

# Southern Planning Committee

## Agenda

---

Date:	Wednesday, 26th June, 2013
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

---

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 29 May 2013.

4. **Public Speaking**

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

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

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

5. **12/4741N-Application to erect 60 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich, Land at COG Training and Conference Centre, Crewe Road, Nantwich, Cheshire for David Major, Stewart Milne Homes North West England** (Pages 11 - 42)

To consider the above application.

6. **13/0003N-Erection of 17 affordable dwellings - 5 no. 3 bedroom houses, 8 no. 2 bedroom houses and 4 no. 1 bedroom apartments, Land off Main Road, Shavington, Cheshire for Ann Lander, Wulvern Housing** (Pages 43 - 58)

To consider the above application.

7. **13/0493N-A new single storey dwelling, Land between Meadow Rise and Ash Cottage, Off Holmshaw Lane, Haslington for Mr & Mrs J Coupland** (Pages 59 - 64)

To consider the above application.

8. **13/0616N-Redevelopment of part of former Widdowson and Dalebrook factory site for storage and distribution purposes, including demolition of existing buildings, erection of new buildings, provision of loading/unloading area and improved junction of Basford Road with Gresty Road, Widdowson-dalebrook, Basford Road, Crewe for Morning Foods Limited** (Pages 65 - 70)

To consider the above application.

9. **13/0972C-Single storey infill front extension, two storey rear extension, 22, Hawthorne Close, Holmes Chapel for Gareth Mills** (Pages 71 - 76)

To consider the above application.

10. **13/1200C-Ground and First Floor Side/Rear Extension to Dwelling, 36, Hawthorne Close, Holmes Chapel for Mr & Mrs S Double** (Pages 77 - 80)

To consider the above application.

11. **13/1267N-Development of 18 residential dwellings at land to rear of 110 Remer Street, Land to the rear of Remer Street, Crewe for Frazer Lloyd-Jones, Thomas Jones & Sons Ltd (Pages 81 - 90)**

To consider the above application.

12. **13/1338N-Removal of the existing car sales site and building and the erection of 7No one bed and 7No two bed flats in a 3 storey block (Resubmission), Stewart Street Motors, Stewart Street, Crewe for Stewart Street Motors (Pages 91 - 100)**

To consider the above application.

13. **13/1531N-Construction of new Foodstore with associated car parking, servicing facilities and landscaping, Condition 7 to be varied (12/4107) to extend the delivery period by one hour in the morning, Site of The Earl, Nantwich Road, Crewe for G Brown, Aldi UK (Pages 101 - 108)**

To consider the above application.

14. **13/1654N-Demolition of Royal Scot Public House & construction of 14no. 2 bedroom homes for social housing, Royal Scot, Plane Tree Drive, Crewe for Mr Nick Powell (Pages 109 - 118)**

To consider the above application.

15. **13/1688N-Variation of condition No 2 of permission 12/3548N, Reaseheath College, Main Road, Nantwich, Cheshire for Mr Simon Kennish (Pages 119 - 128)**

To consider the above application.

16. **13/1708N-Change of use from office to 6 Bedsit Flats (within the same property), 92-94, Nantwich Road, Crewe for Dave Easton (Pages 129 - 134)**

To consider the above application.

17. **13/1843N-Variation of condition 3 on planning permission 12/1488N- Reserved Matters Planning Application Relating to Outline Permission P05/0121 for the Erection of 13 no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Childrens Playground, Land Off, Marsh Lane, Nantwich for Elan Homes Ltd (Pages 135 - 138)**

To consider the above application.

18. **13/1864N-Reserved Matters Application following Outline Planning Approval 11/2241N re Access, Appearance, Landscaping, Layout and Scale, Land adjacent Royal Oak, 94, Main Road, Worleston, Cheshire for Archway Homes Ltd (Pages 139 - 148)**

To consider the above application.

19. **13/2051C-First floor extension (Resubmission of 13/0766C), Rue Moss Cottage, Back Lane, Smallwood, Sandbach for Mr R Stockwell** (Pages 149 - 154)

To consider the above application.

20. **Cheshire East Borough Council (Stapeley, The Maylands, Broad Lane) Tree Preservation Order** (Pages 155 - 160)

To consider the above Tree Preservation Order.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 29th May, 2013 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

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

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors D Hough, S Jones, M Simon and J Wray

**OFFICERS PRESENT**

Rachel Goddard (Senior Lawyer)  
Ben Haywood (Principal Planning Officer)  
Neil Jones (Principal Development Officer - Highways)  
David Malcolm (Southern Area Manager – Development Management)  
Julie Zientek (Democratic Services Officer)

Minute No. 4 Only:

James Baggaley (Nature Conservation Officer)  
Chris Hudson (Principal Forestry and Arboricultural Officer)

**Apologies**

Councillors R Cartlidge, P Groves, D Marren and S McGrory

**1 DECLARATIONS OF INTEREST**

The following declarations were made in the interests of openness:

With regard to application number 13/1064C, Councillor A Kolker declared that the site was in his Ward and that he had received emails, but that he had kept an open mind.

With regard to application number 12/4318C, Councillor A Kolker declared that the site was in his Ward and the village where he lived, but that he had not discussed the application and had kept an open mind.

With regard to application number 12/4326C, Councillor A Kolker declared that he had attended meetings with the applicant and planning officers. He had fettered his discretion and would withdraw from the meeting during consideration of this item.

Councillor P Butterill declared that she was a member of Nantwich Town Council and a member of Nantwich Civic Society.

With regard to application number 13/0762N, Councillor J Clowes declared that she had called in the application on the basis of concerns raised by the parish council and local residents, and that the wording of her call in request in the officer's report did not reflect her own views. She had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

With regard to application number 11/3349C, Councillor S Jones, who was in attendance at the meeting, declared that she was acquainted with the applicant and was a member of Alsager Town Council.

With regard to application number 11/3349C, Councillor D Hough, who was in attendance at the meeting, declared that he was acquainted with the applicant and one of the objectors, and that a member of his family was a friend of the applicant's daughter. After exercising his speaking rights as a Ward Councillor, he would withdraw from the meeting during consideration of this item.

## **2 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 1 May 2013 be approved as a correct record and signed by the Chairman.

## **3 13/1064C HOLMES CHAPEL COUNTY PRIMARY SCHOOL, MIDDLEWICH ROAD, HOLMES CHAPEL, CHESHIRE CW4 7EB: CONSTRUCTION OF PRE-FABRICATED PRE-SCHOOL AND ASSOCIATED EXTERNAL WORKS FOR MR MICHAEL HALL, HAPPY DAYS CLUB & NURSERY SCHOOL**

Note: Mr C Glennon (objector), Mrs H Scott (supporter), Mr J Ashall and Mrs H Hall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update. The Southern Area Manager – Development Management also read a statement submitted by Councillor L Gilbert, one of the Ward Councillors, who was unable to attend the meeting.

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

1. Temporary 2 years
2. Approved Plans
3. Colour of materials to be agreed
4. Hours of Operation limited to 08.00 until 18.00 Mondays to Fridays

- 5 External lighting and alarm details to be submitted and agreed with the LPA
  6. The hours of noise generative / 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
  7. Maximum number of children to be 50
- 4 **11/3349C PLOT 1, LAND ADJACENT TO 6, HEATHEND ROAD, ALSAGER ST7 2SQ: SINGLE DETACHED DWELLING ON LAND ADJACENT TO NO. 6 HEATH END ROAD FOR MR ADRIAN GIRVIN**

Note: Councillor D Hough and Councillor S Jones (Ward Councillors), Mrs T Greenhough (objector), Mr D Girvin (supporter) and Mr A Girvin (applicant) attended the meeting and addressed the Committee on this matter.

Note: Having exercised his speaking rights as a Ward Councillor, Councillor D Hough withdrew from the meeting during consideration of this item.

Note: Mr T Bell and Mr T Greenhough (objectors) had registered their intention to address the Committee on this matter but did not speak.

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

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

RESOLVED - That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to ensure that the Great Crested Newt Mitigation Strategy is implemented to ensure the future protection of the Great Crested Newt habitat and that the site is managed in accordance with that strategy going forward

and the following conditions:

1. Commence development within 3 years
- 2 Development in accordance with agreed drawings
- 3 Submission of details/samples of external materials
- 4 Submission of a Phase 1 land contamination survey
- 5 Limits on hours of construction (8am to 6pm Mon-Fri, 8am to 1pm Sat, no working Sun or public holidays)
- 6 Limits on hours of piling (as above)
- 7 Submission of detailed landscaping scheme
- 8 Implementation of landscaping scheme

- 9 Retention of trees shown as being retained on the submitted plans
- 10 Submission and implementation of a drainage scheme
- 11 Submission and implementation of tree protection scheme
12. Submission of arboricultural method statement
13. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
14. Submission and implementation of details of bat and bird boxes
15. Compliance with the Great Crested Newt Mitigation Strategy
16. Submission of additional details of GCN mitigation, including design of new pond, restoration of existing pond
17. Construction Management Plan

**5 12/4318C LAND ADJACENT TO SANDYACRE, 51, MAIN ROAD, GOOSTREY, CREWE CW4 8LH: CONSTRUCTION OF 3 NEW HOUSES ADJACENT TO SANDYACRE FOR MRS ALISON ROSE**

Note: Mr D Giles (supporter), Mr J Ashall and Mr A Rose (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager – Development Management which confirmed amendments to the site area as shown in the officer's report.

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

The proposal is located within the Open Countryside and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy PS.8 (Open Countryside of the Congleton Borough Local Plan First Review 2005, the National Planning Policy Framework and the emerging Development Strategy.

**6 12/4326C POOLWOOD COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CHESHIRE CW12 4SN: CHANGE OF USE OF LAND TO ALLOW USE FOR CONTRACTING AND PLANT HIRE USE TOGETHER WITH ASSOCIATED WORKS TO THE LAND INCLUDING EARTH BUND AND LAYING hardcore FOR JAMES ASHBROOK, J K ASHBROOK LTD**

Note: Having declared that he had predetermined the application, Councillor A Kolker withdrew from the meeting during consideration of this item.



Note: Mr J Ashbrook (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Unilateral Undertaking to prevent the applicant from operating their business from Barnshaw Bank Farm and the following conditions:

1. Development in accordance with the approved plans.
2. Compliance with the recommendations contained within the submitted ground investigation report.
3. Compliance with the mitigation strategy contained within the Great Crested Newt Mitigation Strategy –Supplementary Report.
4. Submission and implementation of a scheme of landscaping that includes the recommendations within the Newt Mitigation Strategy – Supplementary Report.
5. Submission and implementation of a detailed design for the access on to the highway.
6. Submission and implementation of details of staining of boundary fencing.
7. Restriction of working hours as follows:

Monday to Friday	7am to 6pm
Saturday	8am to 2pm
Sunday & Public Holidays	No working

**7 12/4426N LAND SOUTH OF PYM'S LANE, CREWE, CHESHIRE CW1 3PL: PROPOSED DEVELOPMENT OF THE SITE TO PROVIDE A PERMANENT CAR PARK WITH A TOTAL OF 1817 CAR PARKING SPACES PLUS LORRY PARKING FOR UP TO 14 HGV'S FOR MR GARTH ROBERT, BENTLEY MOTOR LIMITED**

The Committee considered a report regarding the above planning application.

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

1. Standard 3 year time limit
2. Accordance with Approved / Amended Plans
3. Samples of surfacing materials to be submitted and approved in writing prior to development.
4. Landscaping submission – to include native species and details of any mounding
5. Landscaping implementation
6. Breeding bird survey to be carried out prior to commencement of any works during nesting season

7. Construction of Access in accordance with approved plans
  8. Hours of construction limited
  9. Hours of operation limited
  10. Submission of scheme to minimise dust emissions during demolition / construction
  11. Details of lighting to be submitted prior to first use
  12. Drainage details to be carried out in accordance with the submitted Flood Risk Assessment
  13. Scheme to limit surface water runoff
  14. Scheme to manage the risk of flooding from overland flow of surface water
  15. Levels and ground modelling works
- 8 **13/0762N 4, PARK LANE MEWS, PARK LANE, HATHERTON CW5 7QX: PROPOSED NEW DETACHED CAR PORT WITH LOFT OVER FOR G BRITTON**

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

Note: Mr S Chettle (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 of additional representations.

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

The proposed development would be out of keeping with the character, appearance of the existing converted barn/dwelling and would have a detrimental impact on its setting. As such, it is considered to be contrary to Policy BE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

- 9 **13/0784C IVANHOE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON CW12 4SP: RESIDENTIAL DEVELOPMENT OF 2NO UNITS FOR SHERRIE SHAW, BLOOR HOMES LTD - NORTH WEST**

Note: Councillor J Wray (Ward Councillor), Councillor J Deans (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 and an oral update on ecology.

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. Insufficient ecological information has been submitted with the application in order to assess adequately the impact of the proposed development on Great Crested Newts and therefore nature conservation. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policy NR2 (Wildlife & Nature Habitats) and other material considerations.

**10 13/0927N ROCKWOOD INN, 204 ALTON STREET, CREWE CW2 7PT:  
DEMOLITION OF ROCKWOOD HOTEL/PUB AND DEVELOPMENT OF  
20 NEW APARTMENTS FOR LEE DAWKIN, RENEWLAND  
DEVELOPMENTS LTD & WULVERN HOUSING**

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

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

1. Standard 3 year time limit
2. Compliance with approved plans
3. Submission and approval of materials
4. Submission and approval of cycle parking within scheme
5. Submission and approval of contaminated land mitigation measures
6. Dust control measures
7. Piling hours to be restricted
8. Piling method Statement
9. Submission and approval of external lighting details
10. Construction Hours to be restricted
11. Bin Storage
12. Submission and approval of boundary treatment
13. Submission and approval of noise mitigation measures
14. Submission and approval of landscaping
15. Implementation of landscaping
16. Provision of Parking

17. Access works to be carried out prior to first occupation
18. Affordable Housing
19. Tree Protection
20. Implementation of Tree protection
21. Special construction measures under trees
22. No surface water, only foul water to discharge to sewer
23. Submission of scheme of drainage

**11 13/1022N 39, CHURCH LANE, WISTASTON CW2 8HA: LISTED BUILDING CONSENT FOR REPLACEMENT WINDOWS FOR MR JOSEPH RICHARDSON**

Note: Councillor M Simon (Ward Councillor) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Simon to speak.

Note: Councillor J Bond (on behalf of Wistaston Parish Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for refusal, the application be APPROVED, as the proposed use of timber framed double glazing would not have a significant adverse impact on the overall architectural and historic interest of this classically designed listed building.

The approval to be subject to the following conditions:

1. Standard time limit
2. Full details of materials/windows to be submitted/approved
3. Sample of double glazing to be submitted/approved

**12 13/1200C 36, HAWTHORNE CLOSE, HOLMES CHAPEL CW4 7QD: GROUND AND FIRST FLOOR SIDE/REAR ELEVATION TO DWELLING FOR MR & MRS S DOUBLE**

Councillor A Kolker declared that he had been contacted by a local resident but had not expressed an opinion.

The Committee considered a report regarding the above planning application. The Southern Area Manager – Development Management also read a statement submitted by Councillor L Gilbert, one of the Ward Councillors, who was unable to attend the meeting.

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

**13 13/1379C LAND ADJACENT TO IVY HOUSE, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CW12 4SP: CONSTRUCTION OF TWO NEW DWELLINGS (RESUBMISSION OF PLANNING APPLICATION REFERENCE 12/4860C) FOR ARTHUR DAVIES**

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

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

RESOLVED – That the application be DEFERRED to enable officers to provide further information with respect to the status and locations of other developments in the area.

**14 13/1385N LOWER LIGHTWOOD GREEN FARM, WHITCHURCH ROAD, AUDLEM, CREWE, CHESHIRE CW3 0EP: NEW AGRICULTURAL CUBICLE BUILDING FOR MR CHRIS DODD**

The Committee considered a report regarding the above planning application.

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

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

The meeting commenced at 1.00 pm and concluded at 5.38 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 12/4741N

Location: Land at COG Training and Conference Centre, Crewe Road, Nantwich, Cheshire

Proposal: Application to erect 60 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich

Applicant: David Major, Stewart Milne Homes North West England

Expiry Date: 28-Feb-2013

#### **SUMMARY RECOMMENDATION**

**Approve subject to receipt of amended plans, Section 106 Agreement and conditions.**

#### **MAIN ISSUES**

Principle of Development  
Affordable Housing  
Amenity  
Design and Built Environment  
Drainage and Flood Risk  
Highways  
Section 106

#### **REFERRAL**

The application is referred to planning committee because it is over 10 units and is therefore a major development.

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

The application site comprises previously developed land which forms part of the former Regent's Theological College campus and is located within the built up area of Nantwich. Elim International vacated the College in 2008. It was occupied subsequently by another educational institution. Some of the buildings were leased to a local agricultural college. The educational use ceased in 2011 and large parts of the premises have been vacant since then. The lease to the agricultural college terminates shortly and is not likely to be renewed.

The site is located to the north of London Road (B5074) and south of Crewe Road, approximately 1.3 km east of Nantwich town centre. The surrounding area is predominantly

a mixture of residential and commercial land uses. The site is bound to the north, south and east by existing residential areas (the latter being a relatively recent development of the College's former playing field).

To the west the site is bound by a number of buildings which formed part of the Regent's Theological College campus. This area comprises a range of mainly 2 and 3 storey brick buildings of various ages. The main College building and the attached Chapel, is understood to date back to the mid 19th century; it is situated towards the south western corner and access from London Road.

The reminder of the western part of the campus (outside the application site) is occupied by mainly utilitarian brick buildings which were used as lecture rooms, a children's day nursery, kitchens, sports hall and swimming pool.

The application site currently provides 4,200 sq m (44,000 sq ft) of residential accommodation which is currently occupied by students of a nearby college and is served by pedestrian footpaths and areas of hardstanding used for car parking purposes.

The application site comprises an irregular shaped plot of land approximately 2.5ha in area. Topographically the site is generally flat. It comprises brownfield land and currently contains 5 existing apartment buildings which are occupied by students of an adjacent College. These are two storey buildings located towards the eastern part of the site.

The application site includes a number of open areas. The central part of the campus comprises an amenity grass area. This contains a number of mature trees and shrub planting. A number of trees on site are protected by Tree Preservation Orders (see plan ref: D3592.001). The south west corner of the site comprises landscaped gardens and parking areas.

The application site is accessed directly from Crewe Road. The remainder of the former college site has an access from London Road.

## **2. DETAILS OF PROPOSAL**

The application proposal as originally submitted comprised the development of 60 homes with associated ancillary buildings, access, landscaping and car parking. However, amended plans have been submitted, increasing the number of proposed dwellings to 64. The proposal comprises the development of a mix of two, four, five and six bed properties in a mix of apartments, detached and semi detached properties over two and three storeys.

## **3. RELEVANT PLANNING HISTORY**

The application site has a long history of use as a school and residential college/training centre. Planning permissions have been obtained for a variety of mostly minor developments in association with the use over the years. However, there are no previous applications of direct relevance to this proposal.

## **4. PLANNING POLICIES**



## **National Policy**

National Planning Policy Framework

## **Local Plan Policy**

### Built Environment Policies

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

### Housing Policies

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

### Transport Policies

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

## **4. OBSERVATIONS OF CONSULTEES**

### **Network Rail**

- There is a level crossing at SYC 3m, 1311 yds which could be accessed via Stapeley terrace from the development.
- Network Rail would require £1500-£2000 per dwelling S106 Developer contribution to pay for any enhancements to the level crossing due to a potential increase in the type and volume of traffic.

### **Environment Agency**

No objection in principle to the proposed development subject to the following comments:

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment (FRA) prepared by Michael Lambert Associates (dated November 2012) indicates that surface water is to discharge to main sewer post development. The water company (United Utilities) should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge

rate. As such we request that the following planning conditions are attached to any planning approval as set out below.

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected. Therefore we request that the following condition is also attached to any planning approval.
  - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

#### **United Utilities**

No objection to the proposal providing the following conditions are met:

- The drainage design being proposed relies ultimately upon a final connection being made with a Private drain and therefore proof and or evidence that this agreement is indeed acceptable with all parties concerned should be submitted to the Local Planning Authority and approved in writing before UU can comment further.

#### **Environmental Health**

No objection subject to conditions requiring:

- Submission of Environmental Management Plan
- Submission of details of external lighting
- Submission of a scheme to minimise dust emissions arising from demolition / construction
- Submission of a Phase II contaminated land site investigation.

#### **Education**

- Primary provision – There are currently 36 unfilled places. However forecasts indicate only 8 places by 2017. The schools which have the forecast surplus places have been considered within other recent planning applications, such as the development at Stapeley Water Gardens. In light of this 60 units will generate 10 primary aged children.  $10 \times 11919 \times 0.91 = £108,463$
- Secondary provision – There is sufficient capacity available in the secondary schools to accommodate the pupils generated.

#### **Archaeology**

- The application is supported by an archaeological desk-based assessment, which has been prepared by Oxford Archaeology North. The report provides a history of the development of the site from 19<sup>th</sup>-century farm to private school and, finally, theological college. In addition, the historic mapping, aerial photographs, and data held in the Cheshire historic Environment record have been examined. This process has not

demonstrated any particular archaeological potential and it is advised that no further archaeological mitigation will be required.

- Advise that this represents an appropriate conclusion.
- The Locally-Listed Buildings referenced above are really a matter for the Council's Conservation Officers but note that the report identifies the modern chapel in the northern portion of the application area as part of the locally-listed complex. The archaeologist is fairly sure that this is a mistake and is based on an error in the records and that the designation actually refers to the chapel dating from 1924, which is attached to the main complex and is, therefore, outside of the application area. This is quite a minor point but, it is best to note the matter.

## **Rights of Way**

- Section 4.29 of the Design and Access Statement states that "public pedestrian access into and through the site is possible..." and the accompanying plan depicts existing pedestrian routes. Whilst there is no recorded Public Right of Way within the development site, during consultation for the former Cheshire County Council's Rights of Way Improvement Plan 2006-2011, a suggestion was logged under reference No. 308, to formalise a pedestrian route through the development site and college grounds to connect the London Road and Crewe Road. The developer should be made aware that this planning application may therefore prompt a Definitive Map Modification Order application under the Wildlife and Countryside Act 1981.
- Further, it may be desirable for potential residents of a development to have pedestrian access to both the Crewe Road and the Nantwich Road in order to have greater accessibility to the facilities of Nantwich, including a number of schools to the south of the site. Such a link would be beneficial for both pedestrians and cyclists and therefore the developer should be tasked to consider the installation of a formalised shared use pedestrian/cyclist link or links through the site to best practice standards, complete with destination signage. The maintenance and legal status of such a route would require agreement with the Council.
- Sustainable and active travel planning should be made available to potential residents of houses within such a development site.

## **Highways**

This development proposal has been the subject of extensive pre-application negotiations regarding the access and internal layout. The proposal is for 60 dwellings and after negotiations the developer agreed to design a layout which would comply with the design guidance in the DfT document: Manual for Streets.

The Traffic generation for this site has been calculated via the usual recognised industry standards and the Strategic Highways Manager has assessed the Transport Statement which accompanied the application detail and noted that the calculated trip rates were very robust and that this gave confidence in the findings of the TS assessment.

The junction with Crewe Road will see the traffic managed via a ghost island right turn lane junction and the provision of central splitter islands will mirror the existing traffic environment on Crewe Road itself.

***Transport Statement.***

The TS provides required information necessary for the Strategic Highways Manager to appropriately assess the site and its traffic generation.

As mentioned above the traffic generation for the site has been calculated via the TRICS database which is the industry recognised standard and the data demonstrates that the number of trips generated by the site will be 37 and 39 trips in the a.m. and p.m. peak hours respectively.

These trips correspond to trip rates per residential unit of 0.613 in the a.m. and 0.656 in the p.m. peaks.

The trip rates are acceptable to the S.H.M. and the traffic generation numbers are typical for a development of this scale in this type of location.

***Junction capacity.***

The TS also examines the capacity of the proposed junction and its ability to manage the traffic generation using the PICADY analysis programme. The results show that the junction will only use a small portion of the available capacity at a junction of this geometry.

Crewe Road has a central hatched lane which serves to provide right turn lane facilities for a number of junctions along its length and this site should also be served by a ghost island right turn lane for both consistency and to ensure removal of right turning traffic from the normal through flow on the major road.

A ghost island right turn lane design will be required by the Strategic Highways Manager.

***Junction visibility.***

The A534 carries a 40mph speed limit fronting the site and under the Design Manual for Roads and Bridges this would normally require a 'Y'-distance of 120metres.

Visibility from the existing point of access is partially obscured by vegetation to the frontage of the site however the proposed junction centreline and the removal of the frontage vegetation show via the topographical survey that in the leading direction (looking to the right) that the required visibility splay can be achieved.

In the non-leading direction (looking to the left) the visibility situation is different in a number of ways.

The fact that the carriageway is protected by the local splitter islands means that the likelihood of a vehicle overtaking on the approach to the junction and therefore being technically on the 'wrong side of the road' is removed from consideration.

It is an industry recognised position that in an instance such as this consideration can be given to a relaxation of the visibility requirement to the centre-line of the road and this is the approach which is being offered with this development proposal.

In addition the available visibility splay to the existing splitter island in the non-leading direction is 105 metres which is less than the requirement for a 40mph limit however the Design Manual for Roads and Bridges acknowledges that modern vehicles have superior braking abilities than those when these standards were calculated and allows a relaxation to: 'one step below standard SSD' at 90 metres.

Clearly the 105 metre distance offered exceeds this standard and considering that a view is available beyond the splitter island into the non-leading approach lane the original distance of 120 metres is available at that point in any case.

In addition the stopping distance to emerging traffic from the junction alters as a right turning vehicle crosses the right turn lane to turn right towards Crewe. This effectively increases SSD's to above acceptable standards and also allows the emerging vehicle to negotiate the right turn one traffic lane at a time which adds that benefit to the junction arrangement.

The Strategic Highways Manager finds that the visibility offered is acceptable however the junction design including visibility will be subject to a Stage 1 Road Safety Audit and this will highlight or otherwise any issues which may need to be accounted for in the final design should this development proposal receive a planning permission. The design will also be the subject of a Section 278 agreement under the Highways Act which will give the Highway Authority control over final detail.

#### ***A534/A51 roundabout – 'Peacock roundabout'.***

Whilst this development has a limited traffic generation and only generates 19 trips towards the Peacock roundabout in the morning peak hour, Cheshire East Highways have analysis for this roundabout which shows that the roundabout is already over capacity on the A534 Crewe Road arm in the morning peak.

