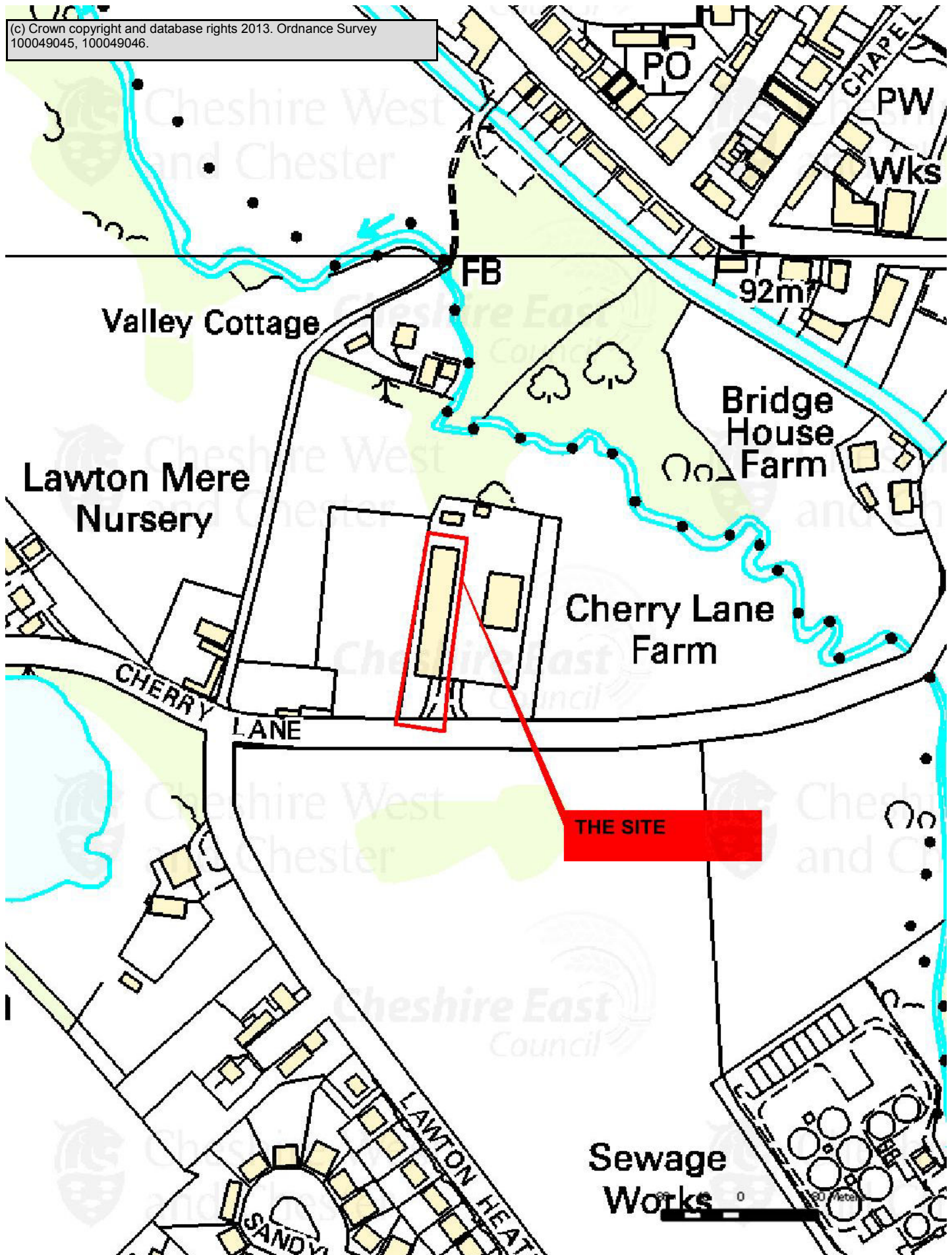
**RECOMMENDATION:** Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Submission of details of external materials
4. Submission of a Phase II Contaminated Land Assessment

5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of construction method statement.
7. Submission of landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.
10. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations.
12. Protection measures for breeding birds.
13. Removal of permitted development rights for extensions outbuildings and boundary treatments



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Application No: 13/0673N

Location: OVERWATER MARINA, COOLE LANE, NEWHALL, CHESHIRE, CW5 8AY

Proposal: Variation of condition 22 on approval P08/1239 relating to the use of the cafe/shop

Applicant: Janet Maughan

Expiry Date: 20-May-2013

**SUMMARY RECOMMENDATION: Approve with conditions**

**MAIN ISSUES:**

- **Impact of varying condition 22 on planning approval P08/1239 relating to the use of the café/shop**

**1. REASON FOR REFERRAL**

This application is to be determined by the Southern Planning Committee because the application is for the variation of a condition of a major development which has a site area which exceeds 1,000 square meters.

**2. DESCRIPTION OF SITE AND CONTEXT**

The marina is located on the east side of Coole Lane but west of the Shropshire Union Canal. The access is located north of the barn conversion known as Sandown Reach and south of the dwelling known as the Beeches. The café/shop within the site has been open to the public for sometime however condition 22 of the original permission for the site states,

*'The cafe in the facilities building hereby approved shall be for the benefit of users of boats at the marina only and not for use by the general public. It shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall not be extended in any way without the prior submission and approval of a separate planning application.'*

*Reason:- To ensure that the cafe is ancillary to the use of the marina and enable the Local Planning Authority to exercise control over development at the site, in the interests of sustainable development and shopping Policies which seek to ensure that retail activities are concentrated in towns and villages of the Borough. In accordance with Policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open*

*Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.*

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

The application seeks to vary condition 22 by removing the reference to *'shall be for the benefit of users of boats at the marina only and not for use by the general public'*, therefore allowing the café/shop to be used by the general public.

### **4. RELEVANT HISTORY**

11/1223N - Footbridge over Marina Entrance – Approved with conditions 12<sup>th</sup> July 2011

09/2831N - Variation of Condition 9 of Planning Approval P08/1239 for Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking – Refused 19/10/2009

09/2957N - H frame pole mounted substation transformer and switch house – Approved with conditions 20<sup>th</sup> November 2009

P08/1239 - Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking - approved 21<sup>st</sup> January 2009.

### **5. POLICIES**

#### **National Planning Policy**

National Planning Policy Framework

#### **North West of England Plan – Regional Spatial Strategy 2021.**

DP7 Promote Environmental Quality

RDF2 Rural Areas

MCR4 South Cheshire

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

RT2 Managing Travel Demand

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

#### **Policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE.2 (Open Countryside)

NE.11 (River and Canal Corridors)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

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

**Highways:** No highway objections.

**Environmental Health:** No objections

**Environment Agency:** No comment to make.

**Cheshire Wildlife Trust:** No comments to make.

**Natural England:** No comments to make.

**Canal and River Trust:** No comment to make

**Public Rights of Way:** Can confirm that the development does not appear to affect a public right of way.

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

**Newhall Parish Council:** No representations to make.

**Audlem Parish Council:** Audlem Parish Council wishes to convey that it strongly supports the planning application 13/0673N for removal of conditions at Overwater Marina.

## **8. OTHER REPRESENTATIONS:**

A letter of general observation has been made by the occupier of 1 household. The main issues raised are;

- Although originally objected to the original development, impressed with the execution of the development,
- Although retrospective the proposed variation of condition is in keeping with the development as a whole,
- The marina has become a valuable addition to the local community and providing for a wider clientele would not be detrimental provided it does not detract from the established businesses in local areas,
- Committee should consider imposing a condition to improve pedestrian and cyclist access from the canal towpath by upgrading the surface of the access both along the two perimeter access lanes from the canal bridge adjacent to the Marina and from the stile from the lane into the Marina itself, both of which are difficult after wet weather and when the cattle have been driven along the lane. A failure to improve such access will deter passing foot and cyclist traffic from the canal, defeating one of the aims of the application and inevitably, the majority of increased trade will then use Coole Lane as the access point, which is particularly unsuitable for pedestrian visitors.

Letters of objection have been received from the occupiers of 3 households. The main issues raised are;

- No facilities were ever approved for the general public but have always been used for this reason,
- Access to the marina should remain private for safety reasons,
- Commercial use in the rural area is detrimental to the surrounding area,
- Various restrictions on the original permission have not been adhered to,
- Noise and general disturbance are already an issue,
- Live music events should not be permitted,
- Various comments have been left on Tripadvisor website clearly showing the café has been open to the public for some time,
- The marina has increased the amount of traffic in the area,
- During consultations of the original application the applicant assured that the café would not be open to the general public.

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

All details of the application are within the application form which is available to view on the planning website.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of development of the Marina at the site has already been accepted and is currently developed and has been open since 2010. This application seeks solely to vary condition 22 in relation to the use of the café/shop by the general public at the site. The main issues of this application are therefore the impact of varying the condition on the character and appearance of the open countryside, highway safety and neighbouring amenity.

### **Impact on the character and appearance of the Countryside**

The proposal seeks permission to alter condition 22 of the permission P08/1239 to allow the general public to use the café and shop on the site. This application is retrospective as the café/shop is currently open to the general public and would appear to have been for several years.

The reason for attaching the condition on the original application was,

*'Reason:- To ensure that the cafe is ancillary to the use of the marina and enable the Local Planning Authority to exercise control over development at the site, in the interests of sustainable development and shopping Policies which seek to ensure that retail activities are concentrated in towns and villages of the Borough. In accordance with Policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.*

Since the original application was approved the National Planning Policy Framework has been introduced which has a clear aim to support economic growth in rural areas. The NPPF aims to support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. (para 28).

Local Plan Policy RT.8 allows for development to promote the use of canals provided there is no adverse impact on the surrounding environment. Policy BE.2 states that development should achieve a high standard of design and wherever possible enhance the built environment: also that development should respect the pattern character and form of its surroundings.