This leads the Strategic Highways Manager to consider any further impact on this junction and this particular arm of the junction, in the morning peak hour to be severe under the guidance of the NPPF.

Cheshire East Highway Authority also has two scheme proposals for improvements to this junction which are in the concept design stage and which will be included in the Local Plan going forward. Estimates for these schemes are yet to be completed however the costs will be significant.

The schemes include for: carriageway and central island enlargement plus the revision of splitter island provision and increases in entry lane numbers and widths. There are also plans for improved pedestrian and cycle links through the junction.

The Strategic Highways Manager finds therefore that this development should make a financial contribution towards this scheme which will be available in perpetuity and secured via a Section 106 agreement.

#### ***Major road improvement.***

The provision of the ghost island right turn lane will be the subject of a Section 278 agreement under the Highways Act 1980 and will need to be the subject of detailed design which will be conditioned and the subject of an informative.

The Strategic Highways Manager recognises that this right turn lane design may require changes to the existing right turn lane arrangements for Mount Drive diagonally opposite and this may also affect the size and type of the splitter islands at this location in accordance with design standards.

### ***Internal Layout.***

The proposed internal layout has seen a small number of revisions which have led to the basis of a very good quality Manual for Streets design however there are a small number of issues within the layout which need to be resolved. The Strategic Highways Manager has expressed some concern over these issues and the developer has yet to finalise an acceptable level of detail.

The major concerns are over the provision of: comprehensive service strip provision, the geometry of one crucial turning head and its conflict with existing trees, residential unit encroachment into adoptable highway boundary and a finalised vehicle track to demonstrate that a refuse vehicle can suitably access all parts of the site without encroachment.

In addition the number of units shown on the latest revision of the development proposal actually shows 64 units rather than the 60 which are being applied for.

Given the congestion within the site which is cramping both trees and highway footprint for space the S.H.M. finds it necessary to criticise the current position and observes that if the number of proposed units were reduced back to the original level space would probably be found to adequately accommodate both the highway and tree requirements on this site.

At the time of writing these issues are yet to be fully resolved and the Strategic Highways Manager is mindful that the desirability for a quality design and layout must be tempered by design detail which both demonstrates appropriate vehicle accommodation and legible adoptable layout.

This said it is acknowledged that the offered design proposal does show an approach which will achieve a good quality and innovative design which would be the hallmark of a Manual for Streets scheme.

In any event the Strategic Highways Manager does still need to see evidence of the resolution of these issues and this itself determines the position of the S.H.M. at this time with regard to this application.

### ***Conclusion.***

This site proposes a residential development of a brownfield site and seeks to offer a quality design via a Manual for Streets approach.

The access junction is tenable but will require a road safety audit and a Section 278 agreement to specifically control the design.

At the time of writing there are a number of issues which yet need to be resolved in order that the Strategic Highways Manager could satisfactorily agree the highway aspects of the proposal.

As a result the Strategic Highways Manager finds that he cannot currently support the proposal. However it is clear that further appropriate revision to the internal layout would be able to resolve the outstanding issues and therefore the S.H.M. will not specifically recommend refusal of the application but recommends deferral so that a final detail can be agreed.

Should the application receive a permission the Strategic Highways Manager recommends the following conditions and informatives be attached:

**Condition:-** The developer will provide a detailed suite of design plans for the proposed junction arrangement with the A534 Crewe Road to the satisfaction of the LPA. These plans will inform the S278 highway agreement.

**Condition:-** The developer will provide a detailed suite of design plans for the internal site layout to the satisfaction of the LPA. These plans will inform the S38 Highways agreement for adoption purposes.

**Condition:-** The developer will provide a capital sum contribution to the design improvement schemes planned by CEC Highway Authority for the A51/A534 roundabout. The sum of monies will be £100,000 as part contribution to the scheme and will be secured via a S106 agreement in perpetuity.

**Informative:-** The developer will enter into and sign a S278 agreement under the Highways Act 1980 with regard to the off site highway works noted in the conditions above.

**Informative:-** The developer will enter into and sign a S38 agreement under the Highways Act 1980 with regard to the adoptable highway infrastructure within the site.

### **Greespaces**

No comments received at the time of report preparation

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

- The site is a favoured option in the Nantwich Town Strategy and is included as a development site in the Cheshire East Development Strategy. The principle of residential development has been accepted during the consultation on the Town Strategy. There are, however, matters of detail which are causing concern for the occupiers of the residential properties adjoining the site. The site has a number of mature trees which should be covered by a Tree Preservation Order. At least 97 trees will be lost as a result of the development and adjoining residents are particularly concerned about the loss of screening on the boundary of the site. They suggest that

this problem might be overcome by a redesigned layout perhaps at a lower density. The access radii and visibility splays are not to accepted highway standards for access onto a 40 m.p.h. road. There is also concern about the proposed drainage of the site

- At its meeting on 7 January 2013 Nantwich Town Council RESOLVED to make the following representation in respect of this development:-
  - That, whilst the principle of residential development is accepted, consideration should be given to a reduced density which would take account of the screening on the boundaries afforded by the existing tree cover,
  - That further consideration should be given to the access point onto Crewe Road with a view to alterations to meet accepted highway standards,
  - That an emergency Tree Preservation Order should be made,
  - That a tree retention plan should be included in any approval.

## 6. OTHER REPRESENTATIONS

### Sustrans

If this particular land use is approved by the council's planning committee our comments are as follows:

a) Improving local access on foot/by bicycle

The site lies between London Road and Crewe Road in a part of Nantwich where there is a lack of suitable, continuous N-S routes for pedestrians and cyclists. Despite the developer's comments under 4.29 of the site access and movement plan we would like to see a clearly defined N-S route established from London Road to Crewe Road, open for at least the main part of the day, this would enable local people to avoid the alternative of Churches Mansion roundabouts.

b) Layout of the estate

The design of the estate should restrict vehicle speeds to less than 20mph.

c) Storage for buggies/bicycles

Note the proposal is for a mixed range of housing. The design of the smaller properties should include storage areas for residents' buggies/bicycles just as the planners insist on so many car parking spaces per property.

d) Travel planning

Would like to see travel planning with targets and monitoring established for the site.

e) Developer contribution

For a site of this scale we would like to see the developer make a significant contribution to establishing a legal and safe cycle route into the centre of Nantwich from the site.



## Local Residents

### **Principle of Development and Need for Housing**

- The applicants did not seek pre-application advice.
- It would be a shame to lose useful student accommodation in Nantwich to build more housing.
- There has been much development in recent years in the Nantwich area much of which is on large estates many of which are still incomplete.
- Students bring support and long term jobs to the community.
- Object to the density of housing behind nos. 94 to 100 Crewe Road.
- Significant green space will be lost to the proposed development which we consider an overdevelopment and should be smaller in scale and less intensively developed.
- As it stands, this application would be contrary to the Council's published planning policies, including: CNBC Replacement Local Plan 2011
- No documentary evidence has been submitted to outline or justify the many changes that have been made to the revised plans.
- The amended plan shows more than a simple amendment. It is a totally new layout. Although the Council is still consulting on 60 dwellings, the amended plan clearly shows 64 dwellings in the "Schedule of Accommodation", which is an increase of 959 sq ft. How will this increase be achieved? There are no new floor or elevation plans made available.

### **Trees / Hedges**

- Local planning policies require that new developments should respect the character and amenities of their surrounding area e.g. page 14 section 4.4 and page 28 sections 6.28.5 and 6.28.6), but we feel that the proposal to cut down over 100 trees and hedges will affect the character of Regents Gate and the wider surroundings.
- By retaining the trees and hedges a much more satisfactory integration of the new buildings into the local area is possible.
- TPO 2009 NGR: 377,077-352,124 signed by the Borough Solicitor with an accompanying letter from John Knight referring to trees in Regents Gate and the application fails to recognise this TPO.
- Request that the Council places a TPO on the whole site which would allow time to re-appraise and modify the proposal.
- The clearance of so many trees and shrubs appears to be the builders desire to clear the site as much as possible.
- The layout and the density of the proposed housing will lead to an unacceptable loss of trees and the amenity they provide to the wider area. The layout proposed will lead to further pressure and loss of retained trees in the first few years leading to further loss of amenity. Even with the proposed tree planting there will be a net loss of long term tree cover.
- In the Planning Layout many of the retained trees are indicated to have roads, paths and other aspects of development within the identified root Protection Zones (RPZ) of the trees. Although this may technically be possible in accordance with BS 5837, Trees in Relation to Construction, if special construction methods are used it will still lead to

increased pressure on the trees putting them under further stress and making them more vulnerable to other pressures in the future. Particular examples of this include the drive to Plot 1, within the RPZ of both T76 and T77, and a road covering an extensive area of the RPZ of T22, all of which are protected by TPO.

- The rear garden of Plot 54 is almost completely covered by the crown spread of the adjacent sycamore tree, a CAT A tree protected by TPO. It is inevitable that future residents of this house will want to significantly cut back, or remove, the tree and even with the protection of the TPO it is unlikely the local authority will be able to refuse such a request.
- The present planning application proposes to remove virtually all of the trees in that area. These trees are marked from T107 to T131 inclusive on the Tree Survey Report prepared by the proposed developers. The accompanying survey data sheets show that the majority of these trees are category B and are in good condition. The summary of tree quality categorisation criteria on page 8 of the Report states that category B are *inter alia* "those that collectively have higher value than they would as individuals, also trees with material conservation or other value".
- Since the Council have previously thought fit to provisionally list the trees referred to, there can be no argument now for failing to finally list those trees (subject to any minor thinning that might be necessary). A Tree Preservation Order is made on the majority of the trees in the area designated G7 in the 2009 Provisional Order and numbered 107 to 131 in the proposals.
- Significantly, the reason for the creation of these TPOs is highly relevant. The communications which accompany the Orders states that the trees forming the subject of the Order "are of high amenity value, collectively and individually ... and are prominent landscape features in the neighbourhood". It goes on to say that "the trees will add maturity and amenity value to the development". Nothing has changed since that Order was made to alter that opinion on the importance of the trees. In fact, this is 4 years ago, since when the trees and shrubbery have matured further.
- The application documents are misleading in that there is confusion between The Planning Statements, the Tree Report and the Arboricultural Assessment.
- One document says 98 trees are to go, the other has 106 - plus 20 groups of trees. Other documents and plans show varying numbers to be lost - any of these numbers would be disastrous for the character of the area, its neighbours and the natural environment.
- A hedge managed to a height of 2 metres and approx. 1.3 metres wide and in good condition, therefore, could be lost amongst the devastating destruction of this site depending on whatever plan or report the developers work to
- The number of houses has meant that there is a need to remove more trees which is against the local plan policy NE5

### **Highways and traffic**

- The proposal fails to comply with guidance relating to visibility displays as recommended by Design Manual for Roads and Bridges published by The Highways Agency and Transport in the Urbane Environment published by The Chartered Institution of Highways and Transportation.
- In Appendix 5 of the applicant's Transport Statement "Swept Path Analysis – Large Refuse Vehicle", simple corner radii are drawn at around 5m radius at the junction of the access road with Crewe Road. This is half of the recommended radii of 10m and is

inadequate and dangerous. The analysis indicates conflict in the swept path of a vehicle entering with a vehicle leaving the junction, which further demonstrates the inadequacy of the 5m radii. The projected turning manoeuvres in and out of the site, seem very understated in the light of local knowledge and deserve detailed critical examination.

- The proposed access junction is substandard and appears not to provide sufficient visibility splays.
- All traffic using the businesses would have to come via London Road and would have consequences for extra loads on the rest of the network as well as the current driveway access.
- Crewe Road already carries a high volume of traffic with both Birchin Lane and Mount Drive in close proximity. The application states that the 40 mph speed limit is in the main adhered to. This 'is a most inaccurate and misleading' statement. Many vehicles travel in excess of the speed limit and when they are approaching the access road travelling from Crewe to Nantwich direction they cover the relatively short distance from Birchin lane to the access road in seconds. It is dangerously deceptive and inevitably there will be many accidents as joining Crewe Road will be far from easy especially when turning right towards Crewe. At certain times of the day there is already traffic backing up from the Peacock roundabout. The length of the queue can vary but at times stretches as far as Gingerbread Lane. The number of additional vehicles generated by an additional 60 homes will only serve to increase these problems.
- The proposed number of dwellings is too great for the site area, particularly taking into account the fact that there will only be one access road into the development and there is potential for in excess of 120 vehicles regularly accessing and leaving the site via a small narrow road and junction.
- The traffic volumes along Crewe Road have not been sufficiently considered , particularly the number of school children who walk and cycle along Crewe Road. These numbers are likely to increase with many children from Willaston walking or cycling into Nantwich if the proposed removal of school transport for children in that village goes ahead.
- The current local highway network is already very busy, with the Peacock, and Crewe Road end, roundabouts causing significant congestion at peak periods.
- Hard to believe that the width of the area will safely accommodate a road for 2 way traffic, a substantial footpath, a cycle path and the existing hedge.
- Concern for safety of people who regularly walk and cycle into Nantwich in being seen clearly as they approach the proposed junction.
- Although proposed, no link between Crewe Road and London Road is designed into the proposed layout. How do new residents access the college without the link?
- The London Road entrance to the college will be completely inadequate once the main entrance off Crewe Road is lost.
- On the Design and Access Statement page 44 (*Proposed technical layout*) it refers to traffic calming detail in alternative surface treatment on the Access Road, back from its junction with Crewe Road, but omits to state what that alternative is. This is sited in line with neighbouring property's living and sleeping accommodation. Any entry treatment in the form of a rumble strip or any raised area e.g. *hump, cushion or table*, will cause immense nuisance.

- The Access Road is the only entrance and egress of the site and it is not clear as to what traffic management measures will be promoted. Unless there are some form of waiting and loading restrictions, this road could become a magnet for all day parking. It is imperative that this road is kept clear for the requirements of emergency vehicles.
- The proposed road width of 4.5 metres is not in line with the recommended 5.0 metre road width for refuse truck access. The proposed road entry details do not meet highway requirements for radius of entry or visible line of site
- In the last 3 years there has been significant increase in traffic due to the “Business Park and the letting of the student accommodation blocks to Reaseheath College students. This has lead to lots of “close calls” with the existing traffic using Crewe Road
- There will be a significant increase in traffic using the site access road, not only from the finished development, but also from the works traffic during the construction period. There will be much heavy material to be transported from the site before the building works begin, and then obviously a great deal of new materials to go onto the site. All this will be by way of one simple driveway with no significant foundations to serve as a road.
- Would like to see a signed pedestrian/cycle route established through the site from London Road to Crewe Road. Also the refuge on Crewe Road should be designed to accommodate cycles to help cyclists exit from the site onto Crewe Road eastbound (similarly to the Barony refuges).
- Cars on Crewe Road are already at a standstill queuing to get onto the Peacock roundabout at certain times of the day and a further 60 dwellings also needing access to Crewe Road will further exacerbate this problem causing more noise and traffic pollution.
- With only one access to the site the weight of traffic during the construction of the 60 odd houses, and if the development goes ahead, the extra car use of the entrance road will be far greater than the road was ever expected to carry. Under this road lies the drain which serves the houses on Crewe Road.
- Looking right onto Crewe Road from its junction with the Access Road, there is an obvious curve in the road. This creates a blind spot and vehicles, particularly cyclists and motorcycles can be unseen. This has not been addressed in the visibility splays and the potential for conflict at considerable speed is unthinkably horrifying.
- The proposal does not incorporate the existing College buildings. Many staff and visitors utilise existing parking areas. Some of those parking areas are to be developed. It is questionable whether there will be sufficient parking available on site therefore. There is at present a problem with vehicles parking on London Road up to the junction with St Joseph's Way and the Council intend to put double yellow lines along that area which is not before time. Therefore it seems that insufficient thought has been given to the issue of parking and insufficient space has been provided.
- As is so often the case with these developments, the density is too great, and insufficient thought has been given to parking, many of these homes are four bedrooms and the houses only have provision for parking of two vehicles, and on road parking is none existent. Nowadays a four bedroom house will invariably mean that the house will have four cars at some stage in its life.
- On one day recently, there were 26 cars parked during the afternoon. They are from customers and employees and proprietors of the various businesses in the college buildings. These businesses cause no harm to the area and, indeed, are a successful resource for start-ups and community-focussed companies. The loss of all this parking

space will have serious, damaging repercussions on these valued businesses and on parking elsewhere in the old college site that is to be retained.

- The roads on the site are in places unsuitable for the number of houses. The parking provision is insufficient meaning that cars will be parked on the roads thus increasing the access problems. The Transport Statement (para 3.9) refers to a parking provision of an average of 2 off road spaces per dwelling. That does not appear to have been carried through to the new layout which has significantly less than 2 spaces per dwelling
- Within the site, the road system is far too narrow and lacking in visitor parking.
- Experience elsewhere shows that chaos will ensue with parking on gardens and verges.

### **Infrastructure**

- The current use as a small business park is offering small businesses a chance to develop within Nantwich without having to pay the high costs of a town centre location, it would be a shame if these opportunities for self sufficiency, innovation and growth were lost to yet more residential property in this town.
- As a general proposition, the extent of house building in Nantwich and the capacity of the town's infrastructure to support this must be questioned. Health services, schools and town-centre car parking are already stretched to the limit. There should be no further expansion of housing until the services necessary to support an increased population are put in place.
- The development is clearly intended to attract families with children, and the local primary schools are already under strain with the majority highly oversubscribed. That will mean longer journeys to school increasing the strain on the local roads.
- Where are the hundreds of children going to go to school, never mind how are they going to get there? Nantwich schools are full. Has the LEA plans for a new school, and where and when? Children need a school that is near enough and with places for them when they come to live in our town, not in five years time.

### **Ecology**

- Removal of the tress and hedges would affect birds and other wildlife.
- Resident's observation and recording of birds, over forty years at my present address, shows the importance of the complex of trees, shrubberies and open grassland in providing breeding/feeding sites for many woodland species. Of these, six regularly-recorded species (and two or three more which are seen occasionally) are red-listed nationally as being of conservation concern, and a further three are amber-listed.

### **Drainage**

- The plans show the main sewer as the one running under Regents Gate but for the past 2-3 years the College has had to arrange for the drains to be pumped out with the aid of a mobile unit. Reassurance from the Council is sought regarding the drainage for the new buildings.

- Given a currently unsatisfactory situation, and with well-known drainage problems on new estates elsewhere in the town it is reasonable to ask whether the local sewerage system is capable of absorbing discharge from another sixty houses.
- The layout plan shows various trees being planted adjoining the westerly boundary of the new access road. There is a drain carrying the foul water from the houses in Crewe Road which runs under the current access drive, and which will be underneath those proposed trees. The trees will in time damage the drain and make access to it more difficult in breach of policy BE4.
- The application proposals are unclear as to how the surface water drainage will be dealt with. The higher density means more hard surfacing resulting in increased run off. The foul drainage is proposed to be connected into the local public sewers in Regents Gate which are already under strain from the existing housing developments.

### **Amenity**

- The road running along the boundary makes properties on Crewe Road feel less secure.
- There have been substantial changes to the road layout and proposed dwelling location which is detrimental to the security of properties in Crewe Road, not as stated in the original application which stated “the location of dwellings will provide additional security to neighbours”
- The conifers and bushes, that would screen any development, are being removed making the road more visible and audible. Street lighting would also be visible.
- The location of the bin store for the apartments is directly behind existing garden fences. Is this the most considerate location for the bins with the noise and smell pollution they will produce?
- The number of car parking spaces which will border existing properties will cause noise and smell pollution.
- There seems to be more houses squashed into the North boundary causing more traffic and noise in this area.
- The road serving these houses, and the block of flats, now runs along the boundary of existing gardens, causing noise and pollution, especially as a turning point is being proposed at the corner edge of the garden
- Five of the new houses will back directly onto one existing property, the nearest being only 11 metres from the house and with the removal of the trees will result in a complete loss of privacy.
- The house adjacent to Plot 1 of the development is less than 9m from the boundary with windows looking directly at the new property.
- Request that amendments are made to the proposal to move Plot 1 further from the boundary to take account of the privacy of the existing dwellings as required by Local Plan Policy BE1 (Amenity).
- The proposals provide for some areas of amenity space. The proposals do not however explain who will be responsible for maintaining the amenity spaces.
- The new layout at the rear of numbers 108 to 98 Crewe Road results in a lack of security for those houses which will now have a public highway running along their rear gardens.

### **Design Issues**

- The appearance of the apartment block is not in character to any of the surrounding buildings.
- The low cost housing is squeezed into the most remote corner of the development for very dubious reasons. This gives the impression of a ghetto.
- The apartment block has no specific open space provided which means that any young children will have to be escorted to the central open space along the single carriage estate roads which appear to have no formal footpaths.

### **Other**

- No mention has been made of the iron fence at the back of Crewe Road and Regents Park and neighbours would very much object to its removal.
- Will become a 'white elephant' if properties remain unoccupied.
- The value of property will be adversely affected.
- As I have indicated, the proposal does not incorporate existing College buildings. The proposed development is very close to those buildings. The buildings are not listed. The Council needs to consider whether there may be applications in the future to develop the land on which the College buildings sit and what the response would be to any such proposals given the proximity to the present proposal by Stewart Milne Homes.
- The trees which the applicant proposes to plant along the Access Road include fast growing trees of up to 25 metres in height with up to 12 metre spread, some with strong aggressive root systems (damaging to drains) and others which are prone to toppling in high winds.

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

- Flood Risk Assessment
- Planning Statement
- Ecological Statement
- Arboricultural Statement
- Archaeology Report
- Transport Assessment
- Geological Report
- Ground investigation.

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 60 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."*

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

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

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

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

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

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

## Highways

The application has been subject to extensive discussions and negotiations between the applicant and the Strategic Highways Manager in respect of the access arrangements and internal layout. The scheme as now submitted is a considerable improvement over the original plans in terms of the highways arrangements and reflects the general principles established as part of those discussions.



Therefore, the Strategic Highways Manager has raised no objection in principle to the proposals, subject to appropriate conditions and a Section 106 contribution of £100,000 to address off-site highways impacts in terms of capacity at the “Peacock Roundabout”.

However there are a number of detailed design issues in respect of the internal layout, which still require amendment and therefore he cannot support the proposal at the current time. These matters have been brought to the attention of the developer, amended plans are anticipated and a further update will be provided to Members on this issue prior to their meeting.

### **Trees and Landscape**

This application has been the subject of lengthy discussions with the applicant Stewart Milne Homes to attempt to reach an acceptable design that addresses the various planning highways trees and design issues.

Selected trees within the site are covered by a existing Tree Preservation Order; the Crewe and Nantwich Borough Council (St. Josephs, Nantwich) Tree Preservation Order 1986 which protect individual and group of trees along the northern boundary with Crewe Road, the central section of the site and part of the southern boundary with Regents Gate and St Josephs Way. The Order also extends protection to trees outside the application site within the existing development of St. Josephs Way

The site has been the subject of development interest for a number of years which has prompted concerns from nearby residents, in particular those on Regents Gate. Following speculative interest in 2008 and concerns raised about possible tree removals, a further Tree Preservation Order was raised on the Regents College site by Crewe and Nantwich Borough Council. This Order comprised of an 'Area' based Order, which effectively covered all the existing trees within the site.

This Order was not confirmed by Crewe and Nantwich Borough Council due to concerns raised by the Councils Legal department at the time.

In 2009 a further Order was drafted which included protection of additional individual and groups of trees which had been planted after the 1986 Order. This Order the Cheshire East Borough Council (Nantwich- Regents College, London Road) Tree Preservation Order was served on 29th May 2009. Following an objection to this Order it became apparent that the Order was not accurately surveyed and in view of this the six months determination period for confirmation of the Order lapsed and the Order not confirmed.

The Council has received a number of requests from adjoining residents including St Josephs Way and Regents Gate to extend the existing protection of trees on the site following the submission of this current application. In response to this, a site meeting was arranged with residents of Regent Gate on 25th February 2013 to discuss their concerns.

At the meeting the residents stated their concerns about the potential loss of trees within the application site and in particular the direct and indirect loss of trees along the southern boundary of the site adjacent to Regents Gate. Particular concern was expressed that the

loss of these trees would result in the loss of privacy, impact upon private residential amenities and the contribution the group of trees presented to the visual amenity of the area.

As a consequence of this meeting, further meetings were held with the developer in March and April with a view to achieving an improved scheme with an imaginative design that would retain trees and ensure the protection of private amenities of residents on Regents Gate and St Josephs Way.

The application is supported by an Arboricultural Impact Assessment which has assessed each tree and group within the site and those immediately adjacent to the site boundary. The assessment has been carried out in accordance with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations and each tree or group categorised in accordance with the standard (Categories A-C and U). The purposes of the Tree categorisation is to identify the quality and non fiscal of the existing trees with a view to making an informed decision on their retention or otherwise removal.

The Assessment has identified a total of 209 individual trees, 32 Groups of trees and 7 hedgerows

The trees and groups of trees identified can be categorised thus:

- A category - Individuals and Groups 16
- B Category Individuals and Groups - 128
- C category Individuals and Groups - 91
- U Category Individuals - 3

All 'A' category trees are proposed to be retained within the scheme and have been assessed thus:

- 50 individual 'B' category and 7 group 'B' category trees are proposed to be removed
- 33 Individual 'C' category and 11 'C' category groups are proposed to be removed
- All 3 'U' category trees are dead and require removal by virtue of their condition.

In evaluating the impact of the proposed development on existing trees consideration has been given to seeking a balance between the retention of those mature trees which are currently protected by a TPO, those trees of A and B category not protected by the TPO the quality of design of the scheme, highway considerations in terms of according with the requirements for Manual for Streets, Open space and landscape provision and the impact on adjoining residents.

Lower 'C' category trees were also considered for retention where they might have some functional value, such as for screening or boundary protection, but otherwise would be accepted for removal to accommodate the development.

In considering this application a full appraisal of all the trees on and immediately adjacent to the site has been undertaken . The appraisal has identified that the site contained individual and groups of trees in the high quality 'A' category and Moderate ' B category. Most of the trees within the 'A' category and some 'B' category trees were already protected by the 1986 TPO. The remaining trees were identified as relatively young or semi mature specimens which were planted after the original order was made, or were likely to be small saplings at the time.

A number of 'B' category trees identified have developed into reasonable specimen trees appropriate to their setting within the former gardens of Regents College. Some specimens have clearly been selected for their attributes or arboricultural significance as garden features, and are scattered as individual specimens throughout the site.

The retention or otherwise of these trees has been considered against the wider merits of the scheme as a whole. Because many individual specimens are scattered across the site, it has not been possible to retain all the B' category specimens. The scheme has considered with the cooperation of the Councils Design Officer and the Council's Highway Engineer. In this regard attention has been given to the quality of the external environment including the arrangement of car parking and other areas of hard standing and the integration of existing trees; the development townscape quality and sense of place which includes provision of open space around existing mature protected trees and the linking of open space across the site to provide a more cohesive high quality design.

In considering all these issues it has been necessary to accept the removal of a number of 'B' category trees in order to achieve an acceptable layout that will provide the balance between design, highways, landscape and trees.

The site has been the subject of a number of revisions to address issues of design, highway matters trees and the impact on residential amenities

The most recent layout, Revision D is in response to highway engineers concerns regarding then junction design to Crewe Road, service strip provision and a request for a more generous turning head adjacent to Plot 22 to allow for improved turning movement.

The latter has prompted a redesign of the turning area which will require the removal of a number of C category trees; G29,(Group of Cypress, Variegated Holly, Mahonia and Cherry Laurel) T175 and T176 (Portuguese Laurel and T177 (Cherry).

Concern has also been expressed by the neighbour at 1A St.Josephs Way, in particular the clearance and loss of trees along the southern boundary, TPO issues and Construction Exclusion Zones.

The original site layout has undergone considerable amendment and includes provision for the retention of trees within a landscape buffer along the southern boundary, whereas the original scheme showed rear gardens backing onto Regents Gate. The issue of Tree Protection has been discussed above and given the past concerns raised about the blanket protection of trees this was not felt to be the best approach here. Whilst it is accepted that the site contains numerous 'B' category trees which are worthy of retention, it would not be possible to retain the majority of these trees. The issue of Construction Exclusion Zones has been assessed in relation to BS5837:2012 Trees in Relation to Design, Demolition and Construction and in respect of the Root Protection Area (TRPA) of retained trees and species tolerance. In this regard it is considered that the proposal broadly meets the requirement of the British Standard.

The Council's Tree Officer has expressed some concern that as further vegetation is now proposed to be removed along the Regents Gate boundary this will reduce further the depth

of screening and provision of landscaped space for protection of private residential amenities on Regents Gate. Stewart Milne has suggested suitable replacements for the losses, but he considers space is somewhat limited for successful establishment due to the presence of an existing hedge. Further communication has been received from Stewart Milne (e mail dated 11/6/2013) with an attached temporary revised plan showing these trees for retention and a request by the highway officer for comment. This further revision does show some minor encroachment into root protection areas which will require due consideration in the turning head redesign; in this regard given the species affected there may be scope for accepting some slight encroachment without significantly affecting the health and safe well being of the retained trees.

Save for this issue, which remains the subject of on-going negotiations with the developer, the overall design has to be commended for the retention and successful integration of existing protected trees within open space provision and within private gardens with appropriate private amenity space and relationship to retained trees. A further update will be provided prior to committee.

### **Amenity**

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows.

The site is bounded to the north by the existing ribbon development fronting on to Crewe Road .These properties have exceptionally long rear gardens and as a result the minimum separation distance of 21m will be considerably exceeded between these dwellings and the proposed development.

To the west of the site, lies the retained portion of the college campus, and therefore the only residential property which adjoins this boundary is no. 77 Jackson Avenue. A separation distance of only 6m will be achieved between the gable elevation of this and the proposed dwelling on plot 52, but given that neither elevation is considered to be a principal elevation, this is considered to be acceptable.

To the south of the site lies Regent's Gate, Hirsch Close and St. Josephs Way. A separation distance of between 18 and 20m will be maintained between the front elevation of plots 21 and 22 and the flank elevation of 1 Regents Gate, which is considerably in excess of the recommended 13m and a distance of over 35m will be achieved between the front elevation of plots 19 and 20 and the front elevations of numbers 4 and 5 Regent's Gate, which exceeds the recommended 21m. Between 21m and 23m will be maintained between the principal elevations of 2 Regent's Gate and 5 Hirsch Close respectively, which is also significantly greater than the recommended 13m.

To the east of the site are the existing properties in Gingerbread Lane. Separation distances of between 21m and above would remain between the principal windows of the proposed dwellings and numbers 37 to 49 Gingerbread Lane. Proposed plot 7 is orientated with its gable facing towards no41 Gingerbread Lane and a separation distance of between 9 and 12.5m will be achieved. Whilst this is below the recommended minimum of 13.7, no.41 is

orientated at 45 degrees to the gable of Plot 7 and as a result the two elevations are not directly opposing. Consequently, the separation distance, in this case is considered to be acceptable.

Turning to the amenity standards within the site, the recommended minimum separation distances between principal elevations are achieved in all cases with the exception of the spacing between the fronts of plots 29 and 59, 27 and 60 and 11, 15 and 6, where they fall to approximately 12m.

However, given that these reduced separation distances relate to front elevations, where properties can be overlooked from the public highway, the impact on privacy of future residents would be minimal. Furthermore, modern urban design principles, based on Manual for Streets, which have been employed in this scheme, encourage tightly defined streets and spaces. Such schemes are characterised by a shared surface road, with properties constructed up to the back edge of the highway, to create a pedestrian priority environment which is not over dominated by highway engineering. The reduction of separation distances between front elevations helps to achieve these requirements. It also reflects the narrow nature of the historic streets of Nantwich Town Centre. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives.

The recommended minimum distance of 13m would be achieved between all flank and principal elevations within the scheme with the exception of the rear of plots 22 and 24 to the side elevations of plot 23.

However, as stated above, this area requires some degree of re-planning to accommodate the trees and highway turning head at this location and it is considered that this issue could be addressed as part of those revisions. Accordingly it has been brought to the attention of the developer, and a further update on this matter will be provided in due course.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved on the majority of plots, within the exception of some of the mews properties in the north west corner of the site. No private amenity space has been provided for the apartment block. However, this is consistent with many traditional terraced properties and apartments within the town and these properties are less likely to be occupied by families with children. In addition, given the unusually high amount of shared amenity space on this development, which is a product of the extensive tree cover, this situation is considered to be acceptable.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. The provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

### **Design and the Built Environment**

As originally submitted, the scheme raised a number of significant design concerns. These were:

- A standardised layout imposed on a site with an established, strong landscape quality. The site has a distinct character that demands a bespoke approach
- Development of a form that does not reinforce the character and ornamental qualities of the landscape setting – namely as the grounds of the college
- The scheme failed to realise the potential to orientate the scheme upon geometry within the gardens (i.e. mature landscape features) and Regent College buildings
- Standardised highway/access solutions that appeared overly engineered for a scheme of this size
- Lots of trees situated within private rear curtilages rather than within areas of 'public' space
- The images of streetscenes illustrated how far the thinking is away from the opportunities that the site offers
- Pressure imposed by the numbers of units proposed on the landscape, layout and grain
- The site offers significant potential to create a distinctive and high quality housing development, tailored to the context (predominantly looser grain, larger detached individually designed properties) which it did not achieve

However, with regard to the layout of the site, the revised plans are a considerable improvement over the original submission. It includes a large central public open space, which contains some of the most significant retained trees within the site. The properties are arranged in such a way that active frontage is provided to all sides and a sense of enclosure and overlooking is provided to around this space. Other key trees are contained in two further substantial areas of public open space at the south of the site and along the northern boundary, and these areas also benefit from properties fronting on to them. Therefore, all areas of public open space, including rounds benefit from active frontages and natural surveillance, whilst important trees are maintained outside private garden areas. This means that, not only can they be enjoyed by the public, but there is reduced pressure for felling and pruning as a result of overshadowing or other overbearing impacts on resident's private amenity space.

Radiating from the main spine road which runs around 3 sides of the proposed central open space, are a number of small cul-de-sacs. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. The density and spacing between the dwellings is also similar to that of the adjoining development.

The layout, as amended, makes provision for key views and vistas through the site towards key retained trees, and the most attractive elevations of the locally listed college buildings alongside.

The layout embraces manual for streets principles, such as shared surfaces, feature squares reduced carriageway widths and non-standard highway geometry to create a high quality public realm that is pedestrian friendly and not dominated by cars or highway engineering. Parking is predominantly provided within garages, to the side of properties or with parking courts to avoid car-dominated frontages.

The layout also makes provision for pedestrian and cycle connectivity through the site to the retained element of the Regent's College campus, in accordance with the wishes of the Footpaths Officer. This will improve through connectivity for pedestrians and cyclists from Crewe Road to London Road and will encourage residents to walk and cycle to use the shops, business and other facilities both in the town centre and on the retained portion of the college site.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

The proposed dwellings are 2 stories in height which reflects the more recent developments in the surrounding area. The properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches, Juliet balconies, bay windows and window and door head and sill details that add visual interest to the elevations and are similar to other properties in the vicinity. Similar designs have been employed on the neighbouring recent developments, such as at Regent's Gate to the south and it is considered that, subject to the use of conditions to secure appropriate materials, the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

The proposed apartment block is 3 stories in overall height. However, it is situated in the north west corner of the site, where it does not adjoin any existing residential properties, and will be screened by the proposed dwellings. In this location it will also be viewed in the context of the college buildings to the south and west, which are similar in height and scale. It is therefore considered to be an appropriate feature in this location. Efforts have been made to break down the mass of the building and to emphasize it's status a landmark building, within the development, through the use of a projecting gable feature to the front entrance, with venetian windows at first and second floor levels, and a portico to the entrance door. A mock stone rusticated base is proposed at ground floor and Juliet balconies and mock stone window head details add further visual interest to the elevations.

Overall from poor design as originally submitted, the proposal now represents a very high quality scheme which has embraced the constraints and opportunities provided by this challenging site and therefore complies with Policy BE2 (Design) of the Local Plan and the provisions of the NPPF in this regard.

## Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

In this case the Council's Ecologist has been consulted on the application and has commented that two trees on site have been identified, which have the potential to support roosting bats (T20 and T25). T20 appears to be lost to the proposed development. He therefore advises that a detailed bat survey of these trees should be submitted to the Local Planning Authority prior to the determination of the application, if they are to be removed. However, on the amended plans these trees are shown for retention and therefore, subject to a condition requiring retention of these trees, the Ecologist raises no objection on the grounds of impact on bats.

The site of the proposed development has the potential to support common species of breeding birds. If planning consent is granted conditions should be attached requiring a survey to check for breeding birds prior to commencement of any works within nesting season and ensure some additional provision is made within the completed scheme for breeding birds and roosting bats.

Subject to these conditions, it is not considered that there will be any adverse impact on ecology and as such the scheme complies with the relevant local plan policies and the provisions of the NPPF in this respect.

### **Affordable Housing**

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

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, made up of a need for 21 x 1 bed, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units each year.

Cheshire Homechoice which is the system used to allocate social and affordable rented housing across Cheshire East currently has 331 applicants on the register who have selected Nantwich as their first choice. These applicants require: 142 x 1 bed, 115 x 2 bed, 53 x 3 bed and 8 x 4 bed (13 applicants haven't specified how many bedrooms they need)



The Affordable Housing IPS states that the tenure mix the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents would be acceptable at this location) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The revised plans for the site show a total of 64 dwellings on the site. Therefore the affordable housing requirements are 19 dwellings, with 12 provided as social or affordable rent and 7 provided as intermediate tenure. The applicant has advised that Muir Housing Group are their partner RSL who will be managing the affordable dwellings and they propose to provide 9 x 1 bed apartments and 6 x 2 bed apartments as affordable rented dwellings and 4 x 3 bed houses as shared ownership dwellings. This provides a tenure split of 79% affordable rent and 21% shared ownership. Although this does not meet the tenure split established as a result of the SHMA 2010 there has not been any significant delivery of rented affordable housing in Nantwich in recent years so housing officers have no objection to the proposed tenure split.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

Finally the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

It is the preferred option that the developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Regulator to provide social housing.

All of these requirements can be secured through the Section 106 Agreement and therefore, on this basis, the proposal is considered to be acceptable in terms of affordable housing provision.

## **Education**

The Council's Education Officer has commented that there is sufficient capacity available in the secondary schools to accommodate the pupils generated. However, a contribution of £108,463 will be required towards primary provision.

In response to the amended plans, which have increased the numbers of units within the site he has stated that 64 units will generate an extra pupil, 11 instead of 10. Therefore  $11 \times 11919 \times 0.91 = £119,309$

This can be secured through the Section 106 Agreement.

## **Open Space**

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling. As this scheme is for 60 dwellings, this would equate to 900sqm of amenity space and 1200sqm of children's play space.

Because of the significant number of trees within the site, which need to be accommodated, the scheme involves a substantial amount of amenity opens space in excess of 3693sqm. Therefore the Local Plan policy requirement is exceed in this respect. However, no children's play space has been provided and it is considered that it would be difficult to accommodate a play area within the open space on the development, without causing harm to retained trees.

Therefore a contribution towards off-site provision of children's play space is recommended. An appropriate figure was awaited from the Council's Greenspaces officer at the time of report preparation, and a further update on this matter will be provided to the committee prior to their meeting.

## **Drainage/Flood Risk**

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

## **Impact on Level Crossing**

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail initially placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the "half-barrier" type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the "half-barrier" crossings were upgraded to the "full-barrier" type. It is therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

With regard to the size of the contribution, going forward for the current and any future proposals in/around Nantwich, Network Rail have based our calculation on recent planning applications for development in their Western route. Bearing these in mind, they would expect developers to contribute £1500 per dwelling towards the upgrade costs. They consider that this figure is reasonable and proportionate, albeit there will obviously be a considerable gap that will need to be met to achieve the total cost of c£4m to upgrade the two crossings.

On the basis of the above, it is considered that the Network Rail objection can be overcome and that it does not provide sustainable, additional grounds for refusal.

## **8. CONCLUSIONS**

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 60 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. It is therefore supported by the Governments' Planning for Growth agenda and the general thrust of the NPPF.

There would be no adverse impact on residential amenity, highway safety, drainage and flood risk, ecology or trees and landscaping. Overall it is considered that this is a high quality design which respects the unique character and appearance of the area in which it is located and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Therefore, subject to the imposition of suitable conditions and the applicant entering into a Section 106 Agreement to secure the necessary affordable housing provision, and contributions towards education, open space and level crossing improvements, the proposal is considered to be acceptable and in accordance with the relevant local plan policies. Accordingly, it is recommended for approval.

## **9. RECOMMENDATION**

**APPROVE subject to receipt of amended plans to address highways and tree concerns and completion of a Section 106 agreement to secure:**

- **19 dwellings as affordable housing, with 12 provided as social or affordable rent and 7 provided as intermediate tenure**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision for a local residents management company to maintain the on-site amenity space / play area**
- **Primary Education Contribution of £119,309**
- **Contribution of £96,000 towards level crossing improvements**
- **Public Open Space Contribution (amount to be confirmed)**
- **£100,000 contribution to the design improvement schemes planned by CEC Highway Authority for the A51/A534 roundabout.**

And the following conditions:

1. Standard 3 year time limit
2. Compliance with approved plans
3. Submission and approval of materials including surfacing materials
4. Submission fo Environmental Management Plan
5. Submission and approval of contaminated land mitigation measures
6. Dust control measures
7. Piling hours to be restricted
8. Piling method Statement
9. Submission and approval of external lighting details
10. Construction Hours to be restricted
11. Bin Storage
12. Submission and approval of boundary treatment
13. Submission and approval of landscaping
14. Implementation of landscaping
15. Provision of Parking
16. Access works to be carried out prior to first occupation
17. Tree Protection
18. Implementation of Tree protection
19. Arboricultural Method Statement to be submitted and agreed
20. Special construction measures under trees
21. Surface Water runoff to mimic that of existing site
22. Submission of scheme of sustainable urban drainage
23. Submission of a Scheme to limit surface water run-off
24. Submission of a scheme to manage the risk of flooding from overland flow
25. Removal of Permitted Development Rights
26. Breeding bird survey prior to work in nesting season
27. Provision of bat and bird boxes
28. Retention of trees T20 and T25
29. Detailed suite of design plans for the proposed junction arrangement with the A534 Crewe Road to the satisfaction of the LPA.
30. Detailed suite of design plans for the internal site layout to the satisfaction of the LPA. These plans will inform the S38 Highways agreement for adoption purposes.

In the event that amended plans are not received REFUSE for the following reason:-

1. The proposed internal road layout would result in residential unit encroachment into the adoptable highway boundary and fails to make adequate provision for service strips turning heads and refuse vehicle access to all parts of the site without encroachment and, would cause conflict with existing trees. Given the congestion within the site which is cramping both trees and highway footprint for space the proposal would be contrary to policies BE3 (Access and Parking) and NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.



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



This page is intentionally left blank

Application No: 13/0003N

Location: LAND OFF MAIN ROAD, SHAVINGTON, CHESHIRE, CW2 5DY

Proposal: Erection of 17 affordable dwellings - 5 no. 3 bedroom houses, 8 no. 2 bedroom houses and 4 no. 1 bedroom apartments.

Applicant: Ann Lander, Wulvern Housing

Expiry Date: 17-Apr-2013

**APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-**

**1. A contribution of £8,305.50 towards habitat creation/enhancement work to be undertaken offsite.**

**MAIN ISSUES**

- Principle of Development
- Housing Need
- Green Gap
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Trees
- Ecology

**REFERRAL**

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

**1. SITE DESCRIPTION**

This application relates to a linear parcel of land to the western side of Main Road within the Open Countryside and Green Gap as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Immediately to the east of the site is the settlement of Shavington.

The application site is currently undeveloped land. To the north, east and south of the site are residential properties which front onto Main Road and are of varying styles and sizes.

To the west of the site is agricultural land with a native hedgerow forming the boundary to this side. Along the western boundary are a number of trees which are subject to a Tree Preservation Order.

The land levels are uneven on the site with the level of Main Road being set at a lower level to the northern end of the site.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of 17 residential units (13 dwellings and 4 flats). There would be a single access point which would be taken at the southern part of the site. The proposed dwellings would be affordable homes and would be two-stories in height.

## **3. PREVIOUS RELEVANT DECISIONS**

7/17135 – Residential Development –Refused 8<sup>th</sup> June 1989

– Reasons for refusal the site is not allocated within the structure and local plan and harmful to the rural character

7/06604 - Residential development 4 no. bungalows – Refused 28<sup>th</sup> April 1980

– Reasons for refusal contrary to the structure plan, not a natural village extension, adverse impact upon rural amenity

7/06599 – 10 dwellings – Refused 28<sup>th</sup> April 1980

– Reasons for refusal contrary to the structure plan, not a natural village extension, adverse impact upon rural amenity

## **4. PLANNING POLICIES**

### **National Policy**

The National Planning Policy Framework

### **Local Plan Policy**

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.2 (Open Countryside)

NE.4 (Green Gaps)

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  
Cheshire East Development Strategy

## **5. OBSERVATIONS OF CONSULTEES**

**United Utilities:** No objection; the site must be drained on a separate system with only foul drainage connected to the foul sewer. Surface water flows should discharge to soakaway and or watercourse and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public sewerage system we will require the flow to be attenuated to a maximum discharge rate of 6 l/s as determined by United Utilities.

**Strategic Highways Manager:** A new access point will be provided onto Main Road almost opposite that to Greenfield Avenue. Although the position of the access would not meet the Council's guidelines on junction spacing, its location is determined by the need to provide adequate sightlines and in view of it serving a small infill site it is acceptable in this location.

The site will be served by two cul-de-sac arms formed by a 5-metre shared-surface road. The Strategic Highways Manager is content with the internal road system and level of parking provision.

Accordingly, there is no objection to the proposal, subject to imposition of conditions to the effect of:

*No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.*

*This application will be subject to a S278 Legal Agreement under the Highways Act 1980 in relation to all related "offsite works" which are identified. This agreement with Cheshire East Council will be signed by the developer prior to any development on the site.*

**Environment Agency:** No comments to make

**Environmental Health:** Conditions suggested in relation to construction and piling hours, a piling method statement, dust control and contaminated land.

**Public Rights of Way:** A suggestion under the Council's statutory Rights of Way Improvement Plan has been logged (Ref. W79) requesting destination signage to be installed around Shavington to indicate walking and cycling routes and destinations. One such path runs from Main Road close to the development site to Rope Lane near the school/leisure centre. The developer could be asked to contribute to this aim, for routes within the Parish.

The developer would be expected to provide information to new residents on the walking and cycling options for both transport and leisure purposes.

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

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 11 households in the area raising the following points;

- Overdevelopment of the site
- The land levels are not even
- Affordable houses should not be built in an area of high Council Tax
- Highway safety
- Pedestrian safety
- There is only a requirement for 4 Three bedroom houses, why have 5 been proposed?
- Overlooking and loss of privacy
- The development is out of character
- The hedgerow is not shown to its full extent
- There is poor visibility at the site entrance
- There is no bus service to Nantwich
- Loss of Green Gap
- Impact upon protected species
- There have been previous refusals on the site and the Inspector at Appeal made reference to the impressive views across the site
- The proposal is not infilling and would harm the rural character of this part of Main Road
- There is no need for further housing in Shavington
- Apartments are not needed
- Impact upon infrastructure – schools etc
- Traffic congestion
- The sewage system backs up on Main Road on a regular basis
- There are too many development proposals around Shavington
- The development would appear cramped
- If approved the dwellings should be occupied by people with a strong link to Shavington

- Problems caused by construction traffic
- Allowing the development would prejudice the Local Plan
- Impact upon wildlife
- Loss of a view
- The large residential developments around Shavington should satisfy the affordable housing need
- The development is out of character
- Concern about boundary treatment
- Any New Homes Bonus gained by the Council should be given to the Parish Council

## **7. PARISH COUNCIL**

**Shavington Parish Council:** Objects to the application on the following grounds:

- The Council has real concern over the existing problems associated with the foul and surface water drainage along this stretch of Main Road which has regularly overflowed resulting in effluent onto the carriageway, and this additional demand on the already over loaded system will only exacerbate the problem.
- The Council is concerned over the loss of amenity of existing properties on the opposite side of Main Road whose privacy will undoubtedly be affected since the site of the proposed development is raised well above the carriageway level and the proposed boundary treatment will not sufficiently mitigate the effect.
- The Council also has concerns over the impact on pedestrian and vehicular safety along this section of Main Road both with a busy junction opposite the development, and a noticeable narrowing of Main Road (a section of which has no pedestrian footpath) in this location.
- The Council feels that the Applicant has not clearly explained how the proposed development would meet the specific needs of Shavington residents; and how it would ensure that any future re-letting of these properties would satisfy local demand as a priority in the parish of Shavington-cum-Gresty and not be simply offered to anyone on its waiting list.

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

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

Design and Access Statement (Produced by North West Design Associates Ltd)  
Extended Phase 1 Habitat Survey (Produced by Middlemarch Environmental Ltd)  
Planning Statement (Produced by Goodwin Planning Services)  
Phase 1 Desk Study (Produced by Ecologica)  
Arboricultural Survey (Produced by ACS Consulting)

These documents are available to view on the Councils website.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

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

The site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

However, 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 (with reference to Policy RES.4)
- the scale, layout and design of the scheme are appropriate to the character of the settlement.

Furthermore, 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. 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'*

In relation to the rural exception sites the Interim Planning Policy on Affordable Housing states that *'Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport'*.

The site is also identified within the updated SHLAA as being suitable with policy change, available, achievable and developable. As part of the 5 year housing land supply the site has been identified for years 6-10 to deliver 14 dwellings.

In this case it is also required to consider the affordable housing need in the Wybunbury & Shavington sub-area. The proposal is also considered to be acceptable in principle.

## **Housing Need**

The proposed development is for the development of this site to provide 4 x 1 bed apartments, 8 x 2 bed houses and 5 x 3 bed houses to be provided as affordable rented housing.

The Strategic Housing Market Assessment 2010 identified a requirement for 31 new affordable homes each year between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, which is the area this site is located in. The type of affordable housing required each year is 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation. This gives a total of 155 dwellings over the 5 year period.

There are currently 93 applicants on the housing register with Cheshire Homechoice, who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 36 x 2 bed, 18 x 3 bed & 6 x 4 bed. Three applicants have not specified how many bedrooms they need. (Cheshire Homechoice is the choice based lettings system used for allocating rented affordable housing across Cheshire East)

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

Given that there has been no affordable housing provided within Shavington Parish to date and that it is unlikely that the SHMA requirement will be fulfilled in the 5 year period from 2009/10 – 2013/14, it is considered that the principle of affordable housing on this site is acceptable and it would meet the very clear local need which to date has not been met.

The mix of types of dwelling proposed for the affordable homes would meet some of the identified need for the Wybunbury & Shavington sub-area and is in line with the type of affordable housing needed identified from the SHMA 2010 and also current applicants on Cheshire Homechoice.

Therefore it is clear that there is an affordable housing need in Shavington and the first bullet point of Policy RES.8 has been met.

### **Loss of Green Gap**

Policy NE.4 states that approval will not be granted the construction of new buildings within the Green Gap which would:

- Result in the erosion of physical gaps between built up areas; or
- Adversely affect the visual character of the landscape

In this case the application site is surrounded by housing to the north, east and south with an existing mature boundary treatment to the western boundary. The development would not extend beyond the rear gardens of the properties to the north and south and would in effect result in a continuation of the existing ribbon development along this side of Main Road.

As the development would result in the loss of undeveloped land it is considered that the development would result in some erosion of the physical gaps between the built up areas and would conflict with Policy NE.4.

The site has no national landscape designation. The development would introduce built development to an area which currently provides a green gap on Main Road between residential development. However, the site is contained by the western boundary hedgerow and by the residential properties to the north, south and east. As a result the development would not significantly affect the visual character of the landscape.

In this case it is considered that the affordable housing need in Shavington would outweigh the limited harm to the Green Gap in this location.

### **Sustainability of the site**

Letters of objection refer to Shavington not being a sustainable settlement. However the proposal would meet the second bullet point of Policy RES.8, which states that affordable housing outside the settlement boundaries should be:

*'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 Shavington which is listed as a settlement within Policy RES.4. It should also be noted that Shavington is the largest and most sustainable settlement within the Wybunbury & Shavington sub-area.

In this case the site is within walking distance of the village centre and the following facilities within 1km of the site: Post Office, Convenience Store, Leisure Centre, Village Hall, Primary school, Take Away, Scout Hut, Off Licence, Hairdressers and Play Area. In addition there is a secondary school just over 1km from the site and bus services to Crewe Town Centre and Railway Station. Given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Hough is a sustainable settlement and a reason for refusal on sustainability grounds could not be sustained.