The café/shop unit has been used in breach of the condition for several years and does not appear to have had a significantly detrimental impact on the surrounding area by means of impact on the surrounding businesses, amenity or highway. It is considered that the café use should be restricted to A3 use only, removing the ability to change to A1 or A2 without permission. The limited size of the floor space of the shop element would restrict the ability for it to become a significant retail impact on the rural economy. This would allow the Local Planning Authority to retain an element of control over the use of the site and require a further planning application for any alterations. It is therefore considered that opening the café up to the general public would not have a significant impact on the character and form of the rural location, and would help to improve the vitality of the rural area.

### **Amenity**

The use of the café/shop for the general public is likely to increase the traffic movements to and from the site from that which was considered in the original application. However, given the proposal is retrospective it is unlikely that the change of the condition will have an significant increase in traffic movements than that which already occurs, and therefore in turn the proposal is unlikely to have a significantly negative impact on neighbouring amenity. Environmental Health has raised no objection to the alteration of the condition and therefore it is considered unlikely that the proposal would have any increased adverse impact on the neighbouring dwelling than that which has already been accepted and occurs currently.

### **Impact on Highway Safety**

Whilst it is noted that the use of the café/shop for public use was not considered within the original application, the building has been open to the general public for several years. The Strategic Highways Manager has raised no objections to the proposal and it is therefore considered that the current traffic created by the site is acceptable and therefore altering the condition will not have a severely detrimental impact on highway safety.

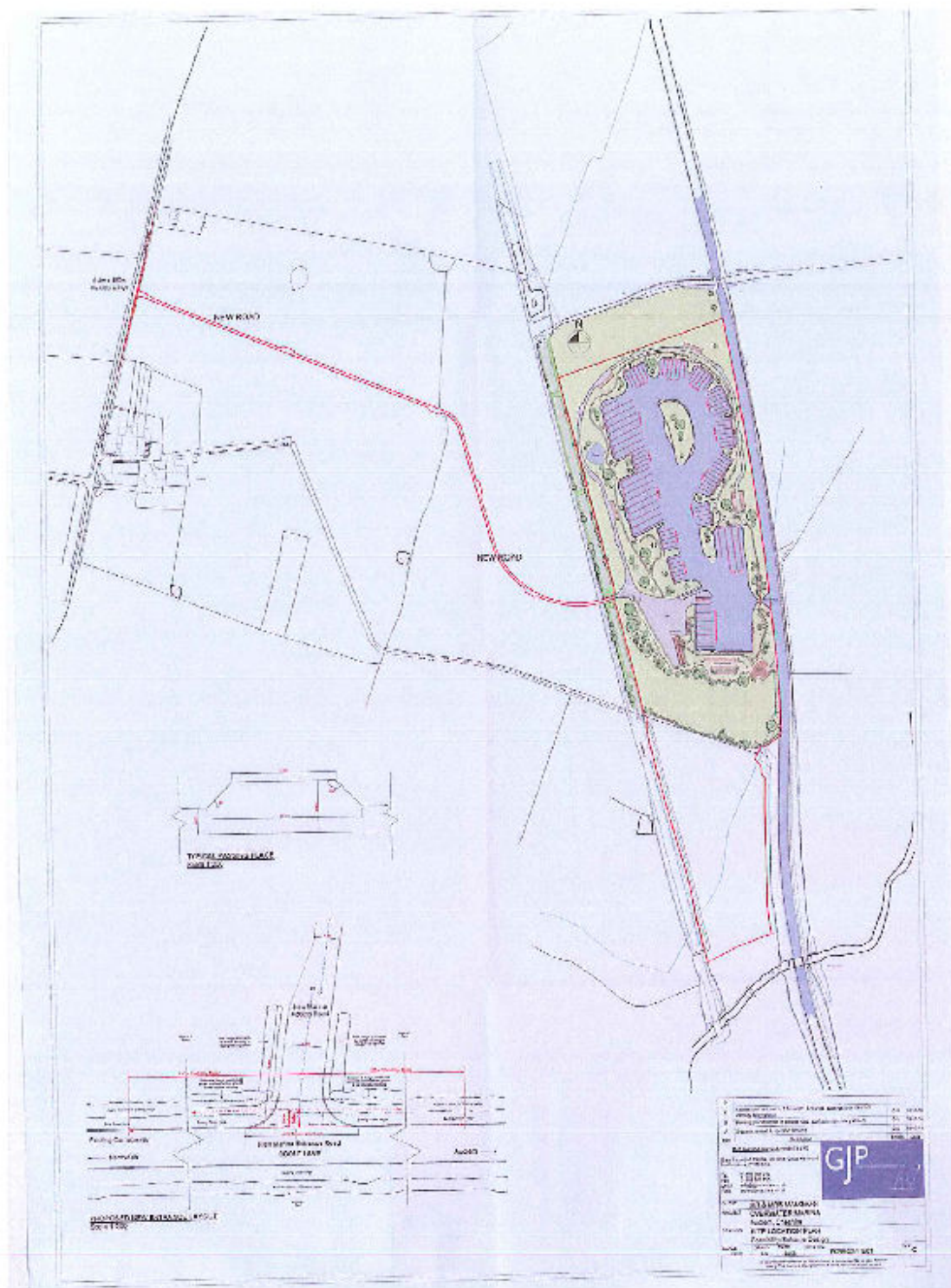
## **11. CONCLUSIONS**

The National Planning Policy Framework seeks to support sustainable rural tourism and allowing the building to be lawfully used by the general public will help to improve rural tourism in the area. The building has been available to the general public for sometime and therefore it is considered that the proposal to alter the condition would not have a negative impact on the neighbouring amenity or highway safety. The proposal is therefore considered to comply with Local Plan policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

**12. RECOMMENDATION**  
**Approve with conditions**

1. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed.
11. No hire boats available from the marina without the prior submission and approval of a planning application





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Application No: 13/0765C

Location: OLD FODEN WORKS, TRAINING CENTRE, HILL STREET,  
SANDBACH, CHESHIRE, CW11 3JE

Proposal: Extension to Time Limit of Outline Planning Application 09/3337C for  
Demolition of Existing Industrial Unit, Clearance of Site and  
Redevelopment by the Erection of Residential Units

Applicant: CIC: Community Integrated Care

Expiry Date: 22-May-2013

#### **SUMMARY RECOMMENDATION**

Approve.

**MAIN ISSUES** The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

#### **REFERAL**

The application is included on the agenda of the Southern Planning Committee as the proposal is likely to comprise of more than 10 dwellings and is therefore a small-scale major development.

#### **DESCRIPTION OF SITE**

This application relates to site of the former Foden's factory-training centre located on the southern side of Hill Street in Sandbach. The site is rectangular in shape, measures approximately 0.253 ha. The industrial units that previously occupied the site have now been demolished.

In respect of the surrounding development, the former Elworth Wire Mills is located directly to the northwest, which has also recently been demolished. Residential properties are located to the northeast and southwest and a residential care home is located directly to the southeast. The site is situated within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

#### **DETAILS OF PROPOSAL**

This application seeks permission to extend the time limit attached to outline approval 09/3337C, which was a scheme allowed at appeal. This granted outline planning permission, with all matters reserved, for the erection of residential units at the site.

## RELEVANT HISTORY

08/2013/OUT - Demolition of existing industrial unit & redevelopment by erection of residential units that may include semi-detached/terraced dwellings – Refused

09/3337C - Demolition of existing industrial unit & redevelopment by erection of residential units – Allowed at Appeal

## 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
L4	Regional Housing Provision
EM11	Waste Management Principle

### 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
E10	Re-use or Redevelopment of Existing Employment Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in Residential Developments
SPD4	Sustainable Development

### Other Material Considerations

National Planning Policy Framework

ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

## **CONSULTATIONS**

### **Sandbach Town Council:**

No objection

### **Strategic Highways Manager:**

No objection subject to repeating previous highway conditions, agreements and informatives.

### **Environmental Protection:**

No objection subject to conditions restricting hours of construction / piling and conditions relating to land contamination.

### **Other Representations:**

Two letters have been received from a neighbouring occupier raising the following concerns:

- Demolition of the buildings has left the site looking like an eyesore
- Who owns the site and why has the development not been completed?
- How will the boundaries with neighbours be treated?
- Would appreciate some notice as to when building works will take place

## **OFFICER APPRAISAL**

### **SCOPE OF THIS APPLICATION**

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

### **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The application remains unchanged from the previous scheme that was allowed at appeal. The National Planning Policy Framework has been introduced but does not make any significant changes to the original policy position. Whilst there has been a change in position in terms of housing land supply, with the recent update to the Strategic Housing Land Availability Assessment (2013) and the Cheshire East Draft Strategy, this would not preclude this site from being brought forward. This is because the site is in a sustainable location within

the Settlement Zone Line of Sandbach and is previously developed. There is a presumption in favour of such development. Consequently, it is considered there has been no change in Local Plan Policy that would warrant an objection to the proposal.

There have been no material changes in circumstances on site since the previous approval except that the site has already been cleared. However, this does not have any implications that would require further consideration or that would require amendment of the conditions that were originally imposed by the Inspectorate.

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

A neighbouring resident has commented that they have no objection to the proposal, but are concerned that the site has not been brought forward and its derelict state detracts from the appearance of the area. Whilst such concerns are appreciated, the Council cannot force developers to implement planning permissions.

With respect to how the boundaries of the site will be treated, this would be something that would be considered and secured at the detailed reserved matters stage.

### **CONCLUSIONS**

It is considered that there are no materials changes since application 09/3337C was permitted that would warrant a refusal to extend the time limit of the permission. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the same conditions that were applied by the Inspectorate.