### **Amenity**

To the south of the site No 39 Main Road is a true bungalow which includes two principal windows in its side elevation facing the site with a 2 metre high wall and hedgerow to the boundary. Due to the position of a water main and the required easement plots 1-3 would be set behind No 39 Main Road and would not affect the windows to the side elevation. Plots 1-3 would be to the north of No 39 and would not raise any loss of light issues. Plots 1-3 would have a rear garden depth of 14 metres and given that they would be set at an angle to No 39 it is not considered that there would be any significant amenity affect to this side.

To the north there would be a separation distance of approximately 7 metres to the nearest point of No 55 Main Road. Given that No's 55 & 57 are set at angle it is not considered that the relationship would raise any significant amenity concerns. It should also be noted that there is currently a number of trees to this side which already impact upon these properties.

In terms of the properties opposite, the proposed dwellings would be set at a slightly higher level but the separation distances would comfortably exceed the 21m standard between principal elevations. From No 42 Main Road to Plots 6 & 8 there would be a separation distance of approximately 35 metres, from 44 Main Road there would be a separation distance of approximately 27 metres and from 48 Main Road there would be a separation distance of approximately 32 metres.

Due to the large separation distances and the scale of the development, it is not considered that there would be a detrimental impact upon the residential amenities of any surrounding properties.

### **Design**

This part of Main Road is characterised by ribbon residential development. The house types are of different styles from one to two stories in height.

The proposed development would be for a ribbon form of development with the dwellings fronting onto a service road which would run parallel to Main Road. Although plots 2 and 3 would not front onto the highway (due to an easement along the boundary) it is considered that the layout of these properties is still acceptable and would be similar to the properties to the north of the site.

The parking would be discretely located to some properties and there would be the provision of front gardens to ensure that there would not be a car dominated frontage. Furthermore a boundary hedgerow would be provided to ensure that there would be an additional layer of landscaping when viewed from Main Road. The layout is therefore considered to be acceptable and would respect the character and appearance of the area.

In terms of height the provision of two-storey dwellings, although taller than No 39 Main Road to the south would be consistent with the other residential properties in the area and is therefore considered to be acceptable.

The detailed design of the proposed dwellings is relatively simple and would be consistent with those in the immediate vicinity of the site. The proposed dwellings would include the provision of projecting gables, projecting porches, porch canopies and panelling to add interest and give a varied street scene. It is considered that the design of the dwellings would not appear incongruous in the area and is therefore acceptable.

### **Flood Prevention/Drainage**

A number of the letters of objection refer to drainage and flooding in the area. In this case the application forms indicate that surface water will be disposed of via a soakaway. As part of this application United Utilities and the Environment Agency have been consulted and raised no objection to the development. A condition will be attached to ensure that full drainage details are agreed.

### **Highways**

Main Road is a relatively quiet road within the Shavington Settlement Boundary and the development would result in the provision 17 dwellings accessed off a single access point.

The Strategic Highways Manager has confirmed that the visibility at the site access point and parking provision on the site is acceptable. Although the junction spacing does not meet current standards, it is not considered that a reason for refusal could be sustained on these grounds given the scale of the proposed development and the low number of vehicle movements involved.

### **Trees**

There are a number of trees which are located along the northern and western boundaries of the site including 4 trees which are protected by a TPO. A tree survey has been submitted with the application and this identifies the three of the TPO trees as Grade A (High Quality and Value) and one as Grade B (Moderate Quality and Value). Two further trees on the site are considered, one is graded Grade C (Moderate Quality and Value) and the other is identified for removal.

As part of the current application there have been lengthy negotiations with the applicant's agent to ensure that the development does not have a detrimental impact upon the trees or result in future pressures for their removal. This has resulted in plots 4-8 being repositioned further forward to move away from the canopies of the protected trees and the Root Protection Areas (RPA). It is now considered that the amended layout would not cause significant harm to the trees or result in future pressures for their removal.

The Council's Tree Officer is happy with the additional information and the amended plans and has suggested a number of conditions should the application be approved.

### **Ecology**

#### 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.

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

(b) no satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above,



and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 (Protected Species) states that development will not be permitted that would have an adverse impact upon protected species.

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

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

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

#### Great Crested Newts

Thirteen ponds have been identified within 500m of the proposed development. The submitted survey indicates that access was not granted to survey 4 ponds by the land owner and a further 4 ponds did not contain any standing water throughout the survey period. Of the remaining ponds the survey shows that only one pond was discovered to contain newts with a peak count of two GCN (this pond is 455m to the north of the application site).

Therefore the submitted GCN Survey concludes that:

*'Given the good value of habitats which surround Pond 1, the distance of the development works from the pond and the small area of habitats impacted by the works, it is not considered that this population would be impacted'*

This assessment is accepted by the Councils Ecologist and he has advised that GCN would not represent a constraint to the development.

#### Bats

Two trees on the site have been identified as having bat roost potential. These trees would not be affected by the proposed development and would be retained in place. As a result there would be no deterioration or destruction of breeding sites or resting places and the impact upon bats is considered to be acceptable.

#### Reptiles

A reptile survey of the site was undertaken on the site during 7 separate days from 15<sup>th</sup> April to 17<sup>th</sup> May during suitable conditions. This survey did not uncover any reptiles on the site and as a result the Councils Ecologist accepts that reptiles would not represent a constraint to the development.

#### Barn Owl

Barn Owl is a protected and BAP priority species, and is known to occur in the locality of the proposed development. The site supports habitat that is likely to offer foraging opportunities for the species.

The Councils Ecologist advises that the proposed development has the potential to have an adverse impact on barn owls at the local scale and recommends that if planning consent is granted the potential impacts of the development be 'off-sett' by means of a commuted sum that could be transferred to the local barn owl group to facilitate habitat creation works to be undertaken in the Borough.

In this case the Councils Ecologist has calculated a contribution of £8,305.50 using a DEFRA formula. This would be used to off-set the loss of Barn Owl habitat and the loss of semi-improved grassland (discussed below). The sum would be used to provide the erection of Barn Owl boxes off-site in partnership with a local Barn Owl group and to fund appropriate habitat creation/restoration projects in the locality.

#### Breeding Birds

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

#### Loss of semi-improved grassland

The grasslands on site are not UK or Local BAP quality and so have not been identified by the submitted ecology reports as being of a 'notable consideration'. The submitted ecological assessment also states that the loss of foraging habitat for barn owls is not considered to be significant. However, the Councils Ecologist remains of the view that the loss of habitat at this site presents an overall loss of biodiversity which has implications in determining whether the application can be considered to be sustainable in accordance with the NPPF.

As discussed above to offset the loss of this habitat a commuted sum will be secured. This sum could then be used to enable habitat creation/enhancement work to be undertaken offsite.

#### Other Protected Species

Evidence of other protected species has been recorded on this site. However none were recorded as being present on the site within 30m the application boundary.

In this case the loss of foraging is not considered to be significant and the Councils Ecologist accepts that the development can proceed without a harmful impact upon other protected species.

### **Other issues**

As the development relates to less than 20 dwellings there is no requirement for open space on site (Policy RT.3 relates to developments of 20 dwellings or more).

It is not considered that there would any be significant loss of agricultural land associated with this development given the size of the site and its characteristics (rough grassland and vegetation cover).

### **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 development would result in the loss of habitat which could potentially support BAP species and Barn Owls. In order to mitigate this impact in accordance with paragraph 109 of the NPPF a level of contribution has been calculated using a DEFRA formula to provide off-site improvements. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **10. CONCLUSIONS**

The proposed development relates to the provision of affordable housing outside the settlement boundary of Shavington within the Green Gap. This type of development is appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. In this case there has been a very limited provision of affordable housing within the SHMA area and it is unlikely that the target will be met in the period up to 2013/14. Therefore it is considered that the principle of affordable housing on this site is acceptable.

Although the site is located on land designated as Green Gap it would be consistent with the ribbon development in the area and the need for affordable housing would outweigh the limited harm to the Green Gap.

The impact upon protected species and habitats is considered to be acceptable subject to the contribution of £8,305.50.

Following the receipt of amended plans and the imposition of conditions the impact upon TPO trees and protected species is considered to be acceptable.

Finally it is considered that the site is located within a sustainable location, there are no issues relating to the highways impact, flooding or drainage, the development is of an acceptable design and it would not impact upon residential amenity.

## **11. RECOMMENDATIONS**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

1. A contribution of £8,305.50 towards habitat creation/enhancement work to be undertaken offsite.

And the following conditions:

1. Standard time 3 years
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.
6. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority.
7. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
8. Submission and approval of materials
9. Landscaping details to be submitted and approved
10. Implementation of landscaping
11. Boundary Treatment details to be submitted and approved
12. Works to commence outside the bird breeding season
13. A scheme of nesting bird mitigation measures to be incorporated into the development
14. Dwellings to be retained as affordable housing
15. No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.
16. Implementation and supervision of all works in accordance with submitted AMS and tree protection measures on TPM plan 1658-02.
17. Submission / approval of full details of proposed levels.
18. Submission / approval of details of services routes.
19. Submission / approval of details of location of temporary site construction facilities.

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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



Application No: 13/0493N

Location: Land between Meadow Rise and Ash Cottage, Off Holmshaw Lane, Haslington, CW1 5XF

Proposal: A new single storey dwelling

Applicant: Mr & Mrs J Coupland

Expiry Date: 29-Mar-2013

**SUMMARY RECOMMENDATION: Refuse****MAIN ISSUES:**

- Whether it is appropriate to impose an amended condition 9 relating To the occupation of the dwelling

**REASON FOR REFERRAL**

The application is for a variation on an application that was determined by Southern Planning Committee.

**DESCRIPTION AND SITE CONTEXT**

This application relates to a plot of land on the western side of Holmshaw Lane, Haslington. To the north there are three residential properties including the one owned by the applicant. The site is designated as being within the open countryside in the adopted local plan.

**DETAILS OF PROPOSAL**

Members may recall that on 20<sup>th</sup> March 2013, Southern Planning Committee granted approval for a detached bungalow in what is currently a paddock with associated buildings, contrary to officer recommendation.

The main justification for the application was that the dwelling would provide suitable living accommodation for the applicants, in particular for their disabled daughter. The approval was subject to a number of conditions which were requested by members. This application seeks to vary condition 9 which reads as follows:

*"The dwelling hereby permitted shall be occupied only by the applicants, Mr and Mrs J Coupland, their daughter Emily Coupland and carers for Emily Coupland.*

*Reason: The dwelling would not normally be permitted in open countryside and the*

*exceptional circumstances of the applicant are considered to outweigh the policy objections.”*

The applicant wishes the condition to read as follows:

*“The dwelling hereby permitted shall only be occupied by persons having a disability as defined by the Equality Act 2010 and their immediate family and carers.”*

#### **RELEVANT HISTORY**

12/0650N	2012	Refused application for new dwelling
11/3677N	2011	Withdrawn application for new dwelling
P02/1342	2003	Refusal for dwelling. Appeal dismissed

#### **POLICIES**

##### **National Guidance**

National Planning Policy Framework (March 2012)

##### **Local Plan**

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

RES.5	Housing in the Open Countryside
NE.2	Open Countryside
NE.3	Areas of Special County Value
BE.1	Amenity
BE.2	Design
BE.3	Access and Parking
BE.4	Drainage, Utilities and Resources

#### **OFFICER APPRAISAL**

The site is designated as being within the open countryside where Policies NE.2 and RES.5 apply. These policies state that new dwellings in the open countryside will only be allowed if they are essential for the purposes of agriculture, forestry or outdoor recreation, or involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

This proposal was for a new dwelling to accommodate the applicant and their disabled daughter and therefore did not meet the requirements of the policies outlined above. The applicant submitted supporting information including a Supporting Planning Statement as justification for making an exception to the relevant policies.

Officers recommended refusal of the application; however members resolved to approve it due to what they considered to be the exceptional circumstances demonstrated by the applicant. This was subject to the imposition of the condition limiting the occupation to this family in particular.

The applicant considers that what they wanted to achieve has been misinterpreted and that he cannot accept the condition that members resolved should be imposed. This is because it



would lead to a requirement to lift the condition or demolish the dwelling when his daughter was no longer resident in it.

The applicants have stated that what they were trying to achieve was, the provision of a dwelling for persons with a disability, including their family and carers, when his daughter was no longer resident in it.

Circular 11/95 requires that conditions must be:

- Necessary
- Relevant to planning
- Relevant to the development
- Enforceable
- Precise
- Reasonable

The reason for the condition that members required for the approval of the application states that they were only minded to approve the application because of what were considered to be the exceptional personal circumstances of the particular applicant concerned. That is why they wished to limit the occupation to Mr and Mrs Coupland, Emily Coupland and her carers. As such the condition put forward by members meets the tests required by Circular 11/95.

The condition proposed by the applicant would limit the occupation of the dwelling to people with a disability as defined by the Equality Act 2010, their immediate family and carers. The definition of disability in the Act is a physical or mental impairment that has a 'substantial' and 'long term' negative effect on the individual's ability to undertake normal activities. It is considered that this condition would also meet the tests required by Circular 11/95.

However; given the wide range of medical conditions that can be defined as a disability, if the condition were varied as the applicant suggests, it would not be possible to assess whether the exceptional circumstances cited by members as the reason for approving the application, would apply to future occupants of the dwelling house.

If the condition remains as per the approved wording, it remains open to the occupant to apply to vary the condition at such time as they no longer require and are seeking to dispose of the property. At that point the Council could assess the individual personal circumstances of the prospective purchaser to determine whether they are sufficient to warrant a similar exception to established planning policy to be made.

### **CONCLUSIONS**

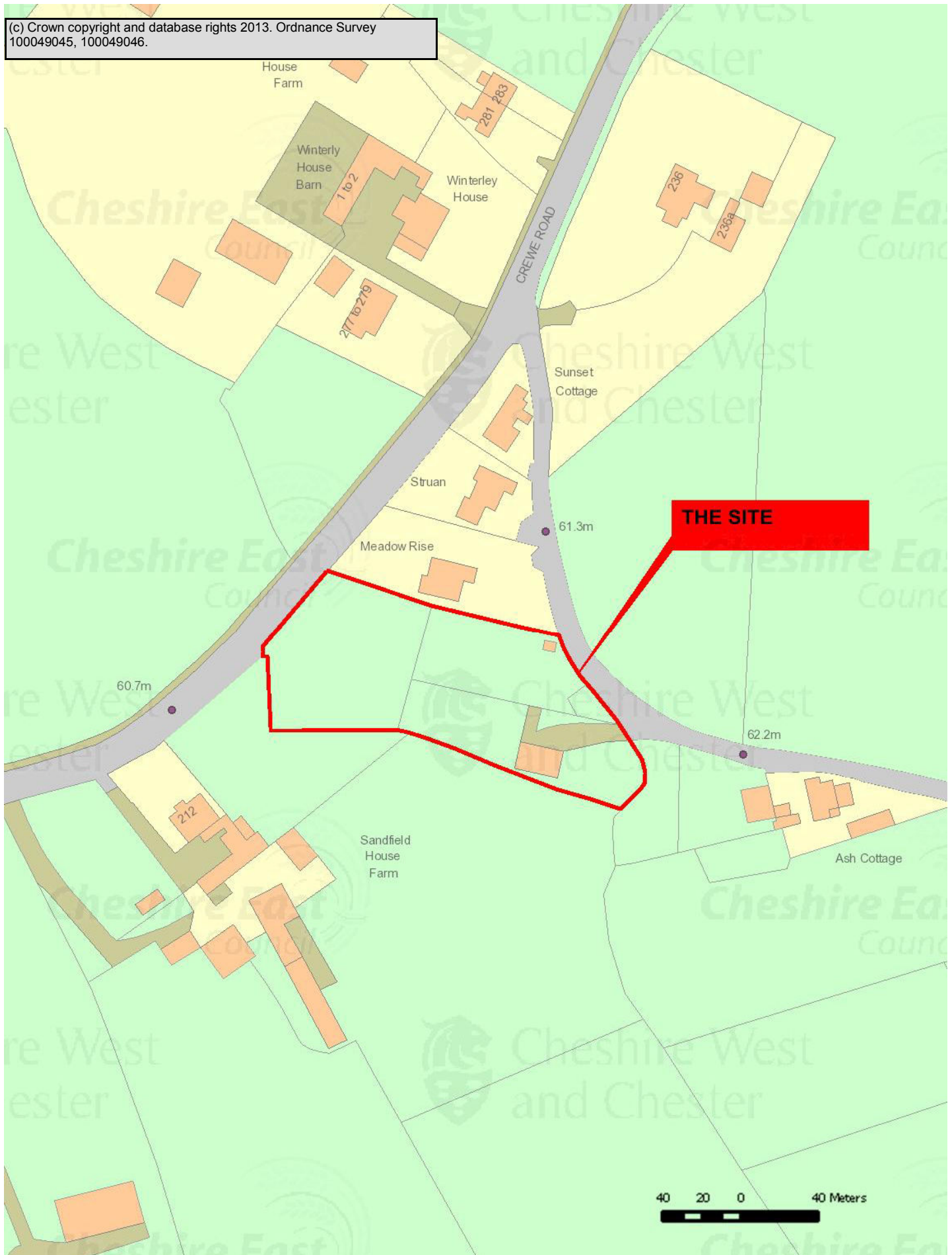
In March members accepted the exceptional circumstances that were put forward by the applicant and resolved to approve the application subject to a condition limiting the occupancy of the dwelling to the family and carers. If the condition were varied in the way put forward by the applicants, it would alter the nature of the permission in such a way that these exceptional circumstances would no longer apply.

### **RECOMMENDATION:**

**Refuse for the following reason:**

The Local Planning Authority granted approval for the dwelling on the basis that the exceptional personal circumstances pertaining to the applicant and his daughter and in particular the nature of her individual disability, were sufficient material considerations to outweigh local plan policy. The proposed variation to condition 9 would open up occupancy of the dwelling to anyone, with any form of disability, such that those exceptional personal circumstances may not apply, and there would be insufficient material considerations to outweigh Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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



This page is intentionally left blank

Application No: 13/0616N

Location: Widdowson-dalebrook, BASFORD ROAD, CREWE, CW2 6ES

Proposal: Redevelopment of part of former Widdowson and Dalebrook factory site for storage and distribution purposes, including demolition of existing buildings, erection of new buildings, provision of loading/unloading area and improved junction of Basford Road with Gresty Road.

Applicant: Morning Foods Limited

Expiry Date: 09-Apr-2013

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

- Principle of the development
- Design, Siting and Scale
- Appearance
- Amenity

**REASON FOR REFERRAL**

The application is before Committee as it is for the creation of in excess of 1000sqm of commercial floorspace.

**DESCRIPTION AND SITE CONTEXT**

The application relates to an existing industrial site formerly used for the manufacture of machined metal components. The buildings have now been acquired by Morning Foods Limited and are currently used for the storage of surplus machinery and equipment.

The buildings to be demolished comprise an office building and engineering workshops that are in a poor state of repair and not fit for the purposes required by Morning Foods.

**DETAILS OF PROPOSAL**

The proposal is for a warehouse building of 1004sqm, which would take the form of an extension to existing adjacent buildings. The warehouse building would incorporate docking bays that would allow rear loading of delivery vehicles from within the warehouse. A second building of 520sqm is also proposed which will be used for the storage of empty pallets and machinery and equipment. The materials used for the construction of the buildings would match those on the existing Morning Foods site.

**RELEVANT HISTORY**

P96/0408 1996 Approval for industrial building for the manufacture of metal components

P97/0271 1997 Refusal for removal of conditions relating to the hours of operation

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Plan**

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

E.4 – Development on Existing Employment Areas

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

### **Environmental Health:**

Originally recommended refusal of the application due to lack of information relating to noise. This information has now been received and is considered to be acceptable. Conditions relating to hours of construction and lighting.

### **Highways:**

The site is adjacent to the Morning Foods site and accessed from Gresty Road via Basford Lane, a cul-de-sac serving only commercial properties. The proposal is for demolition of buildings formerly in industrial use and their replacement with a warehouse/delivery building of approximately half the size. Basford Lane will be used for entry with traffic exiting by the main Morning Foods junction.

Highways do not consider the proposed use to generate undesirable levels of traffic or have a negative impact on the local road network. Accordingly they have no objection to the proposal.

As part of the proposal, the applicant seeks to improve the radius of the left turn from Gresty Road into Basford Lane. This is acceptable, subject to the maintenance of safe pedestrian crossing facilities and will require the applicant to enter into an Agreement under S278 of the Highways Act.

### **United Utilities:**

No objection.

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

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

Five objections have been received expressing concerns about HGV vehicle movements, loss of privacy, increased noise levels and lack of adequate screening.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the settlement boundary of Crewe and is on an existing business/industrial estate. Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *“Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

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

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

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

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and

responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

Policy E.4 allows for the re-use, re-development or intensification of the use of the land within existing employment areas, subject to compliance with Policies BE.1 to BE.5. The proposal is considered to be in compliance with Policy E.4 and acceptable in principle.

### **Design and Scale**

The proposal is for an extension to the Morning Foods manufacturing facility, and the design of it would create a development that would reflect that of the existing buildings, including the use of matching materials. The warehouse building would have floor space of 1004sqm and the dry storage building 520sqm. The warehouse building would be approximately 12.m in height with the storage building being lower at approximately 7.2m. The materials would be Kingspan ‘Goosewing Grey’ micro rib sheeting with ocean blue flashing above red, smooth faced brickwork, to match the adjacent Morning Foods buildings. The scale of the building would be acceptable when viewed in the context of this industrial site.

This is an existing commercial area where there a variety of utilitarian buildings of differing sizes and designs and as such it is considered to be acceptable in terms of design and scale and in compliance with Policy BE.2 of the adopted local plan.

### **Amenity**

Policy BE.1 requires that new development should be compatible with surrounding land uses, should not prejudice residential amenity, generate unacceptable levels of traffic or lead to an increase in pollution.

This is an existing industrial site, which has residential properties to the north and west and as such an assessment of the impact of noise generation was requested. This assessment has now been examined by Environmental Protection and they are satisfied that the levels of noise generated from the site would not unacceptably compromise the amenity of the neighbouring residential properties.

Should the application be approved, details of any external lighting and a Phase II Contaminated Land Site Investigation should be submitted for approval, this could be controlled by condition. In addition the hours of construction should be restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday with no working on Sundays and Public House.

The height of the buildings and the proximity to residential properties are important issues. In terms of built form, following the removal of the existing dilapidated buildings, the new build would be further away from properties to the west and north of the site. Due to the design of the buildings there would be no overlooking of the neighbouring residential properties. The new build would be a minimum of 15m away from the boundaries with neighbouring properties meaning overshadowing would also not be an issue.



In order to ensure that the site is properly screened from the residential properties, it is considered that a condition should be imposed requiring submission of a scheme of landscaping for the site.

### **Highways**

Access to the site would be from Basford Road or the main entrance to Morning Foods, with HGVs exiting the site using the main entrance to the Morning Foods site.

The approved use of the site and the existing Morning Foods operation already generate significant traffic including HGVs which use Basford Road already. Therefore it is not anticipated that the proposal would lead to any significant increase in this. In addition the proposals include the increase of the radius of the left turn from Gresty Road into Basford Road.

The Strategic Highways Manager has no objection to the proposal and considers that it would not generate undesirable levels of traffic or have a negative impact on the local road network. The proposal is therefore considered to be acceptable and in compliance with Policy BE.3 of the adopted Local Plan.

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

In conclusion, the proposal is acceptable in principle, of an appropriate scale and design; it would not have a significant adverse impact on residential amenity and is satisfactory in highway safety terms.

The application is therefore recommended for approval.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

1. Time limit
2. Approved plans
3. Materials as stated in the application
4. Submission of a Phase II Contaminated Land Site Investigation Report
5. Submission of details of any external lighting
6. Hours of construction/demolition restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday, with no working on Sundays and Public Holidays
7. Submission of a landscaping scheme
8. Implementation of landscaping scheme

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



Application No: 13/0972C

Location: 22, HAWTHORNE CLOSE, HOLMES CHAPEL, CW4 7QD

Proposal: Single storey infill front extension, two storey rear extension.

Applicant: Gareth Mills

Expiry Date: 07-May-2013

**SUMMARY RECOMMENDATION:****APPROVE****Main issues:**

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

**REASON FOR REFERRAL**

This application was called in to Southern Planning Committee by Councillor Les Gilbert for the following reasons;

*‘To consider whether the proposal would amount to overdevelopment of the plan and adversely affect the amenities of neighbouring properties.’*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is positioned at the southern end of Hawthorne Close which is a modern housing estate comprising properties of similar character. There are variations of the key design principles of the development between properties and as such there is not strict sense of uniformity within the street scene.

The application site comprises a detached, two storey dwellinghouse with an open frontage characteristic of the housing estate; and private garden and detached garage to the rear.

The application site is positioned within the Settlement Zone as outlined in the Congleton Borough Local Plan 2005.

## **DETAILS OF PROPOSAL**

Planning approval is sought for a single storey extension to the front elevation and a single storey/two storey extension to the rear elevation.

The existing dwelling has a single storey porch that is positioned centrally on the house; it is proposed to extend to the west of the porch creating a pitched roof extension with bay window. The extension would project 1.4m forward of the front elevation and the bay window would extend a further 529mm.

A single storey and two storey extension is proposed to the rear elevation. An existing conservatory is to be demolished in order to make way for this extension. The proposed extension would be positioned towards the eastern side of the rear elevation and would project 4.5m at ground floor, measuring 4.5m in width. The extension would be smaller at first floor with a projection of 3.3m and width of 4.2m.

A first floor side window is proposed within the east facing elevation of the original house. The window would serve a bathroom and it is stated on the submitted plans that the window is to be obscure glazed and non-opening below a height of 1.7m when taken from the internal floor level of the room.

External building materials are to match those of the existing house.

## **RELEVANT HISTORY**

There is no site history relevant to the determination of this application.

## **POLICIES**

### **National Planning Policy Framework (NPPF)**

Chapter 7 – Requiring good design

### **Local Plan policy**

GR1 – New development

GR2 – Design

GR6 – Amenity and Health

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

Jodrell Bank – No comments.

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

Holmes Chapel Parish Council has raised concern as it is thought that the extension is too large for the plot and will impact on the neighbours.

### **OTHER REPRESENTATIONS:**

Representations have been received from the occupiers of no.18 Hawthorne Close and no.24 Hawthorne Close. Both raise objection to the proposal. The grounds for objection are summarized as follows:

- Over development for the size of the plot;
- Extensions to the front would be out of character;
- Loss of on-site parking;
- Loss of light.

In response to the objections submitted, a planning statement which seeks to address the points raised has been submitted by the applicant. This report is summarized as follows:

- The extension would occupy 29% of the plot area remaining around the house;
- The removal of the hedge would have no impact on on-site parking provision;
- The proposal does not provide any additional bedroom and therefore does not result in increased requirements for on-site parking;
- Amendments were made to the proposal prior to submitting the application in order to reduce the impact of the extension on no.24;
- The extension would not cross the 45 degree line taken from the nearest habitable room window.
- 

Full copies of the representations received are available to view on the application file.