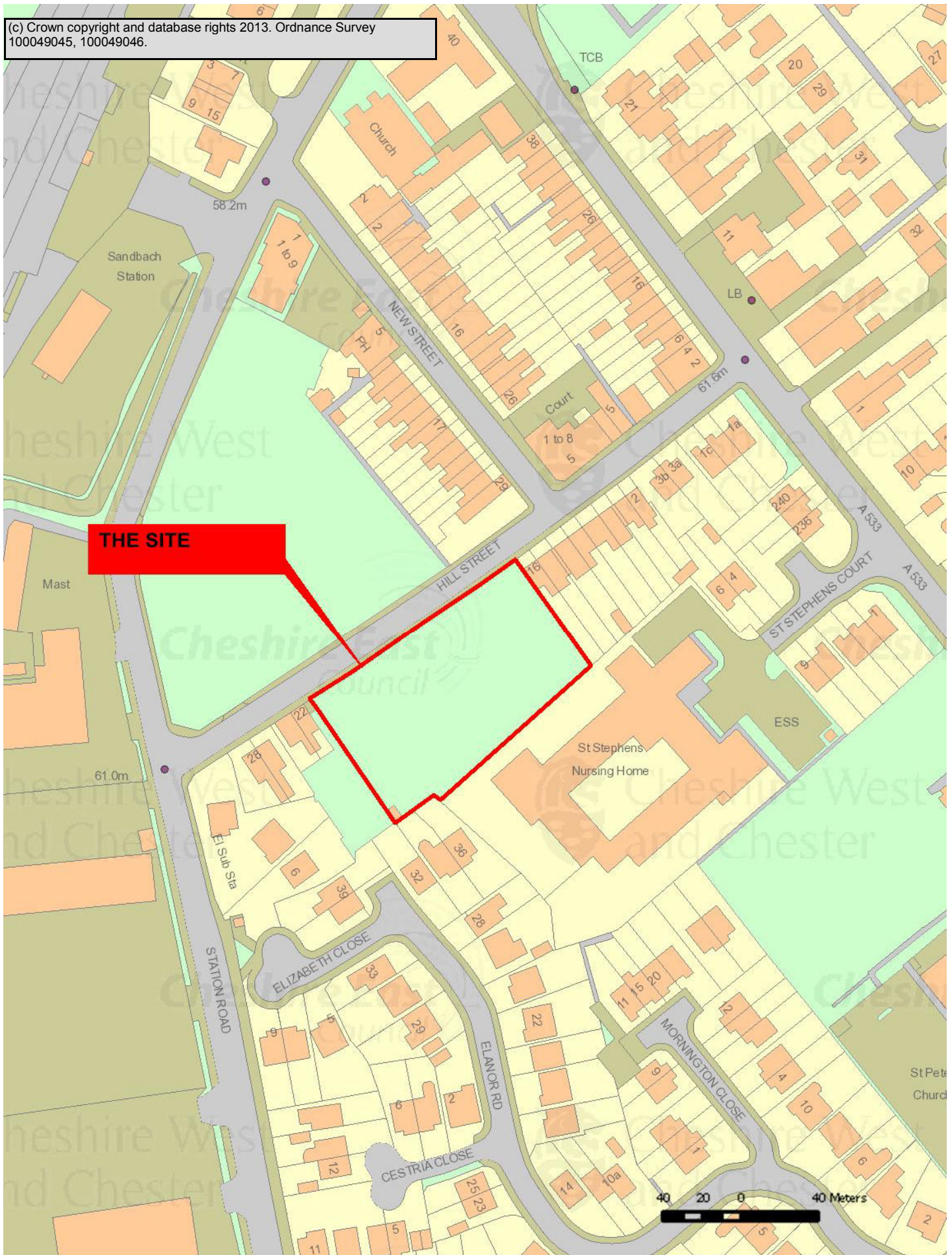
### **RECOMMENDATION**

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

- 1. Reserved to be submitted**
- 2. Time limit for Submission of Reserved Matters**
- 3. Standard time limit for implementation**
- 4. Contaminated Land Investigations to be carried out**



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Application No: 13/0992N

Location: LAND OFF, ST ANNES LANE, NANTWICH

Proposal: Variation Of Conditions (Plans) on Application 12/1989N - Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping And Associated Works.

Applicant: P. E. Jones (Contractors) Ltd

Expiry Date: 04-Jun-2013

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

**Principle of Development**

**Design, Impact on the Character and Appearance of the Locality/Streetscene**

**Impact on Amenity of adjacent properties**

**Other Matters**

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

This application seeks to vary the approved plans condition on 12/1989N which was an application for 24 dwellings and is therefore a small scale major which comes before Southern Planning Committee to make the decision.

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

The application site forms an area of land to the rear of Welsh Row, Nantwich on St. Annes Lane. The site was formerly occupied by Burgess (Agricultural Engineers) Ltd. The site is a square piece of land sited on the edge of the Nantwich Conservation Area with a small area to the north west falling within the Conservation Area. In the recent past the buildings on the site were demolished and the site is currently vacant. There is substantial tree coverage to the south of the plot with a mix of trees and buildings to the west. To the north of the plot is Whitehall Court where several buildings are accessed to the rear off Welsh Row. To the east of the site is an area currently used as a public car park. Beyond the car park is The Weaver Valley Riverside Park.

Planning permission was approved for 24 dwellings by Southern Planning Committee under planning reference number 12/1989N.

### 3. DETAILS OF PROPOSAL

This application seeks to vary the approved plans condition number 20 to alter the following minor design elements of the development,

- Plots 15 & 16 (as shown on elevations to St. Anne's Lane) – Dormers removed and eaves increased to 3 storey
- Plots 13 & 14 (as shown on the elevations to St. Anne's Lane) – Ridge height reduced by 900mm
- Plots 11 & 12 (as shown on elevation to St. Anne's Lane) – Eaves height reduced by 300mm
- Plots 3 & 4 (as shown on elevation to Whitehall Court) – Chimneys removed
- Plots 2 & 3 (as shown on elevation to rear of Whitehall Court) – Plot 2 roof now in front of Plot 3 roof
- Plot 24 (as shown on elevation in Courtyard West) – Door and window swapped at ground floor level
- Plot 22 & 23 (as shown on the rear elevation East) – Rear elevation amended to show flat brick arches above windows as front elevation
- Floor Plans for plots 3 & 4 – Winchester/Chester – removal of French windows on first floor of internal elevations
- Floor Plans of The Chelsea – Kitchen and bathroom layouts amended and windows adjusted so they do not interfere with internal layouts.

### 4. RELEVANT HISTORY

12/1989N - Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping and Associated Works – Approved with conditions 20<sup>th</sup> February 2013.

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

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

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

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

### 5. POLICIES

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

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure

DP5 Managing travel demand

DP7 Promote environmental quality

DP9 Reduce emissions and adapt to climate change

RDF1 Spatial Priorities

L4 Regional Housing Provision

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

EM3 Green Infrastructure

EM18 Decentralised Energy Supply

MCR3 Southern Part of the Manchester City Region

### **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Accessing and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on potentially contaminated land)

BE.7 (Conservation Area)

BE.16 (Development and archaeology)

RES.1 (Housing Allocations)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

TRAN.9 (Car Parking Standards)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

### **Supplementary Planning Documents**

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

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

### **Other Material Considerations**

National Planning Policy Framework 2012

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

**Strategic Highways Manager** – None received at time of writing this report (no objections to previous scheme).

**Environment Agency:** no further comments to add to our previous letter dated 14<sup>th</sup> June 2012

regarding your consultation reference, 12/1989N.

**Environmental Health** – No objections, subject to a condition for a Phase II investigation for contaminated land

**Natural England:** No comments

**Cheshire Wildlife Trust:** No further comments to make on this application.

**7. VIEWS OF THE TOWN COUNCIL** – No objections

## **8. OTHER REPRESENTATIONS**

Two electronic comments made by one household relating to lack of consultation of this application. No material planning considerations have been raised at the time of writing this report.

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

- Covering letter outlining the alterations and reason for them.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principal of residential development on the site for 24 dwelling has already been accepted in the original permission for the site under planning permission 12/1989N. Therefore the main issues in this instance relate to the impact of approving the amendments in relation to their impact on the streetscene, Conservation Area and amenity impact.

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

The proposal seeks to amend the approved plans (condition 20) with several small scale alterations, which would amount to a material change to the approved plans. Each element is addressed below.

Plots 15 & 16 (as shown on elevations to St. Anne's Lane), the dormers have been removed and eaves increased to 3 storey. This alteration is the most visible and is required to achieve acceptable headroom within the second floor. It is considered that this element will simplify the elevation which is visible within the streetscene and will not have a detrimental impact on the conservation area.

Plots 13 & 14 (as shown on the elevations to St. Anne's Lane), the ridge height has been reduced by 900mm due to error in the original drawings. This will have a minimal impact on the streetscene and conservation area.

Plots 11 & 12 (as shown on elevation to St. Anne's Lane) show the eaves height reduced by 300mm, again this will have a negligible impact on the overall development and is required to ensure the plot sits correctly with the adjacent plot 13.

Plots 3 & 4 (as shown on elevation to Whitehall Court) the chimneys have been removed because they cannot be sited within the roofs. Given that the surrounding dwellings retain the chimney stacks then the overall impact of the loss of two on these dwellings is negligible.

Plots 2 & 3 (as shown on elevation to rear of Whitehall Court) Plot 2 roof now in front of Plot 3 roof due to incorrectly drawn plans previously, and will have little impact on the over design of the development, as the elevations still retain the staggered element which reflects the property on Welsh Row.

Plot 24 (as shown on elevation in Courtyard West) door and window swapped at ground floor level. No impact on the streetscene.

Plot 22 & 23 (as shown on the rear elevation east) the rear elevation has been amended to show flat brick arches above windows; this again will have a limited impact on the overall scheme as it will not be visible from the Conservation Area.

Furthermore, the alterations to the floor plans for plots 3 & 4 (house type Winchester/Chester) and the floor plans of (The Chelsea) which amend the windows and layouts are acceptable and will have limited impact.

The overall number of alterations will have a material impact on the design of the approved scheme however it is considered that the alterations are acceptable and will have a minimal impact on the streetscene, approved layout and the conservation area as a whole.

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

The proposed amendments are largely cosmetic and will have very limited impact on the neighbouring amenity. The increase in height of Plots 15 and 16 face towards St Annes Lane and therefore will have no impact on the surrounding neighbours. Furthermore the alterations to the floor plans and elevations will have no further impact on neighbouring amenity than that which has already been accepted and therefore the proposed alterations are considered to be acceptable.

### **Other Matters**

All other elements of the development are to remain the same as those approved under planning application 12/2989N for 24 dwellings. Therefore it is considered reasonable to attach the same conditions as the previous application and require a deed of variation of the section 106 agreement which has previously been signed for 12/2989N to ensure the same level of contributions towards education, footpath improvements and affordable housing are retained.

Concerns have been raised in relation to the consultation of the application. All neighbours who adjoin the development site were consulted by letter and a site notice was erected at the site. Furthermore the application was advertised in the local press and therefore the Local Planning Authority have carried out consultation in accordance with the Councils Neighbour Notification Procedure.

## **11. CONCLUSIONS**

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

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions and the satisfactory completion of a deed of variation of the S106 Agreement for 12/1989N.

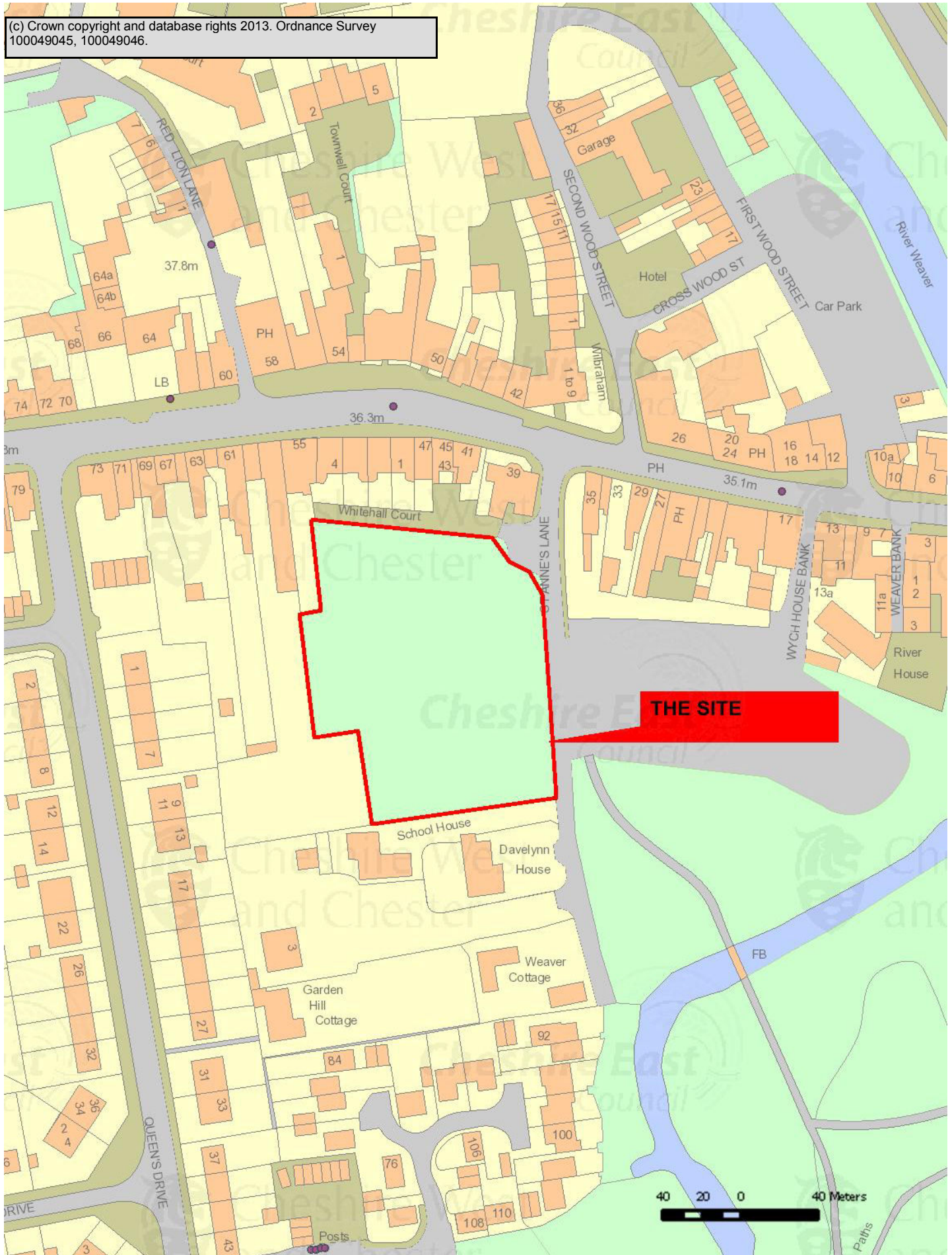
- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of an amended landscaping scheme to be approved in writing by the LPA**
- 4. Implementation of the approved landscaping scheme**
- 5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1**
- 6. Boundary treatment details to be submitted to the LPA and approved in writing**
- 7. Remove PD Rights for extensions and alterations to the approved dwellings**
- 8. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.**
- 9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.**
- 10. Drainage scheme to be submitted and approved in writing**
- 11. Development to be carried out in accordance with noise mitigation report**
- 12. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 13. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays**
- 14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 15. Completion of the proposed off-site highway works**
- 16. Windows, doors and gutter details to be approved in writing**
- 17. All bathroom and en-suite windows to be obscure glazed and non opening**

18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.
19. Construction method statement
20. Approved plans (as amended)

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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Application No: 13/1097N

Location: Land on, NEWTOWN ROAD, SOUND

Proposal: The erection of a detached property, double garage and associated access provision

Applicant: Paul Bradbury

Expiry Date: 05-May-2013

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

- Principle of development
- Impact of the design
- Impact on the amenity of neighbouring properties
- Impact on landscape features
- Impact on highway safety
- Impact on protected species and sites of nature conservation

**REASON FOR REFERRAL**

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Rachel Bailey due to the following reasons;

*'BE1 Amenity on neighbouring property  
Application appears to be contrary to Inspector opinion'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site forms a paddock located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011 Proposals Map. The site is located in the village of Sound, which does not benefit from a settlement boundary. The site fronts onto Newton Road, which is a country lane, and is located between two storey properties to the east and west. The Newton Road boundary is defined by a mature hedgerow of native species, there are numerous trees sited along the boundary of the site including a TPO tree on the boundary with Corner Cottage.

Approval was granted for a detached dwelling on this site at appeal on the 17<sup>th</sup> December 2012 following refusal by the Cheshire East Council Southern Planning Committee on the 28<sup>th</sup> March 2012.

## **DETAILS OF PROPOSAL**

This application proposes the erection of a two storey dwelling, double garage and the creation of a new vehicular access from Newton Road. However, as approval has been granted for a dwelling on this site, this application needs to consider whether the following proposed amendments to the approved scheme are acceptable:

- Increase the depth of the approved property to the rear by 0.675 metres
- Move the overall siting of the dwelling to the east by 0.5 metres
- Add a single-storey extension to the western side elevation of the property
- Increase the overall dimensions of the approved garage

## **RELEVANT HISTORY**

**12/0267N** - Erection of Detached Property, Double Garage & Associated Access Provision – Approved 17<sup>th</sup> December 2012

**7/14765** – Planning permission refused for a residential dwelling on 5<sup>th</sup> November 1987.

## **POLICIES**

### **Local Plan Policy**

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

### **Other Considerations**

National Planning Policy Framework (NPPF)

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

N/A

## **VIEWS OF THE PARISH COUNCIL**

**Sound and District Parish Council** – Object to the proposal on the following grounds;

- As part of negotiations on application 12/0267N, the dwelling was reduced to meet Planning Officers recommendations.

- As part of the Inspectors decision on 12/0267N – Permitted Development rights were removed for future extensions on the western elevation
- The appellants argued that the dwelling had been reduced in size as part of their successful argument at appeal of 12/0267N
- No reference has been made to the increase in the size of the garage or the new utility room

## **OTHER REPRESENTATIONS**

14 letters of neighbouring objection and a petition including 37 signatures have been received to this proposal. The main material issues raised include;

- The appellants argued that the dwelling had been reduced in size as part of their successful argument at appeal of 12/0267N
- As part of the inspectors decision on 12/0267N – Permitted Development rights were removed for future extensions on the western elevation
- As part of negotiations on application 12/0267N, the dwelling was reduced to meet Planning Officers recommendations.
- No reference has been made to the increase in the size of the garage or the new utility room
- Development is contrary to Open Countryside policy
- Development is contrary to conditions 2 and 15 of approved planning permission 12/0267N
- Loss of amenity – Loss of privacy, over shadowing
- Site does not constitute a built up frontage
- Potential impact upon a nearby SSSI
- Design – Out of character with local buildings, too large
- Highway safety – Additional vehicle movements

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Planning Statement  
Access Statement  
Tree Survey

## **OFFICER APPRAISAL**

### **Principle of development**

The principle of a new dwelling being constructed on this site has already been established following the approval of planning permission 12/0267N on appeal on 17<sup>th</sup> December 2012. As such, it is considered that the proposals would adhere with Policy NE.2 of the Local Plan subject to detailed assessment of the amendments to the approved scheme.

### **Amenity**

Policy BE.1 of the Local Plan advises that planning permission should only be granted where the proposed development would not have a detrimental impact upon neighbouring amenity in terms of overshadowing, overlooking or visual intrusion.

The two neighbours closest to the proposed extensions and alterations would be Corner Cottage to the east and Pritch House to the west.

In terms of the additional impact upon Corner Cottage, two of the proposed changes could potentially impact upon this neighbour. These are the re-siting of the overall dwelling by 0.5 metres to the east and the increased depth at the rear.