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

A Planning Statement has been received in response to the objections raised.

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The application site is positioned within the Settlement Zone where there is a presumption in favour of development. Therefore the principle of extending the dwellinghouse is considered acceptable.

##### **Design Standards**

Local plan policy GR2 seeks to ensure appropriate development that is sympathetic to the character and form of the surrounding area. Hawthorne Close is a modern housing estate comprising detached dwellings of similar architectural characteristics. There is however some elements of variation in the key design principles of the estate. Consequently it is not felt that there is a strong sense of uniformity in terms of design within the immediate street scene.

Objection has been raised on the grounds that the proposed extension to the front would be out of character with the wider area. Houses within the immediate street view have canopies and single storey additions to the front elevation of varying appearance. The proposed rear extension and flue would not be readily visible from the highway of Hawthorne Close. Furthermore the roof pitch, fenestration and other detailing will be similar to that of the main dwelling and for these reasons it is not considered that the

development would significantly detract from the character and form of the existing site or wider housing estate.

### **Amenity**

Local plan policy GR6 seeks to ensure that development does not have an unduly detrimental effect on the residential amenity of nearby properties, having regard to the privacy, daylight, visual intrusion, traffic generation, and environmental disturbance or pollution.

The proposed front extension, contains no side windows and does not project any further than the existing porch. Therefore no amenity issues are raised in respect of this element of the proposal.

Taking account of the proximity the proposed rear extension relative to neighbouring sites to the north, south and west it is not considered that the proposal would result in undue harm in respect of a loss of privacy, overbearing impact or over shadowing.

No.24 Hawthorne Close is positioned to the east of the application site. Consideration has been given to the concerns raised by this neighbouring property in respect of a loss of light.

The application site and rear private amenity space of no.24 Hawthorne Close is separated by the driveway and garage that serves no.24. The driveway and the rear garden of no.24 is separated by a timber fence of the same ilk as that serving the site boundary.

The proposed extension would not cross the 45 degree line taken from the centre point of the nearest habitable room window serving no.24 and having considered the proposal in the context of the site it is not considered that the development would result in significant harm to the residential amenity of this neighbouring house in terms of loss of light.

The proposed first floor side windows facing this dwelling would be fitted with obscured glazing and would face the gable. Conditions can be imposed to ensure that no further side windows are added. At ground floor level, the tow windows that are proposed are "high level" and therefore overlooking is not considered to be an issue.

An even greater separation distance would be achieved to no.20, which is orientated at 90 degrees to the site, and includes a projecting garage to the front. Consequently the proposed extension would be approximately 13m from the nearest principal window of this property and therefore no loss of light should occur. The extension would be screened by the existing garage, which combined with existing boundary treatments will be sufficient to prevent overlooking.

### **Highway**

The proposed development would not result in an increase in the number of bedrooms serving this property. Similarly the development would not result in the loss of existing on-site parking provision. Consideration has been given to the objections raised in

respect of highway safety; however it is not considered that the development would result in harm to highway safety.

## **CONCLUSIONS**

Planning approval is sought for a single storey front extension, single storey and storey rear extension, and flue. A number of objections have been received that raise concerns primarily in respect to highway safety, design and the impact on the residential amenity of no.24 Hawthorne Close. Consideration has been given to the concerns raised however the development is considered to adequately accord with the relevant design and amenity policies of the Local Plan and a recommendation of approval is given.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials to match**
- 4. Remove PD for side windows.**



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





Application No: 13/1200C

Location: 36, HAWTHORNE CLOSE, HOLMES CHAPEL, CW4 7QD

Proposal: Ground and First Floor Side/Rear Extension to Dwelling

Applicant: Mr & Mrs S Double

Expiry Date: 16-May-2013

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

- Design
- Amenity

**REASON FOR REFERRAL**

Councillor Gilbert called the application in to the Southern planning committee

*“To consider whether the proposal amounts to over-development of the site having regard to its impact on the street scene and the amenity of neighbours and the relationship of the proposed extension to the original dwelling.”*

The application was deferred from the previous meeting for a committee site visit.

**DESCRIPTION OF THE SITE AND CONTEXT**

The development site, No 36 Hawthorne Close, is a detached dwelling constructed from a modern buff brick with a tiled roof. No 36 sits at the head of a small cul-de-sac that in its self forms part of a larger development of modern detached dwellings. The surrounding properties are constructed in a similar style with several different designs pepper-potted across the estate.

**DETAILS OF THE PROPOSAL**

The proposed development is a two-storey side and rear extension to form an extended kitchen and new utility room and an En-suite bedroom above. The proposed development links with a canopy at ground floor level to an existing garage.

**RELEVANT HISTORY**

24904/3 Permission for 58 houses, approved (PD rights removed)

**POLICIES****Local Plan Policy**

GR1 New Development,  
GR2 Design,

GR6 Amenity and Health

**Other Material Considerations**

NPPF

**CONSULTATIONS (External to Planning)**

**Jodrell Bank (Manchester University)**

Raise no objection to the proposed development but included an advice note detailing how to improve the interference environment around the telescope

**VIEWS OF THE PARISH COUNCIL**

None received at the time of writing.

**OTHER REPRESENTATIONS**

The residents of No 38 Hawthorne Close objected on the following grounds to the plans as originally submitted;

- Loss of outlook
- Loss of sunlight

**OFFICER APPRAISAL**

**Principal of Development**

The proposed development lies within the Congleton Borough Council Local Plan Settlement Zone Line. For new development within the Settlement Zone Line there is a presumption that development will be permitted subject to design and amenity issues.

The original submission that triggered objection from the neighbour and the call in to planning committee had a two storey rear projection that had the potential to cause significant harm to the amenity of residents of No 38. A revised submission was made that reduced the first floor rear projection to zero.

**Design**

The host dwelling is of a modern design, its form is broken up by an asymmetric frontage including a forward facing 2 storey gable and canopy porch, and there are simple architectural details enhancing the fenestration. The proposed development is subordinate to the host, the front building line is set back approximately 1.75m and the ridge line approximately 0.6m below that of the host. The materials specified in the planning application are to match the existing materials and the architectural detailing shown on the elevation drawings match those of the host and surrounding properties.

It is considered that the proposed development will not form an intrusive feature in the street scene as it is subordinate to the host dwelling, additionally the existing street scene will be enhanced by the addition of the proposed development adding to the diverse range of house designs across the estate. Therefore it can be seen that the proposed development is in accord with policy GR2 (Design)

**Amenity**

The revised design submitted 29<sup>th</sup> April 2013 addresses all of the concerns raised by the original submission. The revised plans show a two storey side extension with a single storey ground floor rear extension projecting 3m towards the detached garage with a canopy roof extending a further 0.8m to meet the garage providing covered access to the rear of the property.

The single storey element has a two pitch roof with an overall height of approximately 3.8m, It is not considered that this is high enough to materially affect the amenity of neighbouring residents, the two storey element of this proposal fits within the profile of the existing dwelling and has one rear facing window, this element does not materially affect the amenity despite the additional window at first floor level as there are existing windows in the rear elevation and close set properties in an estate environment have to be prepared to accept a nominal loss of privacy due to the proximity of neighbours. The potential harm is in this case in some way mitigated by the separation of private amenity space by an existing detached two car garage.

It is considered that the proposed development raises no significant amenity issues and as such is in accord with Local Plan Policy GR6 (Amenity and Health)

#### **Other Matters**

The proposed development would take up at least one parking space (approximately 2.5m x 8m) however as the remaining allocated parking area in front of the garage can still comfortably accommodate five cars it is not considered that the loss of parking space by the construction of this extension will cause any harm to the street scene or amenity of neighbouring residents.

#### **CONCLUSIONS**

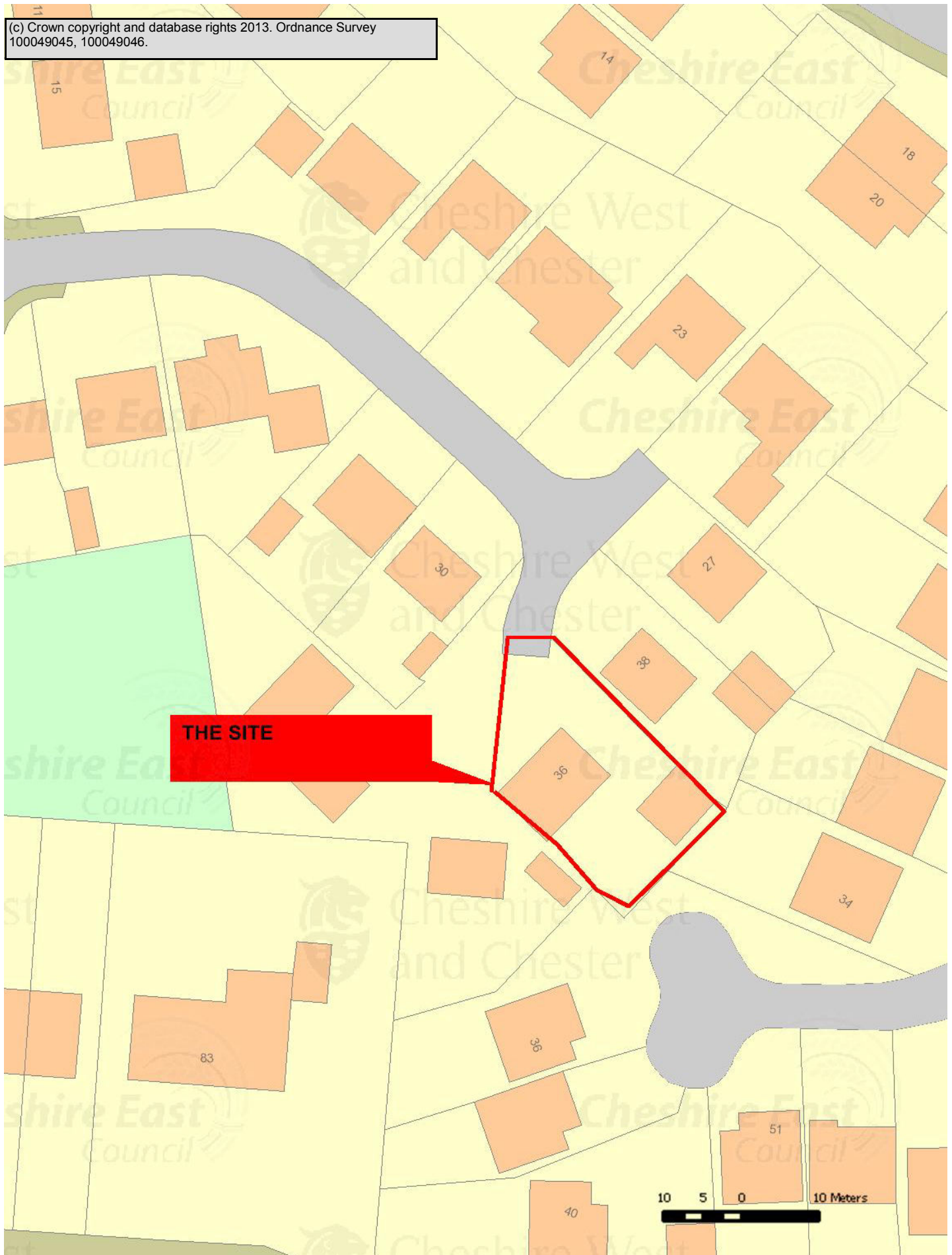
The proposed development will not harm the character of the existing street scene and will not raise any material amenity issues. It is concluded that the proposed development meets the requirements of the Congleton Borough Local Plan Policies; (GR1 New Development, GR2 Design, GR6 Amenity and Health)

#### **RECOMMENDATIONS**

Approve subject to the following conditions

1. Standard time
2. In accordance with submitted plans
3. Materials to match existing

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



Application No: 13/1267N

Location: LAND TO THE REAR OF REMER STREET, CREWE, CW1 4LT

Proposal: Development of 18 residential dwellings at land to rear of 110 Remer Street

Applicant: Frazer Lloyd-Jones, Thomas Jones & Sons Ltd

Expiry Date: 05-Jul-2013

**SUMMARY RECOMMENDATION**

**That authority be DELEGATED to the Planning and Place Shaping 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 a S106 Agreement and conditions**

**MAIN ISSUES**

**Impact of the development on:-**  
**Principal of the Development**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Design**  
**Trees**  
**Landscape**  
**Ecology**

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the northern side of Remer Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site is an undeveloped site with hedgerows and trees to the boundaries of the site. The area is predominantly residential with residential properties to the south onto the Remer Street frontage. To the east of the site is Monks Coppenhall Primary School.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of 18 residential properties which would include a mix of semi-detached dwellings, 1 detached dwelling and 2 apartments. All properties would be two stories in height. One vehicular access point would be provided onto Remer Street.

## **3. RELEVANT HISTORY**

7/13704 - 2 no detached houses and bungalows – Approved 18<sup>th</sup> December 1986

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

### **Other Considerations**

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

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

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

**Strategic Highways Manager:** The proposed site access is not well located, being virtually opposite that the Acer Avenue junction and close to the entrance off Remer Street to the primary school and children's centre. However, the site is effectively a small infill one with no practicable alternative entrance point other than Remer Street.

There is considerable traffic pressure on the Remer St area owing to various development proposals coming forward. For this location to be acceptable in highway terms, changes to signing and lining will be required, but these will need to be compatible with other measures needed along Remer Street.

Following discussion with the applicant, a contribution of £18,000 has been offered toward a study of traffic implications of developments on Remer St, with a view to identifying potential calming measures in the vicinity of the development and elsewhere and implementing measures at the site itself.

The internal road layout has been amended as shown on drawing 1847-110 revision F. This meets the requirements regarding parking and visibility.

Under these circumstances and subject to the S106 contribution referred to above there is no objection to the proposal.

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

## **6. OTHER REPRESENTATIONS**

A letter of objection has been received from 1 local household raising the following points:

- Added traffic congestion to Remer Street which is an ambulance route
- Existing traffic problems on Remer Street
- Difficulties accessing properties during school drop-off and pick-up
- No need for more housing – there will already be 600 constructed to the rear of the site
- Impact upon local facilities – schools, hospitals, doctors, dentists
- Increased noise and building dust pollution
- Impact upon wildlife

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

To support this application the application includes the following documents;

- Ecology Scoping Survey (Produced by the Tryrer Partnership)
- Arboricultural Impact Assessment and Tree Protection Method Statement (Produced by Coppice Landscapes)
- Design and Access Statement (Produced by Barrie Newcombe Associates)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

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

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional*

*buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

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

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

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

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

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

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

The site is surrounded by residential properties and a school whilst the land directly to the north is subject to application 11/1643N which has a resolution to approve subject to the completion of a S106 Agreement from Strategic Planning Board (application 11/1643N relates to 650 dwellings, a Public House, shop, associated infrastructure and open space. on this site). Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

### **Affordable Housing**

This application is for 18 dwellings in Crewe so the affordable housing requirement would be 30% as per the Council’s Interim Planning Statement on Affordable Housing (IPS). This equates to the 5 units of affordable housing that is in the application.

The sub-area of Crewe in the Strategic Housing Market Assessment 2010 (SHMA) shows a requirement for 1280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 256 new affordable units per year made up of 123 x 1bed, 20 x 2bed, 47 x 3bed, 40 x 4/5bed and 26 x 1/2 bed older persons units.



In addition to this information taken from the SHMA, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 249 applicants who have selected Middlewich Street Estate 1 (which is the nearest re-housing area to the site) as their first choice, the number of bedrooms these applicants need are 40 x 1bed, 104 x 2bed, 80 x 3bed, 17 x 4bed and 2 x 5bed (6 applicants have not specified the number of bedrooms they require).

There has been delivery of approximately 280 affordable dwellings in Crewe since 2009/10 and there is further anticipated delivery, however even with the anticipated delivery there will still be a significant shortfall against the identified need in the SHMA for the period of 2009/10 – 2013/14. Therefore as there is affordable housing need in Crewe there is a requirement that 30% of the total units at this site are affordable, which equates to 5 dwellings. The IPS also states that the tenure split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. This would equate to 3 rented units and 2 intermediate units on this site.

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

### **Highways Implications**

The application site has limited frontage to Remer Street and the proposed access point is the only viable option to access the site. Visibility splays of 2.4m x 43m in accordance with Manual for Streets can be achieved at the access point. The number of vehicular movements from the proposed development would be low and would not raise any significant concerns subject to a highways contribution of £18,000 which would be secured towards a traffic implication study of development on Remer Street with a view to identifying potential traffic calming measures in the vicinity of the development.

Adequate provision would be made for the parking of vehicles within the site.

The highways impact of the proposed development is therefore considered to be acceptable.

### **Amenity**

The main properties affected would be those to the south of the site which front onto Remer Street. In terms of 114 and 116 Remer Street there would be a separation distance of 22 metres from front elevations of plots 1 and 2 and the principle windows on 114 and 116 Remer Street. This would comply with the separation distances contained within the Councils SPD on Development on Backland and Gardens.

There would be new boundary treatment and landscaping to either side of the access and this would provide a sufficient buffer to the occupants of 110 and 114 Remer Street which are located to either side of the proposed access.

To the rear of 100 and 102 Remer Street there would be a separation distance of over 25 metres between the rear elevation of these properties and the side elevation of Plot 18. This would also exceed the separation distances set out within the SPD.

All other separation distances exceed those contained within the SPD and it is considered that an adequate standard of amenity can be provided for the future occupants of the dwellings.

## **Design**

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

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

The proposed development relates to the provision of two-storey dwellings which would be arranged around a cul-de-sac. It is considered that the scale of the development would be acceptable and that it would not appear out of character in this location.

As part of the development a number of amendments have been secured to improve the design of the development. The amendments include:

- An alteration to the house type at plot 3 to provide a dual frontage
- Alterations to plots 5/6, 9/10 and 17/18 to provide variation to these prominent plots
- The provision of brick walls to the boundaries of plots 2, 4 and 17
- Alteration to the materials to include blue brick banding and grey tiles as per the existing dwellings which front Remer Street

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

## **Trees**

The findings of the tree survey schedule indicate that one mature Oak tree located on the northern boundary merits a high (A) category, three hedgerows merit a moderate (B) category, one group and three hedgerows merit a low (C) category and four individual and one tree group merits a seriously defective (U) category.

The current proposal shows the retention of the Grade A Oak tree and an adjacent smaller Oak which the survey identifies as a seriously defective tree. In addition the moderate category hedgerows H7, H10 and H11 that define the northern, part southern and part western site boundaries respectively are to be retained.

With appropriate protection and management it would be possible to implement the development and retain most of the existing boundary hedgerows. Some gapping up of the northern boundary hedge would be desirable and will be controlled by condition.

The impact upon hedgerows and trees on the site is therefore considered to be acceptable.

### **Landscape**

The site is relatively well contained and has the capacity to accommodate a sensitively designed residential development without harm to the wider landscape character. The layout would provide some opportunities for planting to mitigate for any tree losses. In the event of approval landscape and boundary treatment conditions would be appropriate.

### **Ecology**

#### Great Crested Newts

The ponds to the north of the site have all been surveyed in recent years in connection with a large development proposed to the north. A single Great Crested Newt was recorded at a pond just over 100m from the site and the Council's Ecologist is satisfied that the species is unlikely to be breeding at this pond, whilst the development is located in excess of 400m from the main breeding pond to the north.

This planning application is unlikely to have a significant impact upon Great Crested Newts.

#### Reptiles

The site has been identified as offering potential habitat for reptiles. At least two reptile species are known to occur in the broad locality of this application site and a Reptile Survey has been requested.

A Reptile Survey takes a number of weeks to complete and is dependent on the weather conditions. In this case the Reptile Survey has commenced and just one Grass Snake has been discovered in the 4 visits made at the time of writing this report (7 visits are required). In this case it is considered the issue of the reptile surveys and mitigation could be delegated to the Planning and Place Shaping Manager.

#### Grassland Habitat

The submitted Phase One Habitat Survey categorises the grassland habitats on site as being 'semi improved'. This habitat could potentially be a UK BAP priority and hence a material consideration. However, none of the plant species recorded on site is characteristic of this habitat type. Therefore the development of this site is considered to be acceptable.

#### Hedgerow Habitat

Hedgerows are a Biodiversity Action plan priority species and a material consideration. One hedgerow recorded on site may be of particular value as it has been identified as being species rich. The proposed site plan indicates the retention of the existing hedgerows and the creation of

additional hedgerows around the site boundary. Further detailed proposals for the boundary treatment for the site should be secured by means of a condition if consent is granted.

## **10. CONCLUSIONS**

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

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

The proposal would not raise any significant highway implications subject to a highways contribution of £18,000.

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

It is suggested that the impact upon reptiles could be delegated to the Planning and Place Shaping Manager. There are no other ecological issues raised as part of this application.

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

## **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 development would result potential vehicle conflict with the junction of Acer Avenue and the nearby primary school. A contribution of £18,000 would help to identify potential traffic implications on Remer Street with a view to identifying traffic calming measures and implementing such measures. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

## **11. RECOMMENDATIONS**

**That authority be DELEGATED to the Planning and Place Shaping 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 S106 Agreement and conditions:

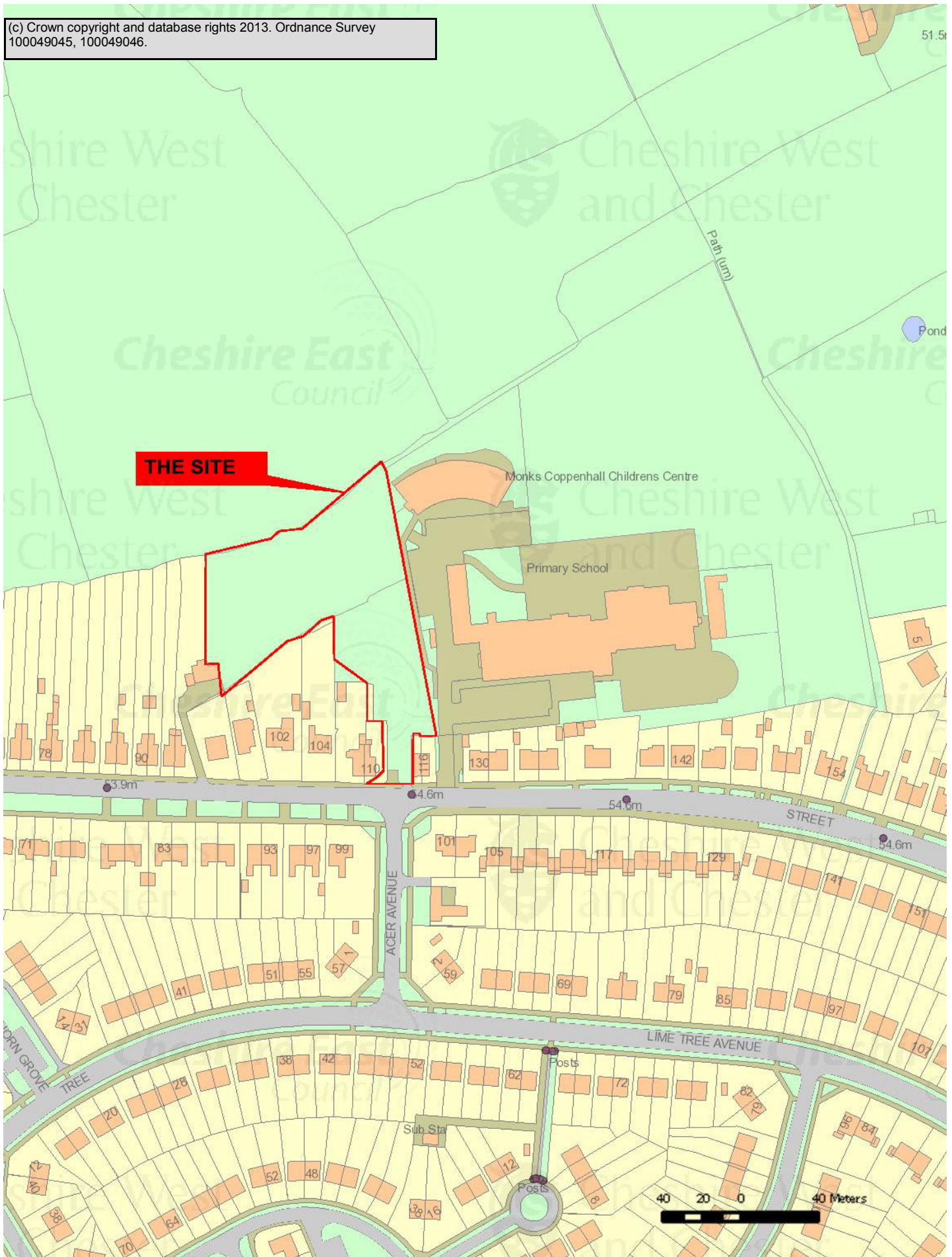
**S106 Agreement to secure the following:**

**1. A commuted payment of £18,000 towards a study of traffic implications of developments on Remer St, with a view to identifying potential calming measures in the vicinity of the development and elsewhere and implementing measures at the site itself.**

**And the following conditions:**

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Submission and approval of materials**
- 7. Landscaping details to be submitted and approved**
- 8. Implementation of landscaping**
- 9. Boundary Treatment details to be submitted and approved**
- 10. Obscure glazing to side elevation of plots 16 and 18**
- 11. A scheme of nesting bird mitigation measures to be incorporated into the development**
- 12. Dwellings to be retained as affordable housing**
- 13. Prior to the commencement of development details of existing and proposed levels are to be provided.**
- 14. Details of tree protection to be submitted and approved in writing**

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



Application No: 13/1338N

Location: Stewart Street Motors, STEWART STREET, CREWE, CW2 7RW

Proposal: Removal of the existing car sales site and building and the erection of 7No one bed and 7No two bed flats in a 3 storey block (Resubmission)

Applicant: Stewart Street Motors

Expiry Date: 26-Jun-2013

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

- The principle of the development
- The loss of the employment site
- Residential amenity
- Design
- Highway matters
- Flood risk
- Ecology
- Contaminated Land

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is currently used as a car sales area with a small portakabin style office building to the rear. The site is situated on the corner of Stewart Street and Collins Street which is sited within the settlement boundary of Crewe. The site backs onto the Valley Brook.

**2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of 14 residential properties which would be a mix of 7no. 1 bedroom apartments and 7no. 2 bedroom apartments within a three storey 'L' shape apartment block.