The re-siting of the dwelling would now result in the dwelling being approximately 4.8 metres away from this neighbour's side elevation (0.5m closer). Within the side elevation of this neighbouring property is a lounge window which looks over the application site. As with the approved development, this window would face the new dwelling's parking and turning area. The re-sited dwelling itself would be sited so that it would not be immediately in front of this window and has also been sited so that it is approximately 3.3 metres from the boundary. As such, it is considered that the proposed re-siting of the overall development would not be overly oppressive for this neighbour, although the dwelling would undoubtedly be visible / noticeable.

Given this minor shift in siting, it is also not considered that the proposed development would have any additional impact to this side upon loss of privacy or loss of light. It is also not considered that this shift in position would have a significant impact upon the rear elevation of this neighbouring property.

With regards to the proposed 0.675 metre increase in depth of the dwelling, to the rear of the property, Corner Cottage would be approximately 9.2 metres away from the southeast of this proposed change.

To the rear of Corner Cottage (the most impacted elevation) is a conservatory and the proposed development would be approximately 8.7 metres offset from this. It was considered as part of the original officer assessment that there was sufficient distance between the conservatory and the proposed dwelling to ensure that the development would not be overbearing for this neighbour. It is not considered that this additional 0.7 metres would change this conclusion. Also, as part of the original officer assessment, it was concluded that the proposal would result in some loss of daylight to the conservatory towards the late afternoon/early evening, but, again, due to the siting, spacing and aspect, it was considered that this would not cause significant harm. Due to the minor nature of this proposed extension, it is not considered any significant additional loss of light would be created.

Assuming no further openings are sought in the relevant side elevation of the new dwelling to this side, it is considered that this change to the approved dwelling would not create any additional amenity issues to this side. As such, it is recommended that this be conditioned, should the application be approved.

In terms of the additional impact upon Pritch House, given that the closest aspect of the proposed development would be 16.5 metres away, it is not considered that there would be any additional impact created on the amenities of this neighbour by the proposed changes.

The proposal does include the creation of a single-storey side extension on the western elevation that would extend approximately 3 metres to the west. As indicated this would be approximately 16.5 metres away from Pritch House.

Given this large separation distance and because the development would be single-storey, it is not considered that this addition would have a detrimental impact upon the amenities of the occupiers of Pritch House in terms of loss of privacy, loss of light or visual intrusion. It is also considered that the marginal re-sizing of the garage would have no additional amenity impacts for the same reasons.

Reference has been made by objectors to the inspector's agreement with the Council's condition removing Permitted Development Rights for extensions to the approved property. Specifically, it was advised within paragraph 21 of the inspectors decision that;

*'There was some discussion at the hearing about whether permitted development rights for extensions should be withdrawn. As set out above, the proposal was amended to address concerns about the impact of the development on the adjacent occupiers, and in particular Corner Cottage, and also to increase the space around the proposed dwelling to respect the character of the surrounding area. Having considered all the representations and assessing the situation at the site visit, I conclude that it is necessary to withdraw permitted development rights in respect to the 2 sides of the dwelling and in particular, extension which would come closer to Corner Cottage. The Council's suggested condition has therefore been amended to address these specific concerns.'*

Although permitted development rights have been removed, this does not prevent the applicant from extending the development or moving the approved development closer to these neighbouring dwellings. It only means that if the applicant wishes to do this, they would require planning permission in order for the specific issues to be addressed.

As a result of the above reasons, it is considered that the development would adhere with Policy BE.1 of the Local Plan.

### **Design Standards**

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed re-siting of the overall proposal by approximately 0.5 metres to the east would not have a detrimental impact upon the overall design. The increased depth of 0.675 would reciprocate the previous design and would be the same width and height as the approved dwelling and would be finished in materials to match the dwelling approved. As such, it is not considered that this proposed amendment would have a detrimental impact upon the overall design of the dwelling.

The single-storey side extension and the increased sizing of the garage would both appear subordinate to the associated dwelling and would therefore be of an acceptable scale. Subject to the finish / use of materials of these changes / developments matching the approved dwelling, it is considered that these additional changes would also be of an acceptable design.

As a result of the above, the proposed changes would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan.

### **Trees**

In terms of the impact of this amendment upon trees, the Council's Tree and Landscape Officer has advised that the proposal does not create any additional issues subject to the implementation of the tree protection measures identified on the tree protection plan dated 3/1/13.

As such, subject to this condition, it is considered that the proposed development would not have a detrimental impact upon trees and would adhere with Policy NE.5 of the Local Plan.

### **Ecology**

The proposed changes would have no additional ecological impact than the approved scheme. As such, the development would adhere with Policy NE.9 of the Local Plan.

### **Access and Parking**

The proposed development would have no additional impact upon highway safety or parking than the scheme approved. As such, the development would adhere with Policy BE.3 of the Local Plan.

### **CONCLUSIONS**

In conclusion, the proposed changes to the approved scheme are not considered to create any significant issues in relation to the Open Countryside, nature conservation, protected species, neighbouring amenity, design, access and parking, drainage or parking standards.

As such, the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.5 (Housing in the Open Countryside), TRAN.9 (Car Parking Standards). The proposal would also accord with the NPPF.

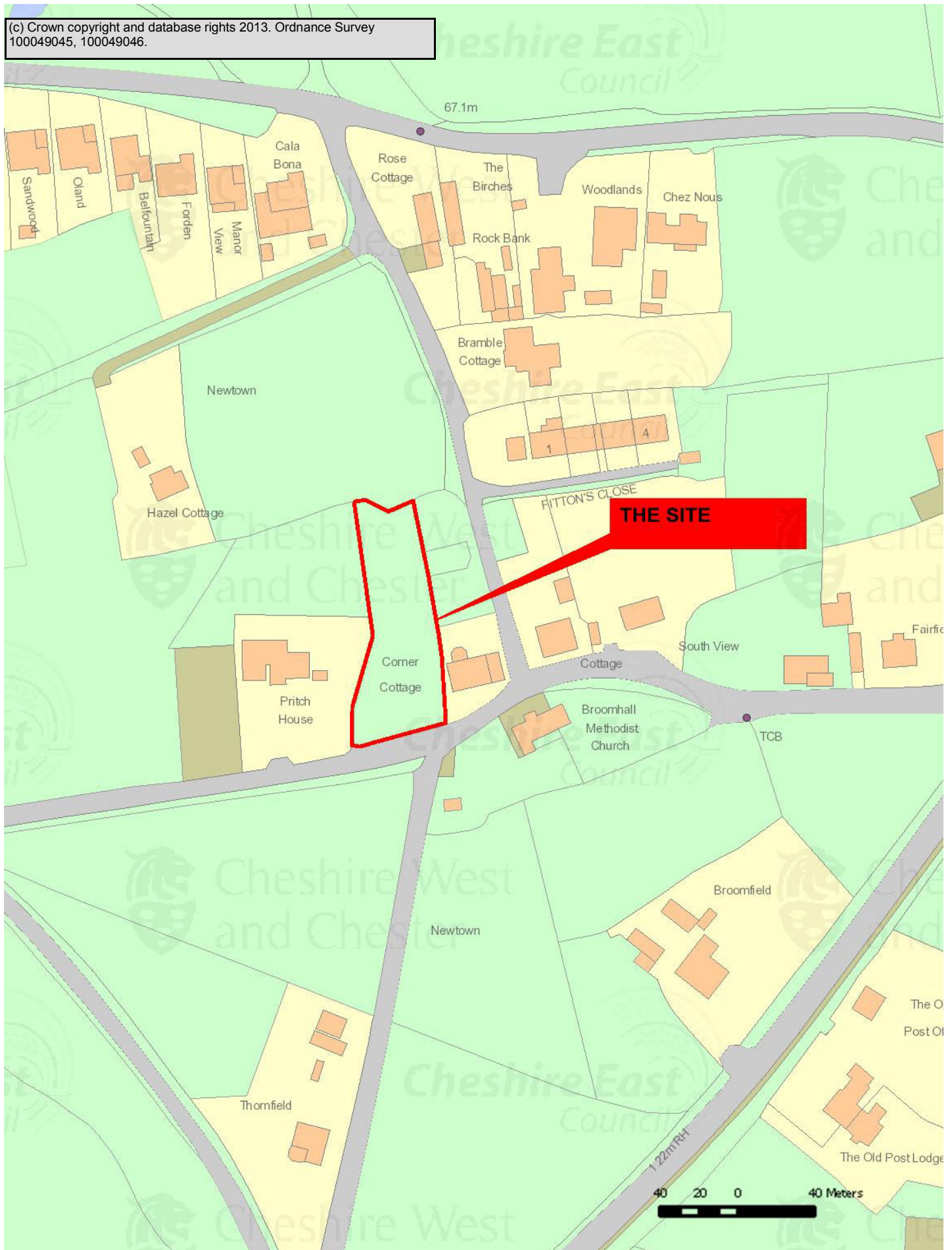
### **RECOMMENDATION**

**APPROVE** subject to the following conditions

1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of hard or soft surfacing materials
5. Prior submission of landscaping scheme
6. Implementation of approved landscaping scheme
7. Prior submission of drainage

- 8. Prior submission of boundary treatment**
- 9. Obscure glazing (x2)**
- 10. Hours of construction**
- 11. PD removal for extensions to the East and West elevations**
- 12. Nesting birds**
- 13. Implementation of tree protection plan**
- 14. Any gate, bollard, chain or other means of obstruction across the approved access should be inset by 5.5 metres from public highway**
- 15. Visibility splays of 2 metres by 25 metres to the east and 2 metres by 35 metres to the west of the proposed access onto Newtown Road shall be provided with no obstruction within the splay above 1 metre in height.**

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Application No: 13/1327C

Location: ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER, STOKE ON TRENT, ST7 2AE

Proposal: Removal Of Existing Concrete Canopy And Erection Of New Steel & Glass Canopy To Front Of Building . Building Of New Rear Doors & Timber Screen To Rear Of Building To Increase Space Of Store Room. Removal Of Existing Front Doors & Gates Replacing With Glass Automatic Sliding Doors

Applicant: Cllr S Jones, Alsager Town Council

Expiry Date: 21-May-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

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

**REASON FOR REFERRAL**

This application is before the Southern Planning Committee as it is an application submitted by Cllr Shirley Jones on behalf of Alsager Town Council.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises the existing Civic Centre situated on Lawton Road, Alsager. The centre is now controlled and run by the Town Council since being transferred from the control of Cheshire East Council.

The site is designated as being within the Settlement Zone Line and Principal Shopping Area of Alsager in the adopted local plan.

**DETAILS OF PROPOSAL**

Full planning permission is sought for alterations to the existing Civic Centre in order to improve the facilities and attract more people to use the facilities.

The improvements comprise the removal of the concrete canopy, iron gates and wood and glazed doors to the front elevation. These would be replaced with a glass and steel canopy, automatic sliding doors and LED lighting. To the rear the existing service doors would be moved and in order to enclose a small external area in order to increase the useable floor space in the building.

## **RELEVANT HISTORY**

07/0124/FUL                      2007    Approval for removal and replacement of access ramp

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP6 Marry Opportunity and Need

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

### **Congleton Local Plan 2005**

PS4                                      Towns

GR1                                      General Criteria for Development

GR2                                      Design

GR6                                      Amenity & Health

GR9                                      Accessibility, Servicing and Parking Provision

RC1                                      Recreation and Community Facilities

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

### **Highways:**

None received at the time of report writing, however there are no changes to the parking provision for the Civic Centre as it utilises the public car park to the rear.

### **Environmental Protection:**

None received at the time of report writing.

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

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

None

## **KEY ISSUES**

### **Principle of the Development**

The proposal is for internal and external alterations to the existing Civic Centre. The building is a community facility situated in the town centre of Alsager, where there is a presumption in favour of sustainable development as required by the NPPF and Policies PS4 and GR1 of the

adopted Congleton Borough Local Plan First Review 2005. The proposal is therefore considered to be acceptable in principle.

### **Design, Appearance and Visual Impact**

Local Plan policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered.

The proposal is for alterations to the front and rear of the building. To the front the existing concrete canopy and wood and glazed doors would be removed and replaced with a steel canopy highlighted by blue LED lighting and automatic glass doors. To the rear the service doors would be moved in order to enclose an existing covered area, bringing it in line with the main rear elevation of the building. It is considered that these alterations would improve the character and appearance of the building and would be sympathetic to the character, appearance and form of the surrounding area.

The proposal is therefore considered to be in compliance with the NPPF and Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review 2005.

### **Amenity**

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

The Civic Centre is situated in the town centre and is some considerable distance from residential properties. It is therefore considered that there would be no significant adverse impact on the residential amenity. The proposal is therefore considered to be in compliance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.

### **Highways**

Users of the Civic Centre utilise the existing public car park to the rear of the building and there will be no changes to this arrangement.

The proposal is therefore considered to be in compliance with Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

## **CONCLUSIONS**

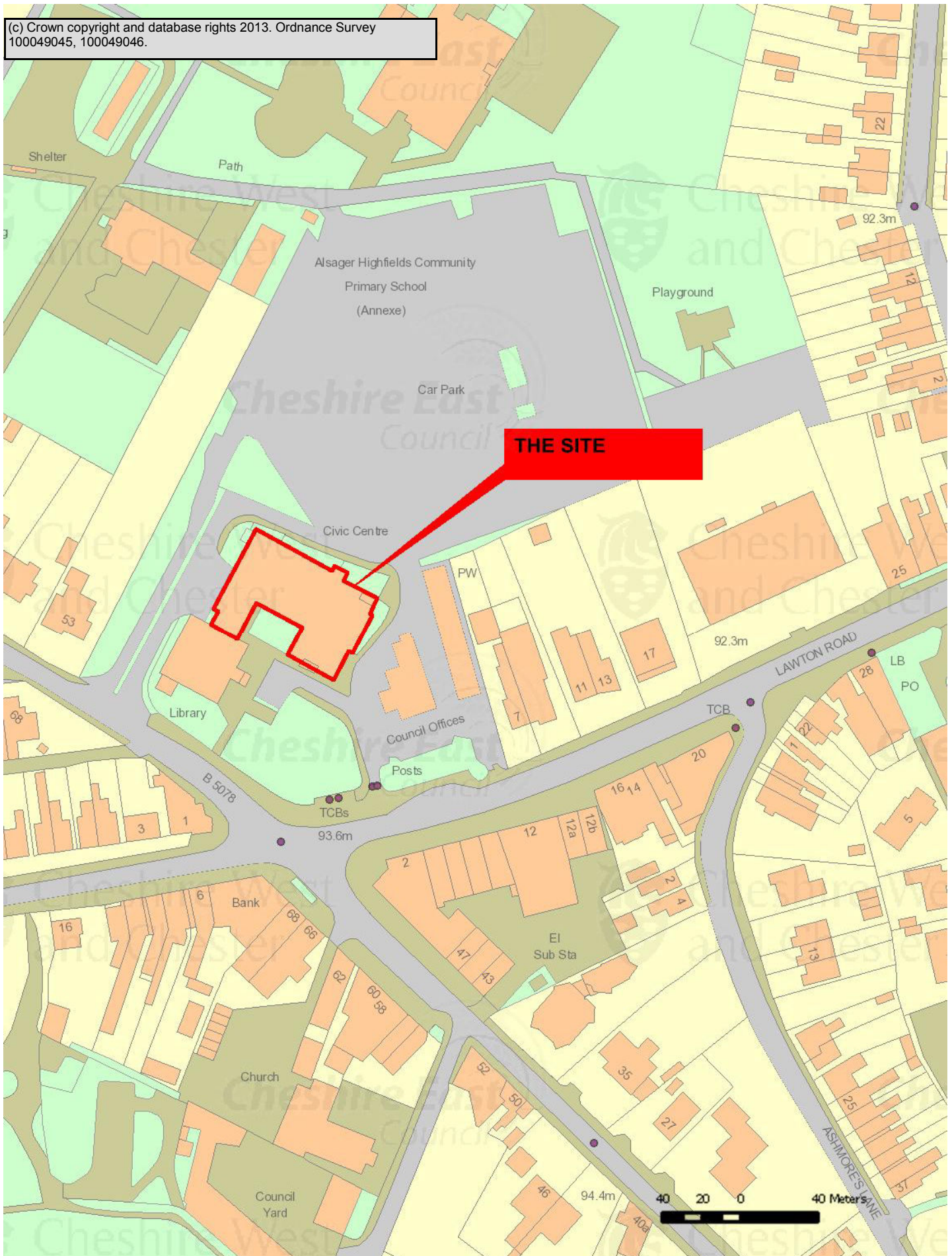
The alterations to the building would make a positive contribution to the character and appearance of the area and would improve the attractiveness of the facilities that can be provided. It is therefore considered that the proposal meets the requirements of the relevant policies in the adopted local plan and the NPPF and the application is recommended for approval.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

1. Time limit
2. Development in accordance with the approved plans
3. Materials in accordance with the submitted details

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Application No: 13/1331C

Location: ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER, ST7 2AE

Proposal: Advertisement Consent For 4 Fascia Signs, 4 Illuminated Poster Cases And 3 Occasional Banners

Applicant: Cllr S Jones, Alsager Town Council

Expiry Date: 21-May-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Visual Amenity
- Public Safety

**REASON FOR REFERRAL**

This application is before the Southern Planning Committee as it is an application submitted by Cllr Shirley Jones on behalf of Alsager Town Council.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises the existing Civic Centre situated on Lawton Road, Alsager. The centre is now controlled and run by the Town Council since being transferred from the control of Cheshire East Council.

The site is designated as being within the Settlement Zone Line and Principal Shopping Area of Alsager in the adopted local plan.

**DETAILS OF PROPOSAL**

Advertisement consent is sought for new signage at the existing Alsager Civic Centre.

The advertisements would comprise fascia signs, a sign identifying the building with the Town Council logo and four internally illuminated poster cases.

**RELEVANT HISTORY**

07/0124/FUL      2007    Approval for removal and replacement of access ramp

**POLICIES**

**National Guidance**

National Planning Policy Framework

**Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development  
DP4 Making the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility  
DP6 Marry Opportunity and Need  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF1 Spatial Priorities

### **Congleton Local Plan 2005**

PS4	Towns
GR1	General Criteria for Development
GR2	Design
GR6	Amenity & Health
GR9	Accessibility, Servicing and Parking Provision
RC1	Recreation and Community Facilities
S14	Advertisements

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

#### **Highways:**

None received at the time of report writing.

#### **Environmental Protection:**

None received at the time of report writing.

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

None received at the time of report writing.

### **OTHER REPRESENTATIONS**

None.

### **KEY ISSUES**

The key issues surrounding the determination of this application are whether the development is in accordance with Policy GR2 (Design), GR6 (Amenity), GR9 (Highways) and S14 (Advertisements). These Policies seek to ensure that advertisements are not detrimental to visual amenity or highway safety.

#### **Visual Amenity**

The proposal is for new top fascia sign on either side of the entrance to the building, a new illuminated entrance sign, lettering on the right front elevation identifying the building and four internally illuminated poster cases, two either side of the entrance. Temporary banner signs are also mentioned in the application; however details of these have not been submitted. These may or may not require consent depending on their nature and are not being assessed as part of this application.

Given the nature of the existing building, and the general character of the surrounding area, it is considered that the signs would be appropriate to the character and appearance of the



building. They would not have any adverse impact on the visual amenity of the area and be appropriate to emphasise the Civic Centre as a local facility.

### **Public Safety**

The building is set well back from the highway and the levels of illumination are considered to be acceptable as they would not have any adverse impacts on drivers of vehicles. The proposal is therefore considered to be acceptable in terms of public safety.