### 3. RELEVANT HISTORY

12/1862N - Removal of Existing Second Hand Car Sales Site, Building and the Erection of 7no. One Bedroomed and 7no. Two Bedroomed Flats in a Three Storey Block – Withdrawn 3<sup>rd</sup> August 2012

P08/0417 - Residential Development Comprising 14 Units (Resubmission) – Refused 24<sup>th</sup> June 2008 - *Refused for insufficient information on flood risk.*

P07/1663 - Residential Development Comprising 14 Units – Withdrawn 6<sup>th</sup> March 2008

P97/1016 - Erection of boundary railings – Approved 4<sup>th</sup> February 1998

7/03542 - 2 non-illuminated fascia signs and 1 illuminated S/S box sign – Approved with conditions 26<sup>th</sup> January 1978

### 4. POLICIES

#### National Policy

National Planning Policy Framework

#### Local Plan policy

RES.2 (Unallocated Housing Sites)

RES. 3 (Housing Densities)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

TRAN.9 (Car Parking Standards)

E.7 (Existing Employment Site)

#### 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

### 5. CONSULTATIONS (External to Planning)

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

**Strategic Highways Manager:** No objections



**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments. We have previously reviewed a Phase 1 Contaminated Land Risk Assessment dated November 2012 and a Ground Investigation Report dated February 2013 for Stewart Street Motors, Crewe to assess the risk to controlled waters. The site is located on the Sidmouth Mudstone Formation, a Secondary B aquifer and immediately adjacent to Valley Brook.

The following condition has been suggested,

**Condition**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the Phase 1 Contaminated Land Risk Assessment (Nov 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

The EA also recommend during any future site investigation that the adjacent Valley Brook is monitored/ sampled to ascertain if the surface water course is being impacted from already identified contamination on site and if so how significant the pollution linkage is. After gathering this additional information a more thorough and detailed site assessment can be undertaken and a site specific remediation strategy developed where necessary (as per the recommended condition above). The site is located in the area underlain by Mudstone Formation within bedrock geology and till deposits covering the bedrock. No licensed groundwater abstraction points were localised in the area. The EA note that shallow groundwater has been encountered during trial pits excavation at depths between 2.2- 2.8 m, although appear to be localised and limited to the eastern part of the site. In addition it should be demonstrated that perched water is not in a hydraulic continuity with the adjacent Valley Brook, as this could increase lateral migration of contaminants and potential pollution of the brook.

The site is shown on our Flood Maps as being within Flood Zone 1 (low probability of river/tidal flooding) but adjacent to Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding). The Flood Maps are however indicative only and are not of sufficient accuracy to determine the risk of flooding at a specific location. The submitted Flood Risk Assessment (FRA) by Michael Lambert Associates (Ref: 10/4/08 V1) demonstrates that the proposed development is within Flood Zone 1.

The watercourse adjacent to the site is Valley Brook, which is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the EA is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of the brook. The EA usually require the 8 metres wide strip to be clear and unobstructed, in order to carry out works to Valley Brook. However, in this instance, as there will be access to the brook via the parking area, the proximity of the proposed building to Valley Brook is acceptable in principle.

**Environmental Health:** Conditions suggested in relation to construction hours, piling works, external lighting, dust control, noise assessment, acoustic enclosures, bin storage, building regulations (insulation) and contaminated land phase II.

**6. OTHER REPRESENTATIONS** – None received at time of writing the report.

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

To support this application the application includes the following documents;

**Flood Risk and Surface Water Assessment** (carried out by Michael Lambert Associates 2008)

**Ground Investigation Report** (Strata Surveys Limited Feb 2013)

**Design and Access Statement** (carried out by DC Architects)

**PPS3 Housing Self-Assessment Checklist**

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a brownfield site current in employment use. The proposal would also provide 14 units towards the Council's housing land supply, which will ease pressure on greenfield sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development.

*"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."*

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay. According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

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

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

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy. Furthermore, the application site is currently occupied by a car sales use that is sited in close proximity to a concentration of residential properties and therefore residential redevelopment would be compatible with the surrounding uses. However, consideration must be given to the loss of the garage as a potential employment site.

## **Loss of Employment Site**

Policy E.7 (Existing Employment Site) states that development which would cause the loss of an employment site will be permitted where the present use harms the character or amenities of the area, the site is not capable of a satisfactory use or overriding local benefits would result. The current use of the site is not considered a large employment generator, and therefore Policy E.7 is not strictly applicable to this application. This application form submitted with the application clearly states that Stewart Street Motors employs one full-time worker with a part-time assistant. It is therefore considered that the loss of a small employment site for a more compatible land use will have a positive planning benefit to the area.

## **Design**

The surrounding area comprises a mix of residential and commercial development. The housing stock in the surrounding area largely comprises of traditional two storey terrace houses which front onto the highway with rear gardens/yards. The commercial development is a mix of car sales and light industrial.

The proposed apartment block will have three storeys, with the third within the roof of the building. The block will have a maximum height (excluding the corner roof feature) of 9.4m. The proposed apartment block will have traditional lintel features around the doors and windows, and contrasting brick courses. At the corner of Stewart Street and Collins Street the apartment block will have a focal design creating an octagonal dome on the roof.

The site plan shows the building sited adjacent to the highway matching the build line of the adjacent terrace properties. The layout of the development provides an active frontage to Stewart Street and Collins Street, as well as creating an active frontage into the parking area of the site, allowing for natural surveillance of the site.

It is considered that the proposed design reflects the general nature of the terraced properties within the vicinity, with key design features, such as the gable projections reflecting the front elevations. The focal feature on the corner has been designed to reflect the design of the Victorian properties further up Stewart Street at the cross roads with Alton Street, the corner buildings all have a diagonal elevation facing the junction. Albeit, the corner feature of the existing buildings are not as prominent as the proposed building, it is considered that a focal feature is important on the corner and the proposed design reflects the vernacular of the surrounding streetscene.

There will be limited landscaping and boundary treatment available within the site, however it is considered that with some sensitively designed soft and hard landscaping to the front and within the site, this should help to break up the expanse of parking shown on the amended plan.

It is therefore considered that the proposal would be acceptable in design terms and would have an acceptable impact on the character and appearance of the area. The proposed development would accord with Local Plan policy BE2 (Design).

## **Amenity**

The principal windows in the south elevation of the proposed building will face the blank gable of the dwelling at 25 Stewart Street, and therefore no privacy issues are raised in respect of this dwelling. A separation distance of approximately 12m will be achieved. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this location.

The north gable end of the new building faces the gable of 15 Stewart Street, which contains one first floor window and its rear garden area. A separation distance of approximately 10m will be achieved between the two properties. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this location. Furthermore, there are no windows proposed in the north gable and consequently there would be no concerns of overlooking. The Valley Brook sits between the two buildings and therefore it is considered that the proposal is acceptable.

The remainder of the surrounding development comprises commercial premises and open space and as a result, it is considered that adequate privacy and residential amenity will be afforded to both existing and proposed properties.

Whilst no provision for onsite private amenity space is proposed it is considered that this is acceptable in this instance as the proposal is for apartment development in an area of terraced properties. It is therefore considered that the development is therefore in accordance with policy BE1 (Amenity).

### **Flood Risk**

The previous applications on the site for residential development in 2007/2008 were withdrawn and refused due to issues of insufficient information having been submitted to the Local Planning Authority in relation to flood risk. The proposal site is situated in Flood Risk Zone 1 (low probability of river/tidal flooding) but adjacent to Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding). The Environment Agency state that the watercourse adjacent to the site is Valley Brook, which is designated "Main River". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of the brook.

The Environment Agency usually requires an 8 metres wide strip to be clear and unobstructed, in order to carry out works to Valley Brook. However, in this instance, the Environment Agency state that as there will be access to the brook via the parking area, the proximity of the proposed building to Valley Brook is acceptable in principle.

The agent has also noted that the development site will not include any part of the valley brook and the existing wall and vegetation will be retained in situ at this point. It is therefore considered that as the Environment Agency concerns have been appeased, the reason for refusal for the previous application has been addressed and the proposal is therefore acceptable.

### **Highways**

The site plan submitted shows the provision of 22 parking spaces which would achieve the lower standard of one space for the 7no one bedroom flats and two spaces for the 7no two bedroom sites, and a visitor space.

The Strategic Highways Officer has raised no objections to the proposal and noted that the provision was acceptable. It is therefore considered that the proposal will not have a detrimental impact on highway safety.

### **Ecology**

As the site sits adjacent the Valley Brook with the trees and associated vegetation adjacent the proposal may have had some impact on nature conservation. However, as noted in the previous application the proposal will not include an area of the 'The Valley Brook' and no works will be carried out to the area. The Council's Ecologist has assessed the application and does not consider that there would be any significant ecological issues associated with the proposed development.

### **Contaminated Land**

The application site is currently a car sales garage, but has a history of being a petrol station in the past. It has been noted that there are existing petrol containers under the site and therefore at the very least a Phase I report is required and depending on the outcome a Phase II would also be necessary to consider the potential impact the development could have on and future occupiers of the site and demonstrate that the site can be suitably developed for residential use.

The NPPF states that 'Planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation'

The applicant has submitted a ground investigation report with the application and the Environmental Health and the Environment Agency have been involved in the process. The previous application was previously recommended for refusal on contaminated land issues prior to being withdrawn. Both the Environment Agency and the Environmental Health department have raised no objections to the proposal subject to a condition to be attached to the permission for further survey works and possible remediation to be submitted prior to commencement of development of the residential scheme.

## **11. CONCLUSIONS**

It is considered that the general principal, design, and layout of the proposal are acceptable. The proposed building will sit comfortably within the streetscene and will not have a detrimental impact on neighbouring amenity or highway safety. There will be a suitable amount of parking provision on the site, the proposal will not have a detrimental impact on ecology and is therefore considered to be acceptable and in accordance with the relevant policies of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard time 3 years**

- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Noise assessment**
- 7. Acoustic enclosures**
- 8. Bin Storage**
- 9. Sound insulation and noise reduction in accordance with Building Regulations Approved document E**
- 10. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 11. Submission and approval of materials**
- 12. Submission of landscaping scheme**
- 13. Submission of Boundary Treatment**
- 14. Highway and car parking works to completed prior to first occupation**
- 15. Removal of permitted development rights, extensions and outbuildings**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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





Application No: 13/1531N

Location: Site of The Earl, Nantwich Road, Crewe, CW2 6BP

Proposal: Construction of new Foodstore with associated car parking, servicing facilities and landscaping, Condition 7 to be varied (12/4107)  
To extend the delivery period by one hour in the morning.

Applicant: G Brown, Aldi UK

Expiry Date: 03-Jun-2013

**SUMMARY RECOMMENDATION:**

**APPROVE subject to conditions**

**MAIN ISSUES:-**

**Residential Amenity**

**REFERRAL**

The application has been called in the Cllr Hogben for the following reasons:

- *Impact on residential amenity.*
- *The permitted delivery hours already extend to late in the evening (2200 hours Monday to Saturday), subject to review within 12 months of the first occupation of the retail store. There is no need to extend them so they start at 0600 weekdays and Saturdays. Even if there were, in the interests of consistency this would have to be subject to the same review of the impact on residential amenity as is referred to within the planning permission for 12/4107N.*

**1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development lies on the south side of Nantwich Road and comprises land formerly occupied by the Earl of Crewe public house, a “pay and display” car park, a range of outbuildings and vacant land formerly occupied by garaging.

The Earl of Crewe was an imposing Victorian building which fronted on to Nantwich Road and had a sizeable mature garden between its east flank and a frontage to Sherwin

Street. Within the car park there is a two storey range of outbuildings, and an attached single storey range formerly used as lock up garages. The public house was included on the local list of buildings of historic and architectural interest.

Land uses along Nantwich Road in the vicinity of the site are predominantly commercial, with a mix of shops, financial and professional services, hot food takeaways, restaurants, cafes and public houses. Once away from the main road the area is almost entirely residential.

Members may recall that on 22 March 2012 Southern Planning Committee granted full planning permission for the demolition of all the buildings within the site and the construction of a food store of 960sq.m sales area and 1,348sq.m gross internal area at ground floor level. Customer car parking was to be located to the western and southern parts of the site and at total of 85 spaces will be provided. 4no. DDA compliant spaces, 2 no. parent and child spaces along with cycle parking facilities for customers and staff were also to be provided. Servicing facilities and plant would be located to the southern elevation of the store.

A revised application to alter the layout and footprint of the approved store was subsequently approved by southern planning committee on 12<sup>th</sup> December 2013.. Rather than the store being constructed so that the main length of the building fronts Nantwich Road, the revised store was oriented so that its front elevation faces Nantwich Road. The long blank elevation of the building would therefore front Sherwin Street.

The approved store would have a gross floor area of 1592 square metres (17,137 sq ft) and a net sales area of 1125 (12,109 sq ft). Servicing and car parking are to be provided to the side and rear. There are a total of 75 spaces being proposed including 4 spaces for mobility impaired users and 10 parent and child spaces, together with cycle storage facilities.

Vehicular access is again to be taken from the western corner of the site onto Nantwich Road. This new access will also accommodate service vehicles with manoeuvring space incorporated within the development to facilitate access to the loading/back up area to the rear of the building.

The building is to be constructed primarily from brickwork, with contrasting courses, together with areas of glazing and steel under a pitched tiled roof and is similar in style to the previously approved store.

Work on site to construct the new foodstore is now well advanced.

## **2. DETAILS OF PROPOSAL**

Condition 7 of planning permission 12/4107N related to delivery hours. The condition requires that:

*"There shall be no deliveries to the site except between the following times 0700 – 2300 Monday to Saturdays and 0800 to 2200 Sundays for the first 12 months from first occupation of the retail store. These delivery hours shall be discontinued on or before that date and shall revert to Monday – Friday*

*08.00hrs – 20.00hrs; Saturday 08.00hrs – 20.00hrs; Sunday 10.00hrs – 17.00hrs unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.”*

Aldi seek full permission to extend the delivery period by one hour in the morning from 06:00 hrs to 23:00 hrs Monday to Saturdays in order that fresh deliveries to the store can be made and be laid out for display purposes before the store opens to the public at 08:00 hrs.

### **3. RELEVANT HISTORY**

09/1304N	Demolition of existing building and construction of new foodstore with associated parking – Withdrawn
09/4043N	Demolition of existing building and construction of new foodstore with associated parking –Refused 18 <sup>th</sup> February 2010.
11/4149N	Demolition of existing buildings and construction of new foodstore with associated car parking and servicing facilities – Approved 22 March 2012
12/1829N	Variation of Conditions 3 and 7 on Planning Application 11/4149N Relating to Opening and Delivery Hours – Approved 2 <sup>nd</sup> August 2012
12/4107N	Construction of new Foodstore with associated car parking, servicing facilities and landscaping. – Approved 13 <sup>th</sup> December 2013

### **4. PLANNING POLICIES**

#### **Local Plan**

BE1 (Amenity)

### **5. OBSERVATIONS OF CONSULTEES**

#### **Environmental Health**

The following conditions are recommended to be added to the application.

- The acoustic fence shall be erected, as detailed in the information submitted by the applicant, prior to the first delivery taking place.
- The extended delivery times shall be limited to 12 months from the first occupation of the store, to allow an assessment of the impact of early morning deliveries on residential amenity.
- Vehicles making deliveries to the store between the hours of 06.00 to 07.00 shall refrain from using reversing bleeper and an alternative method utilised.

## **United Utilities**

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

- This site must be drained on a total separate system just prior to communicating with the combined network, with surface water flows restricted to a maximum discharge rate of 40 L/S

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

**N/A**

## **7. OTHER REPRESENTATIONS**

1 representation of objection has been received making the following points:

- The occupiers of 7 & 9 Sherwin Street strongly object to deliveries being made an hour earlier as it will increase the parking problem they already have in the street, as well as increasing the risk that refuse vehicles will be unable to turn out of the alley into the road-it will increase noise pollution early in the morning and increase congestion on Nantwich Road. They also consider that a successful application at this stage will give Aldi a perceived precedent for further changes at the other end of trading to accept deliveries later at night.

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

- Covering letter.
- Noise Impact Assessment

## **9. OFFICER APPRAISAL**

The main policy consideration in the adopted Crewe and Nantwich Replacement Local Plan, is Policy BE1 (Amenity) which states that proposals for new development will be permitted provided that the following criteria are met:

- they are compatible with surrounding land uses;
- do not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way;
- do not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses; and
- do not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land

The main issue in the consideration of this application is the impact of the proposed extended delivery hours on the amenity of neighbouring occupiers.

When permission was originally sought for the store under application (11/4149N) in March 2012 in approving the proposal, contrary to the Officer recommendation, Members imposed a condition restricting delivery hours to Monday – Friday 08.00hrs - 20.00hrs; Saturday 08.00hrs - 20.00hrs; Sunday 10.00hrs - 17.00hrs.

Following the original approval, an application to amend the opening hours of the store and the delivery hours to the site was submitted. (12/1829N refers) The requested delivery hours were 0700 – 2300 Monday to Saturdays and 0800 to 2200 Sundays.

In assessing the application it was noted that since the previous approval there had been no material change in circumstances in terms of the proposed use of the site or the nature of the surrounding development, which to the rear of the site, where the car park and service yard is located, was entirely residential. The store had yet to be constructed and the applicants had therefore been unable to demonstrate that it could operate within the approved hours without problems occurring.

However, in the absence of any evidence that problems would occur, it was considered that a refusal of the application would be difficult to defend. Nevertheless, mindful of the level of concern, which had been expressed by local residents and Environmental Health it was recommended that the variation of conditions be granted for a temporary period of 12 months to allow the authority to assess any impact on the amenity of the neighbouring occupiers.

A 12-month temporary permission would allow the opportunity for a body of evidence to be gathered as to the extent to which the extended hours of delivery would impact on the locality. If there were any significant problems experienced locally these could be properly monitored and recorded. In the event that an application were to be submitted for a renewal of consent at the end of the 12 month period any evidence of negative impacts on residential amenity in the locality would be a material planning consideration which would inform the Council's decision at that stage. In the event that the Council then resolved to refuse planning permission, and an appeal were to be lodged against that decision, the evidence gathered would assume considerable importance in fighting the appeal. A straight refusal of planning permission without any such firm evidence of harm to residential amenity would be much more difficult to defend.

Accordingly a 12 month temporary extension to the delivery hours was granted. When permission was granted for the revised store design in December 2012, permission was granted subject to the same temporary delivery hours conditions.

This application seeks to extend the delivery period by a further hour in the morning. The application is supported by a Noise Impact Assessment that has been prepared by Spectrum Acoustic. The report acknowledges that as the new store is currently under construction and is not yet operational, noise levels from deliveries to this site cannot be measured. However, the delivery process is broadly similar at all Aldi stores, typical noise levels produced during this activity were measured at the Sandbach store under a worst case delivery scenario with the temperature controlled refrigeration unit in operation. Then, background noise levels at the nearest residential receptor locations to the application site were taken, which enabled the results to be combined and modelled to show the impacts of a 6am start to those nearest neighbours to the site.

The predicted results showed that without any form of mitigation, it is possible that problems may arise for those closest residential receptor locations as a result of noise disturbance during deliveries. Given this, a number of mitigation options were considered, the most appropriate being to incorporate an acoustic fence to the boundary of the delivery bay. The fence would be positioned on top of the existing concrete dwarf wall which delineates the delivery bay and reach a total height of 3.75m. Further modelling with the proposals to incorporate the fence then took place.

The assessment concluded that with the addition of acoustic fencing to the delivery bay, which forms part of this proposal, only a minor adverse impact at the nearest residential properties closest to the delivery bay would result. However, it must be remembered that given the previous use of the site as a public house, it is likely that the dray deliveries of beer kegs, bottles and associated activities would have been particularly noisy, at various times throughout the day, and thus the current proposals must be considered in the light of this 'fall back' context.

Whilst the contents of the report are noted, at present, as the store is not operational, it is not possible to fully assess or gather evidence as to the impact of the proposed delivery hours on this particular site. It is not possible to determine whether the proposed increase in delivery hours would be problematic for local residents or not.

Therefore, the same logic that was applied previously still stands in that if a temporary consent were granted, a further application would need to be made at the end of the trial period for a permanent extension of opening hours. This would give the Local Planning Authority, the opportunity to assess any complaints or objections from neighbouring residents which would also provide evidence to defend an appeal against any refusal. If no complaints are received, it will provide Members the assurance that they would need to grant a permanent consent.

## **10. RECOMMENDATIONS**

**APPROVE subject to revised condition 7 as follows**

- **There shall be no deliveries to the site except between the following times 0600 – 2300 Monday to Saturdays and 0800 to 2200 Sundays for the first 12 months from the first occupation of the retail store. These delivery hours shall be discontinued on or before that date and shall revert to Monday – Friday 08.00hrs - 20.00hrs; Saturday 08.00hrs - 20.00hrs; Sunday 10.00hrs - 17.00hrs unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.**

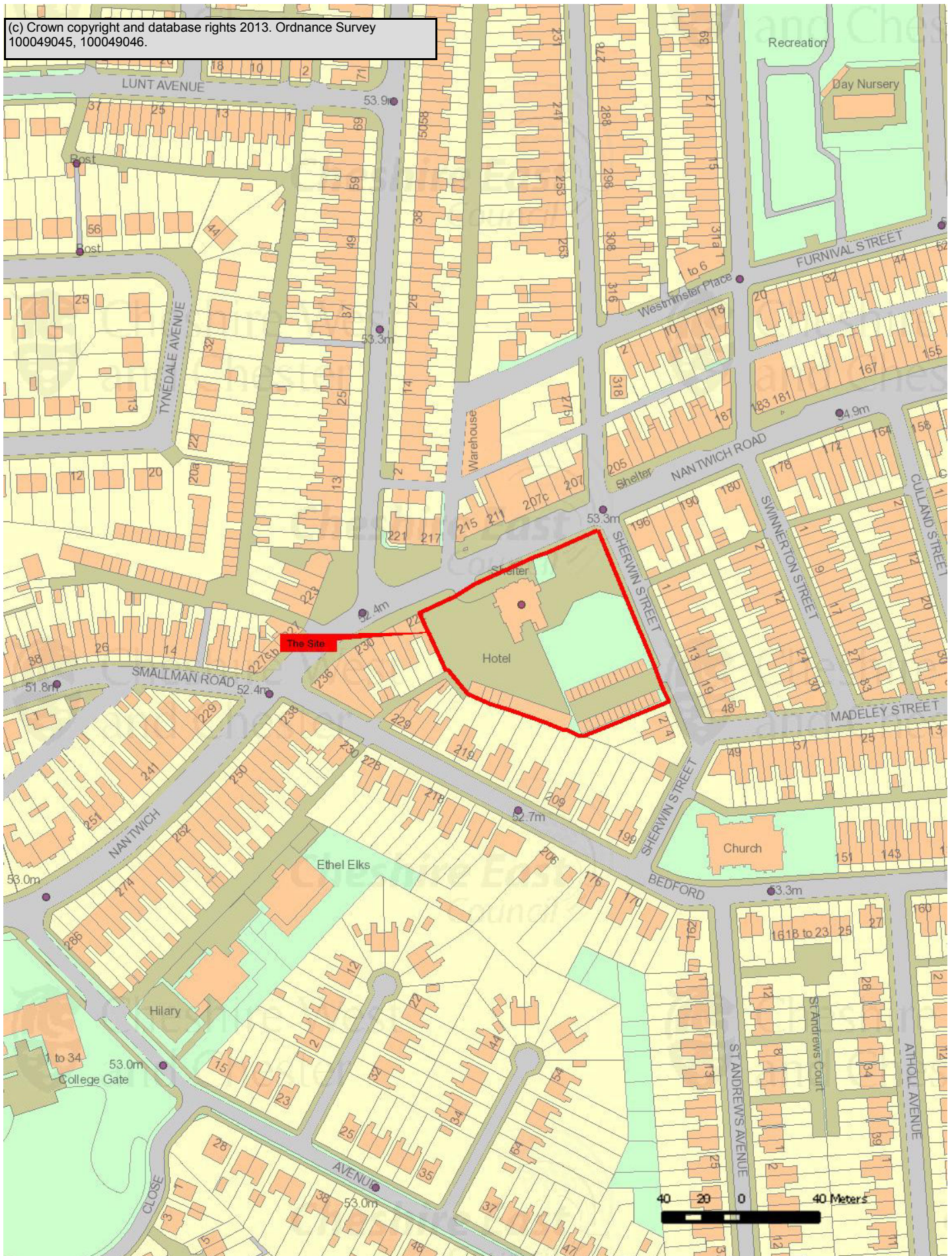
**The following additional condition**

- **The acoustic fence shall be erected, as detailed in the information submitted by the applicant, prior to the first delivery taking place.**

**And the other conditions as imposed on planning permission 12/4107N**



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



This page is intentionally left blank



Application No: 13/1654N

Location: ROYAL SCOT, PLANE TREE DRIVE, CREWE, CW1 4ER

Proposal: Demolition of Royal Scot Public House & construction of 14no. 2 bedroom homes for social housing

Applicant: Mr Nick Powell

Expiry Date: 10-Jul-2013

**SUMMARY RECOMMENDATION**

**APPROVE subject to the satisfactory submission of a further bat survey and Subject to conditions**

**MAIN ISSUES**

**Principal of the Development**  
**Loss of a community facility**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Design**  
**Ecology**

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is currently a public house known as the Royal Scot, on Plane Tree Drive, Crewe. The existing public house is a two storey building with a curved elevation facing onto Plane Tree Drive. There is a large area of hardstanding around the public house and a garden area to the rear. The application site is situated within the Settlement Boundary for Crewe. The site is located within a predominantly residential area with a parade of shops and a secondary school in close proximity.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the demolition of the existing public house and the erection of 14no. residential properties, two storey semi-detached dwellings facing onto Plane Tree Drive and Sorbus Drive.

## **3. RELEVANT HISTORY**

No relevant planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
RES.7 – Affordable Housing  
RES.2 – Unallocated Housing Sites  
RES.3 – Housing Densities  
CF.3 – Retention of Community Facilities

### **Other Considerations**

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

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

**United Utilities:** This response is based on the details submitted on the planning application form; any changes to the planning application will invalidate this response. UU have no objection to the proposal providing that the following conditions are met:-

- A public sewer crosses this site and we will not permit building over it. UU will require an access strip width of 12 metres, 6 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

- This site must be drained on a separate system just prior to connecting to the public sewer with surface water flows restricted to a maximum discharge rate of 25 L/S

**Strategic Highways Manager:** The units have frontage access onto Plane Tree Drive and also Sorbus Drive, with single driveways provided. The main highway issues relates to car parking provision, the 14 dwellings have only 1 parking space provided and despite these being for social housing these are still family homes and it is likely that car ownership will be much higher.