### **CONCLUSIONS**

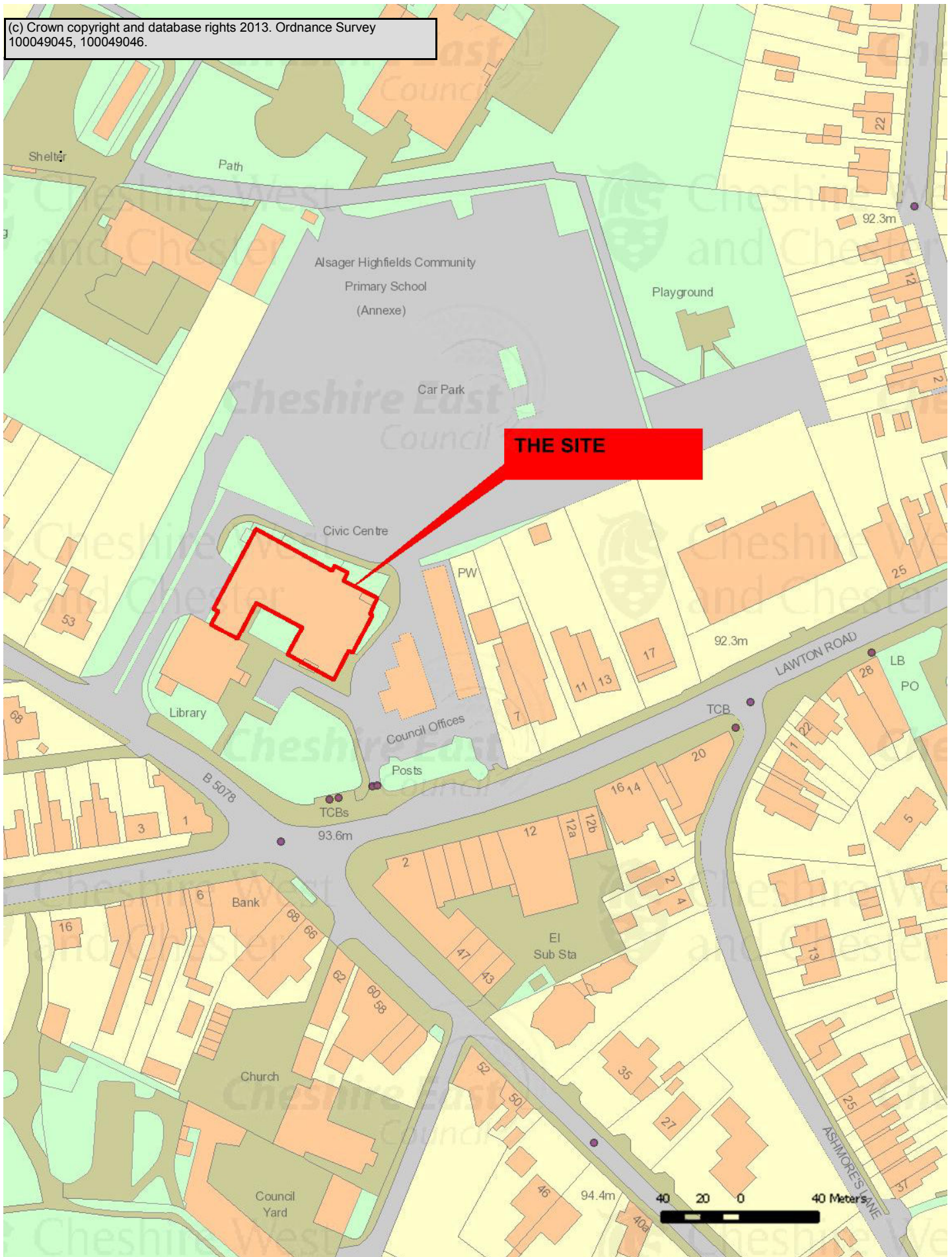
For the reasons given above and having due regard to all other material considerations it is considered that the proposed development complies with the relevant local plan policies and accordingly it is recommended for approval subject to the standard advertisement conditions.

### **RECOMMENDATION:**

#### **Approve subject to the following conditions:**

1. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to;
  - a) Endanger persons using any highway, railway, waterway, or aerodrome (civil or military);
  - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or to aid navigation by water or air; or
  - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
6. Development shall be carried out in accordance with the approved plans.

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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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<b>Date of meeting:</b>	1 May 2013
<b>Report of:</b>	Development Management and Building Control Manager
<b>Title:</b>	Proposed Deed of Variation to the Section 106 Agreement to allow for a widening of the eligibility criteria (P03/1059)
<b>Site:</b>	Weir Cottage Warmingham

---

#### 1.0 Purpose of Report

- 1.1 To consider a proposed Deed of Variation of part of the land the subject of a s106 Agreement dated 6 August 2004
- 1.2 This report is presented to Southern Planning Committee because the original application subject to a s106 Agreement was approved by the Development Control Committee of Crewe and Nantwich Borough Council

#### 2.0 Decision Required

- 2.1 To vary the s106 Agreement in respect only of Weir Cottage and its car parking space so as to change the definition of Borough Area to the administrative area of Cheshire East Borough Council and to reduce the residence or connection period to 3 out of the last 5 years.
- 2.2 This residential development in Warmingham is well established and the Applicant (Preferred Mortgages Limited) is seeking to sell a shared ownership lease to occupants who have connections with Cheshire East's administrative area through employment in Crewe.

#### 3.0 Background

- 3.1 The s106 Agreement relates to 3 units of affordable housing one of which (Weir Cottage) is currently vacant.
- 3.2 The eligibility criteria in the existing s106 Agreement cascade from those with a connection to Warmingham, through those having connections with Acton, Bunbury or Nantwich to those with connections to the administrative area of the former Crewe and Nantwich Borough Council with such connections through residence or otherwise being for 5 years.
- 3.3 Weir Cottage has become vacant and the Applicant has advertised the shared ownership lease for Weir Cottage extensively but has not been able to find a purchaser who will meet the eligibility criteria in the existing s106 Agreement.

- 3.4 The Applicant has found purchasers who would meet eligibility criteria that extended to the whole of Cheshire East's administrative area through one of them having been employed in Crewe for upwards of 4 years.

#### **4.0 Previous Planning Permission**

- 4.1 No changes to the planning permission are proposed.

#### **5.0 Officer Comment**

- 5.1 The proposal will not alter the type or tenure of the affordable unit.

5.2 The Applicant has found purchasers for the existing shared ownership lease who are keen to complete and move in. They would not qualify as eligible purchasers unless the s106 Agreement is varied.

5.2 The Strategic Housing and Development Manager is satisfied that the property has been advertised and marketed extensively and supports the request for a deed of variation

#### **6.0 Conclusion**

- 6.1 On the basis of the above, the proposed Deed of Variation is considered acceptable and it will have the advantage of allowing occupation of a currently vacant unit.

#### **7.0 Recommendation**

7.1 That the Committee resolve to approve a Deed of Variation in respect only of Weir Cottage and its associated car parking space so as to change the definition of Borough Area to the administrative area of Cheshire East Borough Council and to reduce the residence or connection period to 3 out of the last 5 years.

#### **8.0 Financial Implications**

- 8.1 The Applicant has undertaken to pay the Council's legal costs

#### **9.0 Legal Implications**

9.1 The Deed of Variation is restricted to part of the land the subject of the existing s106 Agreement and the remainder will remain unaltered

#### **10.0 Risk Assessment**

- 10.1 There are no risks associated with this decision

#### **11.0 Reasons for Recommendation**

11.1 To allow the variation of a s106 Agreement to enable the shared ownership lease to be sold and the property occupied

***For further information:***

*Portfolio Holder: Councillor Rachel Bailey*  
*Officer: David Malcolm*  
*Tel No: 01270 686744*  
*Email: david.malcolm@cheshireeast.gov.uk*

***Background Documents:***

- *Application P03/1059*
- *S106 Agreement dated 6/8/2004*
- *Application letter*

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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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<b>Date of meeting:</b>	1 May 2013
<b>Report of:</b>	Development Management and Building Control Manager
<b>Title:</b>	Tree Preservation Order at The Old Vicarage, Crewe Road, Winterley

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#### PURPOSE OF THE REPORT

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 5<sup>th</sup> February 2013 at The Old Vicarage, Crewe Road, Winterley. CW11 4RE; to consider the objections and representations made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm subject to modifications.

#### SUMMARY RECOMMENDATION

The Development Management and Building Control Manager recommends that the Northern Area Planning Committee confirm the Tree Preservation Order at The Old Vicarage, Crewe Road, Winterley CW11 4RE with no modifications.

#### WARD AFFECTED

Sandbach Ettiley Heath and Wheelock

#### POLICIES

NR1 (4.32) (4.33) are relevant to the making of the Order.

#### FINANCIAL IMPLICATIONS

None

#### LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

## **RISK MANAGEMENT**

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

## **CIRCUMSTANCES**

The circumstances are that a planning application was received for the demolition of the existing building and the construction of 5 dwellings on land occupied by The Old Vicarage, Crewe Road, Winterley.

The application is supported by a Tree Survey which has identified trees within the site and categorised them in terms of their condition and contribution to the amenity of the area.

In considering the application concern has been raised that the proposed housing plot to the south of the site presents an unsatisfactory relationship to a fully mature Beech tree located adjacent to the Crewe Road frontage.

A Tree Preservation Order was placed on the trees in February 2012 in response to the planning application but due to an oversight the Order was never confirmed. Subsequently the new Town and Country Planning (Tree Preservation) (England) Regulations 2012 came into force on 6<sup>th</sup> April 2012 consolidating and simplifying the TPO system and adopting a system where all new Orders provide immediate provisional protection that lasts for 6 months, within which time the authority may or may not confirm the Order. Orders not confirmed within this time frame lapse and cannot be confirmed later.

The new legislation made provision for any TPO made but not confirmed prior to the 6<sup>th</sup> April 2012 to be confirmed within six months of that date (i.e by 5<sup>th</sup> October 2012). TPOs not confirmed in this time frame lapse and could not be confirmed later.