Residential parking standards have now moved to minimum standards due to problems arising from on-street parking causing congestion, the minimum standard for the dwellings proposed is 200% so therefore there is 100% shortfall in the spaces being provided.

Therefore, the Strategic Highways Manager would be looking for a higher parking allocation as part of this application and would have to raise objections to the application.

**Additional Comments after amended plan submitted:** Some of the double driveways will be tight in terms of width but all of the units can get two cars in, so the objection is withdrawn.

**Environmental Health:** No objections, conditions suggested in relation to construction hours, piling works, dust control and contaminated land.

**6. OTHER REPRESENTATIONS –** None received at time of writing this report.

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

To support this application the application includes the following documents;

- Design and Access Statement
- Contaminated Land Survey
- Phase 1 Habitat Survey

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

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

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

*period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

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

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

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

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2013.

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

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

In this case the site is surrounded by a mix of residential and commercial/retail, and the public house has been vacant for some time. The proposal would provide an overriding local benefit through the provision of affordable housing for which there is a local need and would assist with the Councils 5 year housing land supply. The proposal is therefore considered to be acceptable in principal. However the loss of a community facility must still be considered, along with compliance with Policies BE.1 – BE.5 of the Crewe and Nantwich Replacement Local Plan 2011.

### **Loss of Community Facility**

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made.

Previous appeal decisions which have considered schemes that would result in the loss of a public house, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed.

Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a public house in a town such as Crewe with other public houses within walking distance. It is

therefore considered that the loss of this public house would not conflict with policy CF3 of the Replacement Local Plan 2011

### **Affordable Housing**

The proposal is for the redevelopment of this site to provide 14 x 2 bed houses for affordable housing. The Housing Officer has spoken to Wulvern Housing and they have confirmed that the tenure will be affordable rent.

There is a need for this kind of accommodation in Crewe: -

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

There are 249 applicants on the housing register with Cheshire Homechoice who have selected the Middlewich Street Estate 1 area of Crewe as their first choice, these applicants require 40 x 1 bed, 104 x 2 beds, 80 x 3 beds, 17 x 4 beds and 2 x 5 beds and 6 applicants have not specified the number of bedrooms required.

The Interim Planning Statement: Affordable Housing states that Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). It also states that properties should be constructed in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency. This can be conditioned. Furthermore as the applicant is proposing a 100% affordable housing scheme it is considered reasonable to condition the provision.

### **Highways Implications**

The site is currently a public house with one vehicle entrance onto the car park. The proposed dwellings will be accessed off both Plane Tree Drive and Sorbus Drive with parking to the front of the site. The proposal has a provision of 28 parking spaces and new dropped kerbs will be required for all properties.

The Strategic Highways Manager states that the amended plan now show 200% car parking. Although some of the double driveways will be tight in terms of width but all of the units can get two cars in, and therefore the proposal is acceptable in terms of parking provision.

It is therefore considered that the proposed development is acceptable and will not have a significant impact on highway safety.

## Amenity

The development site is surrounded by residential and commercial premises. The dwellings which face the dwellings opposite on Plane Tree Drive have principal windows on their front elevations. The dwellings are sited at least 21m from the proposed new dwellings which would also have principal windows on the front elevation and therefore are of an acceptable separation distance and will not have detrimental impact on neighbouring amenity.

Furthermore the dwellings sited opposite on Sorbus Drive also have principal windows on the front elevations, these dwellings will be sited over 21m from the proposed front elevation of the dwellings and therefore also meet the separation standard between principal elevations.

Unit 1 will be sited adjacent to No.24 Coronation Crescent, which appears to be a flat above the Chip Shop. Unit 1 will have two windows on the side elevation serving a lounge at ground floor level and a bathroom at first floor level. The applicant states that these will be obscure glazed, and this can be conditioned. No.24 Coronation Crescent has two secondary windows on the side elevation. There is a 5m separation distance between the two properties, and therefore the proposal should not have detrimental impact on neighbouring amenity.

There will also be sufficient distance between the rear elevations of the dwellings on Coronation Crescent of over 30m, and is therefore acceptable in terms of impact on neighbouring amenity.

Separation distances within the site are acceptable and will afford the future occupiers of the site suitable amenity.

The Councils guidance suggests that all new dwellinghouses should have a private amenity space of at least 50m<sup>2</sup>. Units 1, 3, 7, 8, 9 – 14, all have at least 50m<sup>2</sup> afforded to them and therefore meet the requirement, however units 2, 4, 5, and 6 have below the standard to the rear of the site (between 42 and 45 m<sup>2</sup>), however do include an area of amenity space to the front. It is therefore considered acceptable in this instance.

## Design

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

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

The applicant has submitted a standard house type to be used for all dwellings other than Plot 8 which has an additional door and porch feature on the side elevation facing Sorbus Drive to help create a distinctive element on the corner of the two streets. Although the dwellings are a standard house type they are of a design which is in keeping with the surrounding area and will not have a detrimental impact on the surrounding streetscene.

It is considered that the layout of the development site is acceptable and is of a design which is in keeping with the surrounding development. All of the properties have off street parking to the front of the site which with some additional landscaping should help to soften the impact of the development. It is considered that the design is acceptable and would not appear out of character in this part of Crewe.

The boundary treatment for the dwellings has also been submitted and in part it is considered that this is acceptable with the exception of the 2m brick wall proposed around the garden of unit 8, which would appear as a very dominant element within the streetscene and creating an oppressive visual appearance. The applicant has stated that this element can be altered to provide a wall with railings which would help to improve the visual appearance of the site. Amended plans are outstanding on this issue and will be reported as part of an update report.

## **Ecology**

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

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

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

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

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

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

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

In this case the Council's Ecologist has been consulted on the application and confirmed that no evidence of bats was recorded during the survey, however due to features being identified on site with the potential to support roosting bats the ecologist who undertook the survey has recommended that a bat activity survey is undertaken.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species survey a report of the results of the required activity survey must be submitted to the Council prior to the determination of the application. Following the recent judicial review it is no longer considered appropriate to condition such surveys. This additional information is still outstanding. Without confirmation that the development will not have a harmful impact on bats the application cannot be approved. The findings of the addition report and further comments from the Councils Ecologist will be reported in an update report to the Committee.

If the application is approved the Councils Ecologist has also noted that conditions should be attached to the permission for a further survey to be carried out relating to breeding birds if development is undertaken between 1<sup>st</sup> March and 31<sup>st</sup> August, and a scheme of bird breeding features should be submitted.

### **Other Matters**

United Utilities have noted no objection to the proposal subject to a 6m access strip either side of the public sewer which crosses the bottom of the site. The applicant has submitted a plan which shows the sewer crosses the front of the site and there is a minimum gap of 6m between the front of the dwellings and the sewer. This appears to meet the issues raised by United Utilities and therefore is acceptable.

## **10. CONCLUSIONS**

The site is within the Crewe Settlement Boundary where the principle of residential development is considered to be acceptable and in this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. It is considered that the development is acceptable in terms of affordable housing provision and there is a need for this development. The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is an acceptable design and layout.

There is a presumption in favour of the development and accordingly it is recommended for approval.



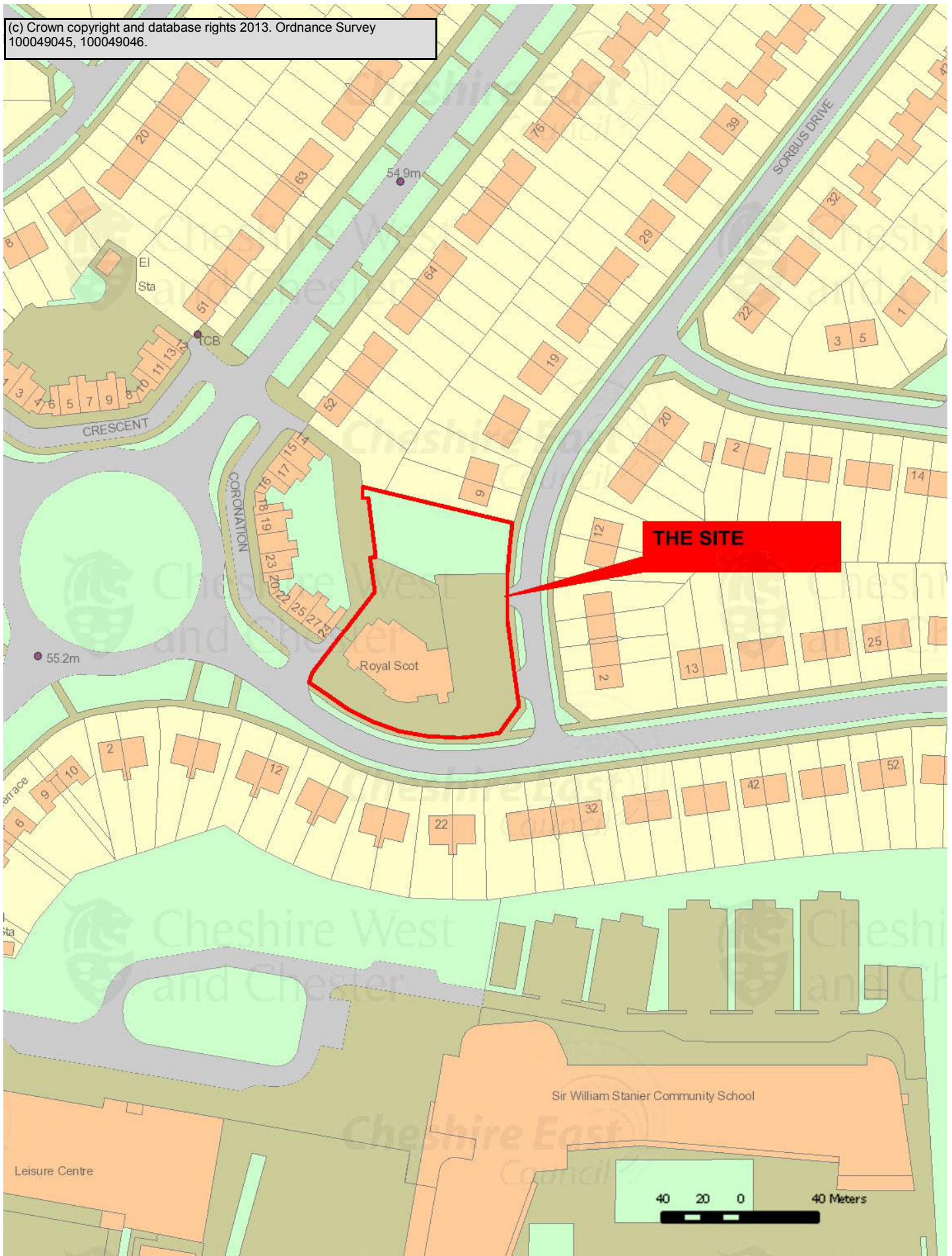
## **11. RECOMMENDATION**

**APPROVE** subject to the satisfactory submission of a further bat survey and Subject to conditions

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays and method statement**
- 5. Dust Control**
- 6. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 7. Submission and approval of materials**
- 8. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing the development will meet at least Level 3 of the Code for Sustainable Homes (2007). The scheme shall be implemented as approved and retained thereafter.**
- 9. Implementation and submissions of landscaping scheme**
- 10. Implementation of Boundary Treatment, and**
- 11. Implementation and submission of bin storage**
- 12. Dwellings to be retained as affordable housing**
- 13. Drainage details to be submitted**
- 14. Highway and car parking works to completed prior to first occupation**
- 15. Removal of permitted development rights, extensions and outbuildings**
- 16. Prior to undertaking any 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. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.**
- 17. 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 including swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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



Application No: 13/1688N

Location: REASEHEATH COLLEGE, MAIN ROAD, NANTWICH, CHESHIRE, CW5 6DF

Proposal: Variation of condition No 2 of permission 12/3548N

Applicant: Mr Simon Kennish

Expiry Date: 23-Jul-2013

**SUMMARY RECOMMENDATION: Approve subject to conditions**

**MAIN ISSUES:**

- Background Information;
- Condition 2;
- Design;
- Amenity;
- Highways;
- Drainage;
- Ecology;
- Landscape; and
- Public Rights of Way

**REFERRAL**

The application has been referred to Southern Planning Committee as the building exceeds 1000sqm and therefore constitutes a major proposal. The previous applications 12/1175N and 12/3548N were also determined by Southern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51 ring road. The application site is located on the periphery of the college campus in a prominent position adjacent to Wettenhall Lane. Located immediately to the north of application site is another hall of residence (Windsor Hall) and to the south is Crewe Alexander football training ground. The main college campus is located to the east. The site originally comprised a large wooded area. The application site is located just outside the Reaseheath Conservation Area and is wholly within the open countryside.

## **DETAILS OF PROPOSAL**

This application is for variation of condition 2 on approved application 12/3548N at Reaseheath College, Worlestone, Nantwich.

The proposed alterations include the relocation of a refuse store, larger LPG gas store, use of surface to protect trees at access to plant room, re-routing of cycle route to protect native plants, installation of louver doors to plant room, creation of two additional student bedrooms and removal of Juliet balconies.

## **RELEVANT HISTORY**

P06/0507 - Demolition of Shed and Erection of Construction Workshop. Approved 4<sup>th</sup> July 2006

P06/0512 - Change of Use from Manufacturing Building to IT Centre including Demolition of Oil Store and Erection of New Entrance. Approved 4<sup>th</sup> July 2006

P06/0991 - 96 Bed Two Storey Student Accommodation Building With Associated Car Parking And Landscaping. Approved 4<sup>th</sup> December 2006

P07/0024 – Erection of Electricity Generation Facility. Approved 26th February 2007

P07/0380 – Erection of Milking Parlour. Approved 21<sup>st</sup> May 2007

P07/0412 – 4 Isolation Pens. Approved 1<sup>st</sup> May 2007

P07/0517 – Replacement Animal Care Centre. Approved 20<sup>th</sup> July 2007

P07/0508 – Extension to Existing Calf House. Approved 31<sup>st</sup> May 2007

P07/0541 – Demolition of Store and Maintenance Buildings and Construction of Learning Resource Centre and Alterations to Parking. Approved 4<sup>th</sup> June 2007

P07/0638 – Demolition of Temporary Classroom Block and Construction of a New Estates Maintenance Workshop to Replace Facilities Demolished to make way for the New Learning Resource Centre. Refused 25<sup>th</sup> June 2007.

P07/0761 – New Engineering Academy Building Approved on 29<sup>th</sup> August 2007.

P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – Approved – 11<sup>th</sup> December 2008

09/1155N - Demolition of the Cross College Building including Student Union Office to make way for the New Student Hub approved under application P08/1126 (Crewe & Nantwich) Conservation Area Consent – Approved – 5<sup>th</sup> June 2009

09/2160N - Refurbishment and Extension of the Existing Food Processing Department to Accommodate a New Student Training Facility – Approved – 22<sup>nd</sup> September 2009

10/0279N - Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use – Approved – 16<sup>th</sup> April 2010

10/1345N - Removal of the Existing Flue (1m Diameter by Approx 10m High) and the Addition of Three Smaller Flues (1 x 514mm Diameter by Approx 10m High, 2 x 378mm Diameter by Approx 10m High) – Approved – 11<sup>th</sup> May 2010

10/3339N - Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff - Approved

11/2450N - Construction of a New 2 Bay Silage Clamp Extension on Hall Farm within the College Grounds – Approved – 15<sup>th</sup> August 2011

11/2449N - The Construction of a New Calf House on Hall Farm within the College Grounds – Approved – 26<sup>th</sup> August 2011

12/1175N – Proposed 3 Storey 150 Bed Residential Student Accommodation Building – Refused – 16<sup>th</sup> August 2012

12/3548N – Proposed 3 Storey, 150 Bed Residential Student Accommodation Building and Associated Landscape Works – Approved – 30<sup>th</sup> October 2012

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Policy**

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)
RT.9	(Footpaths and Bridleways)
TRAN.5	(Provision for Cyclists)
TRAN.6	(Cycle Routes)
TRAN.9	(Car Parking Standards)

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

**Highways:** No objections

**Environmental Health:** No objection subject to the following informative being attached to the decision notice

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

**PROW:** No objections

**Conservation: No objections.** The Conservation Officer wondered where there was any scope to use a mechanism which will allow the balconies to be swivelled.

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

No comments received at the time of writing this report

## **OTHER REPRESENTATIONS**

No representations received at the time of writing this report

## **APPLICANT'S SUPPORTING INFORMATION**

No supporting information submitted with the application

## **OFFICER APPRAISAL** **Background Information**

Planning permission was granted for the construction of a three storey student accommodation block (12/3548N) on the 30<sup>th</sup> October 2012. Having considered the application, Members felt that the proposal would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety subject to a number of restrictive conditions. Following the grant of this planning permission, the applicant is seeking to vary one of the conditions. In particular, condition 2 attached to planning permission 12/3548N.

### **Condition 2 states:**

*The development hereby approved shall be carried out in total accordance with the approved plan numbers M0796-PL (0) 001 Revision A, M0796-PL (0) 005 Revision C, M0796-PL (0) 006 Revision C, M0796-PL (0) 007 Revision C, M0796-PL (0) 008 Revision C, M0796-PL (0) 011 Revision B, M0796-PL (0) 004 Revision D, M0796-PL (0) 20, M0796-PL (0) 009 Revision C, M0796-PL (0) 010 Revision B and M0796-PL (0) 021 received by the Local Planning Authority on the 13th September 2012*

*Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates and having regard to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

## **Design**

Guidance advocated within NPPF supports well designed buildings. 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.

As a matter of fact, the NPPF states 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' (paragraph 64)



However, the NPPF clearly states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness*' (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

The applicant is proposing to relocate the bin stores, which were originally located within the building. However, the applicant states that they cannot get adequate insurance cover due to combustible waste being retained on the site. Therefore, the proposal is to relocate the bin store so that it is adjacent to the access road which serves the student accommodation block. It is considered that the bin store will have limited impact on the character and appearance of the streetscene and as mitigation landscaping and boundary treatment will be conditioned accordingly. The rooms which will be vacated by the bin stores will be used as additional student bedrooms and it is not considered that the additional bedrooms would have an adverse visual impact on the character and appearance of the area.

In addition, the applicant is proposing to enlarge the LPG store, which is located to the front of the building. The applicant confirms that the enlarged LPG store is required as they do not anticipate the proposed ground source heat pump to be sufficient to provide adequate heating and the LPG is required as a backup system.

According to the approved plans there was a number of Juliet balconies located on the various elevations of the building. The applicant confirms that they are unable to clean the windows externally. As the building will be in use for the majority of year (there is only one week at Christmas time when the building is vacant) they will not be able to clean the windows internally, due to safeguarding children constraints. The Juliet balconies were added to provide a bit more visual diversity to the building, so while their loss is regrettable it is not considered sufficient to refuse.

Other alterations include the use of grasscrete around the outside of the building, so that engineers can access the plant room, which is located at the rear of the building. In addition, the applicant is proposing on installing louver doors to the plant room. It is considered given its location the impact on the streetscene will be minimal.

### **Amenity Considerations**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

It is considered that the development of the site for student accommodation within an existing college campus area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in

determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the residents of Windsor Hall and other residential dwellings within the locality. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring student accommodation block (Windsor Hall) is located to the north of the application site. It is noted that there are two car parks, (one is located to the front of the proposed student accommodation block and other is to the front of Windsor Hall) in addition there is a large grassed area, which will also be landscaped. According to the Councils SPD states as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation and a side elevation and the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. According to the submitted plans there is a distance of approximately 75m separating the proposed building from the front elevation of Windsor Hall on the opposite side of the landscaped area. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of this property and the proposal accords with Policy BE.1 (Amenity).

The impact upon the residential amenity of nearby residential properties is also a consideration in particular the properties located on Cinder Lane and Holly Bank Farm which are located to the north west of the application site and properties to the south of the application site on Millstone Lane. It is considered that the proposed development will have a marginal impact on the residential amenities of the neighbouring there is a distance in excess of 240m separating the application site from Holly Bank Cottage, 270m from the nearest property on Cinderhill Lane and 320m from the properties on Millstone Lane. Overall, it is considered given the separation distances and intervening vegetation will help to mitigate any negative externalities caused by the proposed development.

## **Highways**

It is acknowledged that the proposal will create two additional student bedrooms, due to the bin stores being displaced. The applicant is not proposing to alter the number of car parking spaces or the junction layout onto Wettenhall Road.

According to the submitted plans, the proposed development would create 152 one bed apartments for student accommodation with a total of 50 (4 of which will be disabled) off street car parking spaces. The maximum car parking standards contained in Appendix 8.1 of the Local Plan identify that Use Class C2 (Residential Institutions) requires one car parking for every three beds. This would give a maximum requirement of 51 spaces (rounded up) to serve the development. It is considered that the proposal is broadly in accordance with guidance advocated within the Local Plan. Additionally, there are other car parks within the campus which could be used by students and there is spare capacity. Furthermore, the applicant is proposing a cycle shelter, which could be utilised by students and will provide a sustainable mode of transport and applicant is willing to update their Travel Plan. Colleagues in Highways have been consulted regarding the proposal and they have no objections to the development and as such the proposal complies with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).



## **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.

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. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

## **Ecology**

The applicant submitted a protected species survey to accompany their original application (12/3548N) and it identified that Great Crested Newts and roosting Bats as being potential ecological constraints on the proposed development. The Councils Ecologist was consulted and stated that he does anticipate the proposed development having an impact upon Badgers, Great Crested Newts or Reptile Species. The current application has also been assessed by the Councils Ecologist who confirms that '*I have no comments to make on this amendment of condition application*'. Overall, it is considered that the proposal will not have a detrimental impact on any protected species and the proposal is in accordance with policy local plan policy and advice advocated within the NPPF.

## **Landscape**

No comments have been received at the time of writing this report from the Landscape Officer. Members will be updated in the update report once these comments have been received.

## **Public Rights of Way**

Colleagues in Public Rights of Way have been consulted and they advise that 'I have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way'. However, according to the submitted plans the proposal is re-route the cycle route in order to protect the existing planting beds. The case officer considers it prudent to attach a condition requiring full detailed specification of the proposed cycleway. It is considered that the proposal as conditioned complies with policies RT.9 (Footpaths and Bridleways) and TRAN.6 (Cycle Routes).

## CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed variation of condition 2 of planning permission 12/3548N is acceptable in principle and, as conditioned, would not cause any detrimental harm to the amenities of nearby residents or the character and appearance of the area or highway safety. It is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

### RECOMMENDATION: Approve subject to conditions:

1. **Standard**
2. **Plans**
3. **Materials**
4. **Surfacing Materials**
5. **Drainage**
6. **Cycle Shelters**
7. **Landscaping Submitted**
8. **Landscaping Implemented**
9. **Car Parking**
10. **Travel Plan**
11. **Roof Cows**
12. **Tree Protection Measures**
13. **Lighting Scheme to be Submitted and Approved**
14. **Hours of Construction**

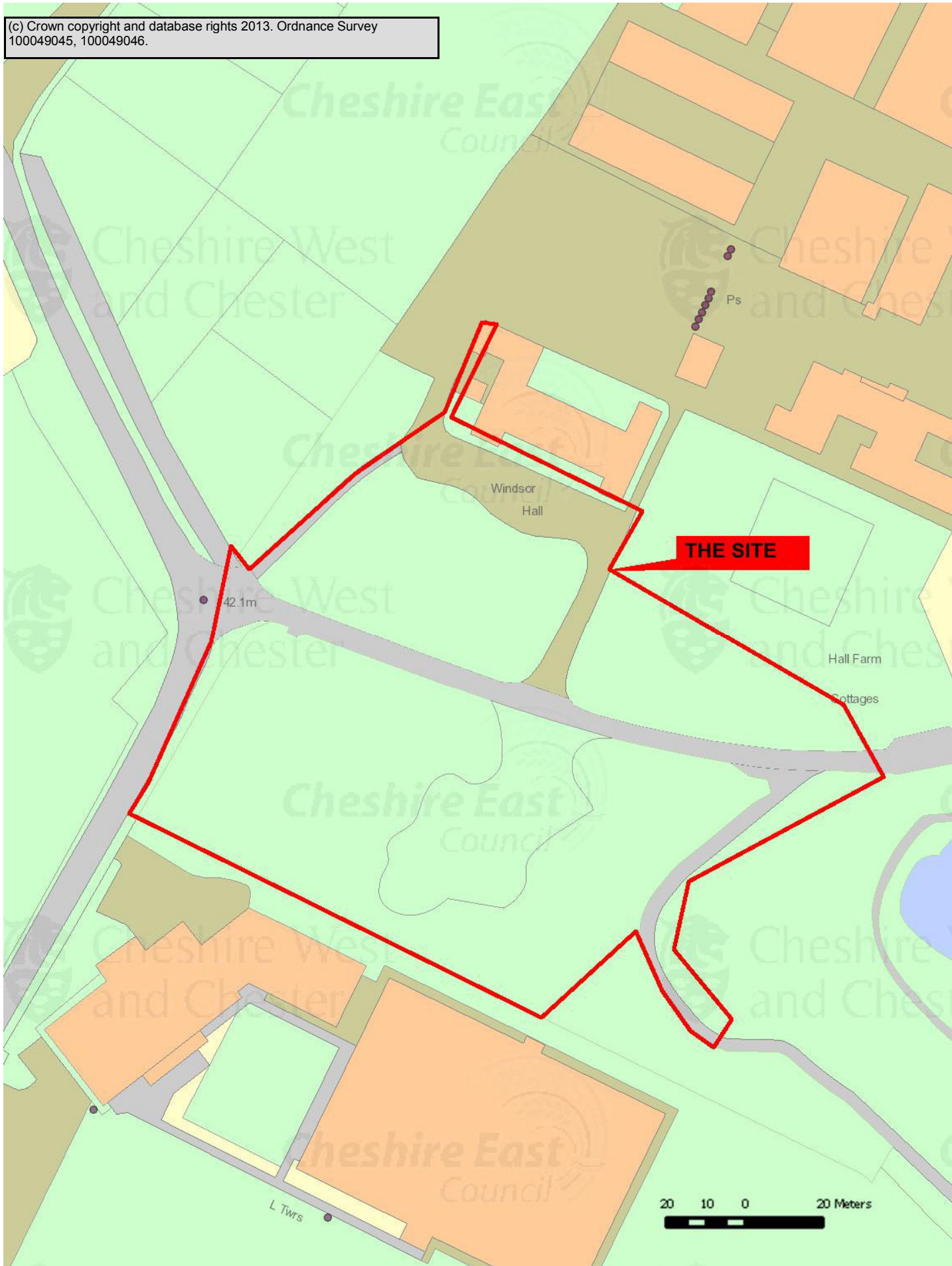
<b>Monday to Friday</b>	<b>08:00 to 18:00 Hours</b>
<b>Saturdays</b>	<b>09:00 to 14:00 Hours</b>
<b>Sundays and Public Holidays</b>	<b>Nil</b>
15. **Pile Foundations**

<b>Monday to Friday</b>	<b>08:30 to 17:30 Hours</b>
<b>Saturday</b>	<b>08:30 to 13:00 Hours</b>
<b>Sundays and Public Holidays</b>	<b>Nil</b>
16. **Floor Floating**

<b>Monday to Friday</b>	<b>07:30 to 20:00 Hours</b>
<b>Saturday</b>	<b>07:30 to 13:00 Hours</b>
<b>Sundays and Public Holidays</b>	<b>Nil</b>
17. **Dust Control – in order to minimise dust arising from demolition/construction activities a scheme shall be submitted and approved**
18. **Features for Breeding Birds**

- 19. **No Development within the Bird Breeding Season**
- 20. **Additional Green Walls for the elevations facing Wettenhall Road and Crewe Alexander Training Ground.**
- 21. **No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.**
- 22. **Detailed Specification of the cycleway to include width, signage, materials used in the surface and to include any temporary arrangements.**
- 23. **Details of the Boundary Treatment to the refuse store to be submitted and agreed in writing**
- 24. **Colour of Louvre doors to be submitted and agreed in writing**

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



Application No: 13/1708N

Location: 92- 94, NANTWICH ROAD, CREWE, CW2 6AT

Proposal: Change of use from office to 6 Bedsit Flats (within the same property)

Applicant: Dave Easton

Expiry Date: 15-Jul-2013

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

**Main issues:**

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

**REASON FOR REFERRAL**

The application was called in by Councillor Dorothy Flude on the following grounds:

*“Concern re plans, fire exits, natural light, bathing, toilet and kitchen facilities.  
Change of use from Office to 6 Bedsits no extra provision for the storage of waste and its collection.*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a double fronted office building situated on the southern side of Nantwich Road, Crewe. The site is designated as being within the settlement boundary of Crewe and the Nantwich Road Sopping Area (subject to Policy S.9).