In the time following the serving of the original Order and the subsequent lapse of that Order, it has come to the Councils attention that there is the possibility the tree may continue to be under threat of removal by the landowner.

A telephone call was made to a Council officer enquiring about the possibility of felling and removal of one of the mature Beech trees.

In light of the new legislation and the continued threat to trees, the original Tree Preservation Order has been re-served under the new regulations and following consultation can now be considered for confirmation.

## **CONSULTATIONS**

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made,



then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 5<sup>th</sup> February 2013. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Sandbach Town Council and Ward Members for Sandbach Ettiley Heath and Wheelock.

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

No comments have been received.

## **OBJECTIONS/REPRESENTATIONS**

One objection has been received from Mr T Ashley, Mrs C P Ashley and Miss C Ashley of Meadow Cottage, 11 Elton Lane, Winterley, Sandbach. CW11 4TN. They manage the site and have done since 1992 and say they are firm supporters of tree retention and wild life promotion. They have pointed out there has never been a tree protection order on the property before and do not feel there are sufficient reasons to apply one now.

The objections are as follows:

- The site had four large mature Beech trees if roughly the same age, three fronting the Crewe Road perimeter of the property and a fourth standing to the rear of the vehicular access. Following a tree survey in 2008 one tree adjacent to the Crewe Road had to be felled as soon as practicably possible, as it had a large fungal bracket growing on it and was revealed to be hollow up the central core of the trunk when cut down. A second tree to the north of the felled tree (at the front of the vehicular access to 'The Old Vicarage' within the northern central section of the garden) was also recommended for felling as it had succumbed to the same disease. Our concern is that the two remaining trees may also succumb to this disease and should not therefore be considered a long term amenity.
- The tree T2 the Beech standing to the rear of the vehicular access consists of four trees growing together and has a significant hollow where the four trunks converge. It requires some remedial pruning to prolong its life: crown thinning and lifting, to avoid branches being damaged by vehicles accessing the site. Travelling from the Sandbach direction T2 is one of several trees in the northerly part of the site and we consider it is not indispensable as a long term amenity feature.

We consider tree T1 (standing adjacent to the Crewe Road frontage within the southern corner of the former garden of 'The Old Vicarage') is too close to the road, standing a mere four feet six inches from the road. High sided vehicles continually catch branches overhanging the road resulting in a long bare trunk, showing evidence of branches which have had to be removed over the years. It is a lonely sentinel when approaching from the southerly side of the site and we consider its removal and replacement with a smaller tree, or trees, set further back from the road on the southerly perimeter of the garden could more easily provide a long term amenity feature and would also afford more privacy for the site when approached

from the direction of Winterley. The existing Lime saplings (adjacent to the Beech tree) would be left in situ until the other trees along the southern perimeter head become more mature thus preserving a visual amenity to be enjoyed by the wider public.

We have consulted Highways for their opinion on the close proximity to the road of T1 but as yet have not had a formal response except for a reference number hopefully they will respond before you make your decision. Please consider our objections and bring them to the notice of the Planning Committee.

## **APPRAISAL AND CONSIDERATION OF THE NOTIFICATION**

### **Point 1:**

The infection of the two previously removed Beech trees referred to in the 2008 survey does not imply that the two remaining trees will necessarily become diseased and therefore it is considered that these two trees continue to contribute significantly to the long term amenity of the area.

An inspection of the two beech trees (T1 and T2 of the proposed Order) has confirmed there is currently no evidence of fungal infection.

### **Point 2:**

An inspection of Beech T2 has confirmed no significant structural defects to the main stem. It is therefore considered this does not currently impact upon the structural integrity of the tree.

The objectors cite a requirement for some remedial pruning to avoid being damaged by vehicles accessing the site. This appears to be reasonable and the Council would see no objection to pre development pruning works carried out to the tree in order to facilitate plant and other machinery on to the site subject to a detailed specification of works submitted to the Council.

There are several other trees to the north of the site in association with Beech T2. Whilst some of these trees do confer some amenity to the area it is considered that the Beech is the most significant specimen that warrants protection.

### **Point 3:**

There is evidence of branches previously cut back to accommodate the safe passage of high sided vehicles on Beech T2. It is considered the Council would offer no objection to an application being submitted to maintain the safe passage of vehicles over the highway.

The suggestion that the removal of Beech T2 and its replacement with smaller trees set back from the road would not provide the immediate amenity benefit the Beech currently provides as it would take a considerable length of time before such planting would attain the size and significance of the Beech.

It is the Councils view that the trees' close proximity to the road does not present any significant hindrance to the highway.

**RECOMMENDATION**

That the Cheshire East Borough Council (Sandbach – The Old Vicarage, Crewe Road, Winterley No2) Tree Preservation Order 2013 is confirmed without modification.

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**Town and Country Planning Act 1990**  
**CHESHIRE EAST BOROUGH COUNCIL**

**(SANDBACH – THE OLD VICARAGE, CREWE ROAD, WINTERLEY No.2) TREE  
PRESERVATION ORDER 2013**

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL ( SANDBACH - THE OLD VICARAGE, CREWE ROAD, WINTERLEY No2) TREE PRESERVATION ORDER 2013**

**1. Interpretation**

**2.—** (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

**3.—** (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

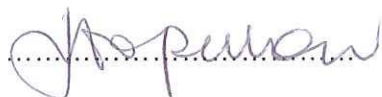
**Application to trees to be planted pursuant to a condition**

**4.** In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5<sup>th</sup> day of February 2013

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—





3452(12)

Signed on behalf of the Cheshire East Borough Council

.....

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the      day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	Standing adjacent to the Crewe Road frontage within the southern corner of the former garden of 'The Old Vicarage'
T2	Beech	Standing to the rear of the existing vehicular access to 'The Old Vicarage' within the northern central section of the garden.

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Woodlands**

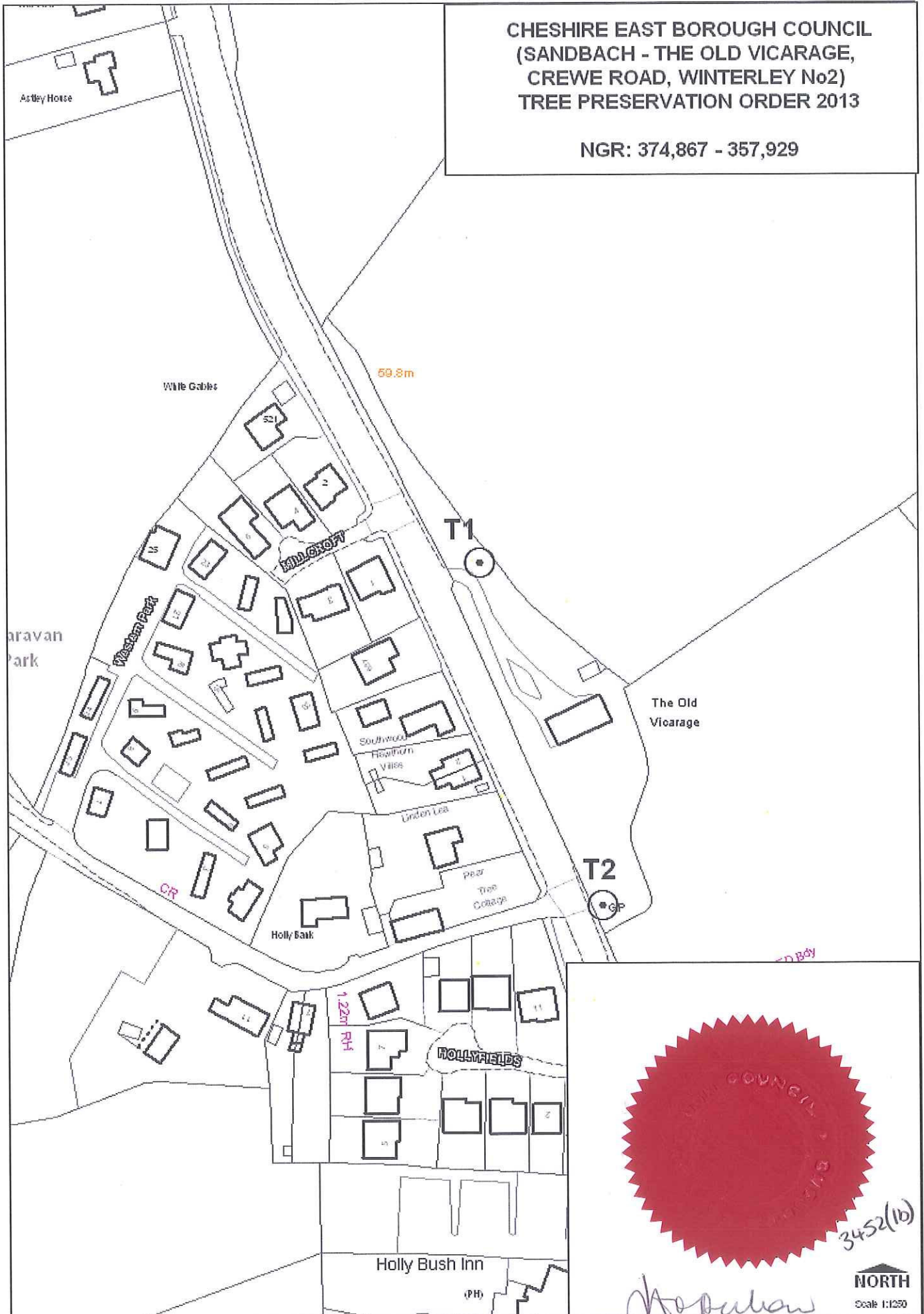
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



**CHESHIRE EAST BOROUGH COUNCIL  
(SANDBACH - THE OLD VICARAGE,  
CREWE ROAD, WINTERLEY No2)  
TREE PRESERVATION ORDER 2013**

NGR: 374,867 - 357,929



**NORTH**  
Scale 1:1250

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