**DETAILS OF PROPOSAL**

The proposal seeks full planning permission for change of use from office (B1) to 6 bedsit flats (C4). There would be 2 bedsits, a kitchen and a communal area on the ground floor and 4 bedrooms and 2 bathrooms on the first floor.

**RELEVANT HISTORY**

P00/0409      2000    Change of use to offices

**POLICIES**

### **National policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

#### **RES.9 – Houses in Multiple Occupation**

BE.1 – Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

S.9 – Nantwich Road Shopping Area

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

#### **Strategic Highways Manager:**

None received at the time of report writing.

#### **Environmental Health:**

Recommend conditions relating to noise, lighting, bin storage and air quality.

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

The Town Council have expressed concerns about adequate parking provision.

### **OTHER REPRESENTATIONS**

None received at the time of report writing.

### **OFFICER APPRAISAL**

#### **Principal of Development**

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development.

Circular 08/2010 – Changes to Planning Regulations for Dwellinghouses in Multiple Occupation, defines houses occupied by between 3 and 6 unrelated individuals who share basic amenities, as houses of multiple occupation. These fall into Use Class C4. As such the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, Part 3, Schedule 2, Class J, that allows for the change of use of offices (B1) to residential dwellings (C3), which came into force on 30<sup>th</sup> May 2013, does not apply.

Nantwich Road is a predominantly shopping/commercial area with some residential units above the commercial premises. Policy S.9 requires uses within this area to be complementary to the existing retail uses and not have a detrimental impact on the retail function or residential amenity of the area. Having regard to this proposal, the existing use is as offices (B1) and as such there would be no loss of retail frontage and it is not considered that it would have a detrimental impact on the overall retail function of the area. The proposal is therefore in compliance with Policy S.9.

Policy RES.9 allows for the conversion of buildings to houses of multiple occupation provided that the building is large enough to provide satisfactory living conditions, without the need for extensions that would conflict with Policies BE.1 and BE.2, the external appearance would be

acceptable, there is no adverse impact on residential amenity and parking can be safely accommodated.

It is considered that the proposal would comply with the requirements of Policy RES.9 and therefore the proposal is considered to be acceptable in principle.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"*

### **Design**

There are very minor alterations to the windows in the ground floor front elevation. These would give a more attractive and sympathetic appearance to the building, which would represent an improvement in design terms. The proposal is therefore considered to be acceptable and in compliance with Policy BE.2 of the adopted local plan.

### **Amenity**

Having regard to future residents of the properties, they would need to have acceptable living conditions and the majority of the issues raised by the Ward Councillor relating to this, are covered by other legislation. However; it was not clear from the drawings that all the bedsits would have access to natural light, from either windows or roof lights. It would however be possible to provide this in the building. Amended drawings have been requested showing that access to natural light is possible and this will be addressed in an update to the report.

Bin storage and collection has also been raised as an issue by the Ward Councillor. The applicants have not submitted details of bin storage at the time of report writing, but there is an accessible yard to the rear of the property, in which this could be accommodated. An amended drawing has therefore been requested to demonstrate that this is possible and this will also be addressed in an update to the report.

### **Parking and Highway Safety**

The Strategic Highways Manager has not commented at the time of report writing. However; there are public car parks in very close proximity to the site, which could be used by the occupiers of the proposed bedsits.

In addition this is considered to be a sustainable location, with easy access to shops, services, buses and trains. As such the proposal is considered to be in compliance with Policy BE.3 (Highways).

**Other matters**

The issue of fire exits, bathing and toilet facilities and kitchen facilities have also been raised by the Ward Councillor in relation to this application. It should be noted that these issues are dealt with under Building Regulations and Housing legislation and not Planning.

**CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed change of use is located within the Crewe settlement boundary and would involve minor external alteration of the building. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

**RECOMMENDATION**

Approve subject to the following conditions:

1. Time limit
2. Approved plans
3. Submission of drawings showing windows/roof lights to all bedsit rooms
4. Submission of details of bin storage



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



This page is intentionally left blank

Application No: 13/1843N

Location: LAND OFF, MARSH LANE, NANTWICH, CW5 5LD

Proposal: Variation of condition 3 on planning permission 12/1488N- Reserved Matters Planning Application Relating to Outline Permission P05/0121 for the Erection of 13 no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Childrens Playground.

Applicant: Elan Homes Ltd

Expiry Date: 29-Jul-2013

**SUMMARY RECOMMENDATION:**

**APPROVE subject to conditions**

**MAIN ISSUES:**

- The impact upon landscaping

**REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it involves a variation to an approved plans condition for a residential development of more than 10 dwellings.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the north-western side of Marsh Lane within the Nantwich Settlement Boundary. The site previously formed an undulating area of open scrub land. It is now currently under development with the construction of 13 new dwellings which was granted planning permission under application 12/1488N.

The site borders the Shropshire Union Canal to the west, is enclosed on 2 sides (south and east) by a recreational open space and an equipped children's playground (which has been protected by a S106 agreement) and is bound to the north by residential properties.

**DETAILS OF PROPOSAL**

The application seeks to vary the approved plans condition attached to planning permission 12/1488N in order to substitute the approved landscaping plan which was detailed within the approved plan condition as ref: ML-LL-001 Rev F, with amended plan ref: ML-LL-02 Rev A.

Revised plans have been submitted in response to the Council's Landscape Officer's initial comments.

## **RELEVANT HISTORY**

**12/1488N** - Reserved Matter Planning Application Relating to Outline Permission P05/0121 for the Erection of 13no. Detached Dwellings, Parking and Amenity Space; and the Retention of Public Open Space/Children's Playground – Approved 25<sup>th</sup> June 2012

**12/0222N** - Reserved Matters Application for 13 No. Detached Dwellings, Parking and Amenity Space and the Retention of Public Open Space/Children's Playground including Appearance, Landscaping, Layout, Scale and Access Following Outline Approval of P05/0121 – Refused 30<sup>th</sup> March 2012

**11/2370N** – New detached house, garage, driveway (44 Marsh Lane) – Withdrawn 15<sup>th</sup> September 2011

**P05/0121** - Outline Application for Residential Development and Retention of Existing Public Open Space/Children's Playground (Amended Plans) – Approved 9<sup>th</sup> December 2011

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

NE.5 - Nature Conservation and Habitats

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

N/a

## **VIEWS OF THE TOWN COUNCIL**

**Nantwich Town Council** – No comments received at time of report

## **OTHER REPRESENTATIONS**

**44 Marsh Lane** – Question whether there is any requirement for the applicant to replace a large hedge between the entrance toad and the playground

## **APPLICANT'S SUPPORTING INFORMATION**

None

## **OFFICER APPRAISAL**

### **Principle of Development**

The development has already been agreed to in principle under the approved planning application 12/1488N. As such, the determination of the variation of the landscaping scheme should be assessed under the landscaping policy within the Local Plan.

## **Landscaping**

The land slopes down from the canal to the road but is undulating and several areas are mounded.

The differences between the approved landscaping plan and the landscaping plan now sought are marginal and relate to the type of plant species sought, rather than any radical re-design.

The Council's Landscape Officer has advised that some of the species sought may be unsuitable for the rear gardens; and that these should be replaced with species of trees that will be smaller at maturity.

In response to these comments, a revised plan was submitted. The Council's Landscape Officer has subsequently advised that she is now satisfied with the proposal.

As such, it is considered that the proposed landscape plan adheres with Policy NE.5 of the local plan.

## **CONCLUSIONS**

It is considered that the variation of the landscaping plan within the approved plans condition would not create any additional impact with regards to Local Plan Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, than the scheme originally approved under application 12/1488N. As a result, the proposal to vary this condition is recommended for approval.

## **RECOMMENDATIONS**

### **APPROVE subject to conditions**

- 1. In accordance with outline**
- 2. Approved plans**
- 3. Materials implemented as agreed**
- 4. Hours of construction**
- 5. PD removal A-D**
- 6. PD removal – Garage use**
- 7. Obscure glazing & PD removal for replacements**
- 8. Landscaping – Implementation**
- 9. Tree protection – Implementation**
- 10. Boundary treatment – Implementation**
- 11. Lighting – Implementation**
- 12. Structural stability – Implementation**
- 13. Drainage – Implementation**
- 14. Habitat survey – Implementation**
- 15. Breeding bird features – Implementation**
- 16. Construction method statement - Implementation**



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



Application No: 13/1864N

Location: LAND ADJACENT ROYAL OAK, 94, MAIN ROAD, WORLESTON, CHESHIRE, CW5 6DN

Proposal: Reserved Matters Application following Outline Planning Approval 11/2241N re Access, Appearance, Landscaping, Layout and Scale.

Applicant: Archway Homes Ltd

Expiry Date: 15-Jul-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES**

- The acceptability of the Access, Layout, Scale, Appearance and Landscaping
- Impact on adjoining residential amenities
- The impact upon protected species
- Affordable housing requirements

#### **REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it has been called in by Councillor Michael Jones for the following reason:

*'The impact the design of the proposed dwellings would have upon the existing local character due to their detached two-storey form adjacent to a row of semi-detached bungalows'.*

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site forms land attached to the existing Royal Oak Public House within the settlement boundary for Worleston. The site comprises part of the existing beer garden and parking area to the south of the public house, and also land between the public house beer garden and residential properties to the south which is grazing land. Fronting Main Road is a hedgerow whilst the rear boundary is also vegetated. There is a pond located in the south eastern corner of the site.

#### **DETAILS OF PROPOSAL**

A Reserved Matters application has been submitted seeking permission for the erection of 3 detached and 2 semi-detached dwellings.

## **RELEVANT HISTORY**

**11/2241N** - Outline Application for Residential Development, Associated Access and Landscaping Works – Approved 11<sup>th</sup> June 2012

**10/2597N** - Outline Application for Residential Development, Associated Access and Landscaping Works – Withdrawn 25<sup>th</sup> October 2010

**P03/1168** - Outline application for Residential Development (8 Dwellings) – Refused 17<sup>th</sup> October 2003

**P95/0420** - O/A for residential development – Refused 24<sup>th</sup> August 1995

## **POLICIES**

### **National policy**

National Planning Policy Framework (NPPF)

### **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.6 – Development on potentially contaminated land

RES.2 - Unallocated Housing Sites

RES.4 - Housing in villages with Settlement Boundaries

TRAN 9 – Car parking standards

NE.5 – Nature Conservation and Habitats

NE.9 - Protected Species

### **Other Material Considerations**

Supplementary Planning Document on Development on Backland and Gardens

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

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

**Environmental Health** – No objections, subject to conditions relating to; prior submission of lighting, hours of construction, details of piling, plans showing the position of bin storage and an informative regarding contaminated land.

**United Utilities** – No comments received at time of report

**Housing (Cheshire East Council)** – Highlight the requirement for 2 affordable dwellings.

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



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

## **OTHER REPRESENTATIONS**

No comments received at time of report

## **APPLICANT'S SUPPORTING INFORMATION**

Design & Access Statement  
Landscaping Layout  
Pond enhancement  
Tree report

## **OFFICER APPRAISAL**

### **Principle of development**

For the erection of 5 dwellings at this site, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply; 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), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites), TRAN.9 (Car Parking Standards) and CF.3 (Retention of Community Facilities). The National Planning Policy Framework (NPPF) is also a material consideration.

It has already been established that the principal of the development is accepted following the approval of the associated outline planning permission numbered 11/2241N.

This approval concluded that *'The proposed dwellings would be sited within the settlement boundary for Worleston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application.'*

This approval was granted subject to a S106 agreement to secure the required affordable housing element of the scheme.

As such, the determination of a subsequent reserved matters application would be assessed on the 5 reserved matters categories; Layout, Scale, Appearance, Access and Landscaping, which are considered below.

### **Layout**

As part of the outline application, an indicative layout plan was submitted which demonstrated that 5 dwellings could comfortably be sited on this land without appearing out of place or context with the village.

It was concluded that *'Worleston has a mixture of house types and ages ranging from two storey terraced properties, detached properties and semi detached bungalows. The latter would be sited*

*immediately to the south of the proposed development. Whilst those properties are single storey, there are two storey properties directly opposite and the Royal Oak PH is also a two storey property. It is therefore considered that two storey dwellings would be appropriate on this site and would not appear out of character with the village. A condition to ensure that the dwellings are no higher than two-storey is considered to be appropriate.*

*The indicative layout demonstrates a staggered building line. The southern property would be in line with No.80 whilst the northernmost property would be in line with the public house. This is considered to be an acceptable building line.*

*Concern has been raised that the scale of the dwellings would be out of character with the village which is noted. This is an outline application and the design and appearance of the dwellings could be subject to change as part of any reserved matters application.'*

The layout plan provided as part of this scheme is largely the same as the scheme now proposed. The only difference is that now, the proposal is to move back the semi-detached properties within the plot slightly, re-arrange the layout of the associated driveways and a slight change in the design of the dwellings.

As such, in light of the conclusions of the officer dealing with the outline application in conjunction to the minor changes proposed at this stage, it is considered that the layout of the scheme would be acceptable.

### **Scale**

As part of the outline permission, it was concluded that the addition of two-storey dwellings at this site would be acceptable given the mixed form of the surrounding properties. The height of the dwellings was restricted to two-storey by condition to a height of 8 metres.

The submitted plans show that the dwellings would adhere to this condition. The height ranges of the dwellings are between 7.7 and 8 metres.

The submitted streetscene shows how the development heights would not appear incongruous given the presence of the two-storey public house adjacent to the site to the north and the properties on the opposite side of Main Road.

With regards to footprint, the dwellings would not appear incongruous due to the mixed size of footprints within the area.

As such, it is considered that the scale of the proposed development would be acceptable and would adhere with Policy BE.2 of the Local Plan.

### **Appearance**

Worleston has a mixture of house types and ages ranging from two-storey terraced properties, detached dwellings and semi-detached bungalows.

In terms of design features, the surrounding properties are of various heights and fenestration finishes. However, the majority have open brick finishes and dual-pitched roofs which would reflect the design of the proposed dwellings.

Other local design features respected include partial gable frontages and half-dormers.

As the proposed development closely reflects these local design features, subject to the appropriate use of materials to respect the local character it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy BE.2 of the Local plan

## **Access**

The proposed development would result in 5 new access points being created onto Main Road, Worleston. All 5 dwellings would be served by individual access points in order to adhere with Condition 20 of the associated outline permission.

As part of this outline permission, it was advised within the Officer Report that the Strategic Highways Manager concluded that *'...the site has good visibility and that the proposed accesses shown on the indicative plan would achieve the required visibility splays for this 30mph road. The indicative plan also shows that all vehicles could enter and exit the site in a forward gear.'*

Little appears to have changed from the indicative layout plan to differ from this original conclusion other than the change in the driveway shape of some of the properties to provide greater scope for manoeuvring.

As such, it is considered that the proposed development would adhere with the access aspect of the assessment and Policy BE.3 of the Local Plan.

## **Landscaping**

The development would involve the removal of a section of hedgerow fronting Main Road in order to accommodate access to the properties and during construction. It was concluded within the Officer's Report that *'Hedgerows are also priority habitats. The scheme would require the removal of the roadside hedgerow. Notwithstanding this, a landscaping scheme could secure hedgerow planting to mitigate for its loss and a condition to this end is suggested.'*

This was subsequently added as a condition (Condition 10) to the outline permission.

The submitted landscape plan adheres to this condition.

In response to the submitted plan, the Council's Landscape Officer has advised that she has no significant landscape concerns. However, it is recommended that the hedge species is replaced with a different species to that currently proposed. Furthermore, it is recommended that a condition be inserted which secures the temporary protection of the pond area and trees to the east of the site during the building works.

In response to these comments, the applicant has submitted a revised landscape plan and associated schedule. The species specification has been revised to show a native species hawthorn hedge which is now considered to be acceptable.

With regards to the proposed boundary treatment, it was recommended that the applicant replace a proposed gravel board fence on the northern side boundary of the site with a higher quality fence design given its visible location from the streetscene.

The applicant agreed to this change to the benefit of the scheme.

To the rear of the site, it is proposed that the natural hedgerows and trees would be retained and reinforced.

On the southern boundary of the site, it is proposed that the boundary fence to the neighbouring property would be retained and repaired. The existing pond that is protected via condition is also shown be retained.

Separating the gardens of the proposed dwellings would be a 1.8 metre tall close boarded fence, which is considered to be acceptable.

It is considered that these boundary treatment / landscape features would be acceptable as part of this development subject to the conditions proposed.

### **Amenity**

The layout plan shows a relationship between proposed dwellings and those on the opposite side of Main Road which would reflect the existing relationship of properties within the village and would be acceptable.

The plan shows that the southern-most dwelling would be approximately 1.5 metres from the boundary of No.80 and 5 metres from the flank elevation. Given the size of the curtilage of No.80 it is considered that the proposed dwelling would not be overbearing.

The development adheres with the standard separation distances quoted within the Development on Backland and Gardens SPD. This includes distances in excess of 21 metres between principal elevations.

With regards to the impact of the proposed dwellings themselves on each other, all of the side windows proposed serve as either secondary windows to principal habitable rooms or windows to non-principal habitable rooms e.g. bathrooms and utility rooms. As such, these relationships are considered to be acceptable.

As such, it is not considered that the proposed development would create any new amenity issues with regards to loss of privacy, loss of light or visual intrusion.

Environmental Health have requested conditions be attached to any approval for details of external lighting to be submitted, restriction of construction hours, details of pile driving and refuge details. An informative regarding contaminated land is also proposed. These can be secured by condition / informatives.

Subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### **Protected Species**

As part of the outline planning permission, it was concluded that *'The application has been supported by a Phase One habitat survey for Great Crested Newts. The survey identifies that no Great Crested Newts were recorded as being present and therefore would not pose a constraint to development.'*

*The Councils ecologist identifies that bats could be present within the trees within/adjoining the site. The indicative layout demonstrates that the trees would be retained; however this is an indicative layout which could be subject to change. A condition has therefore been suggested that these trees be retained and if they are required to be removed then a detailed bat survey be submitted.*

*The site has the potential to support breeding birds, including House Sparrow, and conditions are therefore suggested for surveys to be carried out if works commence during the breeding season. The House Sparrow is a biodiversity action plan priority species and therefore details should be submitted to incorporate features into the scheme.'*

In response to this submission, the Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development. He has advised that a condition for the protection of breeding birds and a condition for the incorporation of features into the scheme suitable for the use of breeding birds be added to the decision, should the application be approved.

Subject to these conditions, the development would adhere with Policy NE.9 of the Local Plan.

### **Affordable housing**

As part of the outline permission, because the village within which the development was proposed had a population of 3,000 or less, there was a requirement for 30% affordable housing for housing schemes over 3 dwellings. As such, 2 of the 5 dwellings proposed were reserved for affordable housing and secured via the use of a S106 agreement.

As part of this submission, the Housing Officer has advised that the requirement for 2 affordable dwellings still applies. Although there is a greater need for 3-bed properties, the provision of 2-bed properties would still be satisfactory.

A number of other issues were raised, however, these issues were assessed and agreed upon at outline application stage and cannot be re-addressed at this stage.

As such, it is considered that the proposed affordable housing allocation is acceptable for the purposes of this application.

### **CONCLUSIONS**

The principle of the development has already been established with the approval of outline permission. It is now subsequently considered that the layout, scale, appearance, landscaping and access of the scheme are also acceptable. It is also considered that the development would not have a detrimental impact upon neighbouring amenity or ecology.

As such, it is considered that the proposed development would adhere with Policies; flooding or drainage and therefore adhere with the Policies; BE.1 (Amenity) , BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on potentially contaminated land), RES.2 (Unallocated Housing Sites), RES.4 (Housing in villages with Settlement Boundaries), TRAN 9 (Car parking standards), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also adhere with the NPPF.

**RECOMMENDATION:**

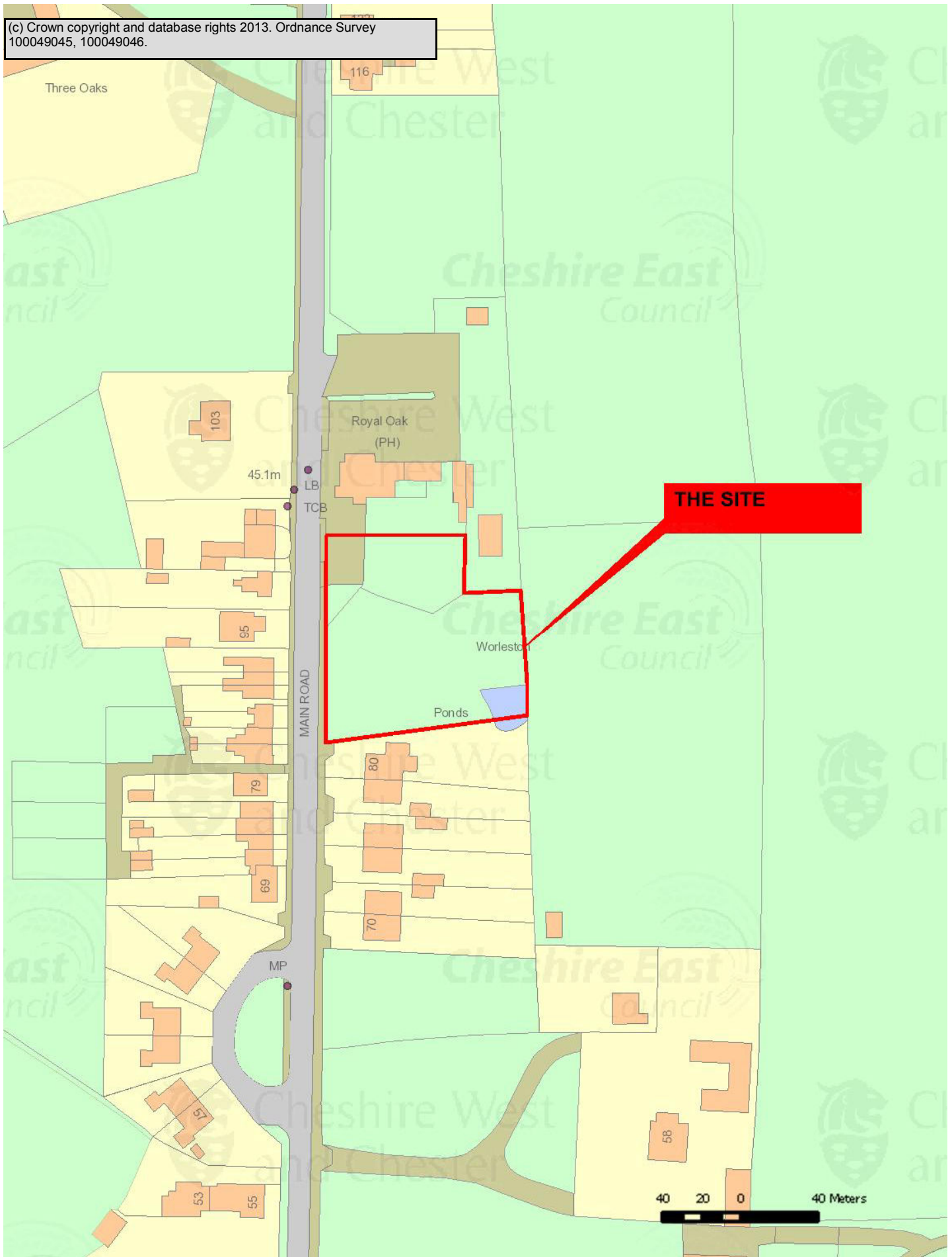
**APPROVE** subject to conditions

1. Time (Standard 3 years)
2. In accordance with approved plans
3. Material details/samples – Facing or roofing
4. Materials details/samples – Hard surfacing
5. Boundary treatment – Implementation
6. PD Removal (A to E)
7. Drainage details to be submitted
8. Landscaping – Implementation
9. Breeding birds mitigation to be submitted and approved
10. Incorporation of features for breeding birds to be submitted and approved
11. Lighting details to be submitted and approved
12. Hours of construction (Mon-Fri 08:00 – 18:00, Sat 09:00 – 14:00 Sun & Bank hol – nil)
13. Piling method, timing and duration to be submitted and approved
14. Bin storage details to be submitted and approved
15. Tree and pond protection measures to be submitted and approved and provided during construction period

**Informative**

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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



This page is intentionally left blank



Application No: 13/2051C

Location: RUE MOSS COTTAGE, BACK LANE, SMALLWOOD, SANDBACH, CHESHIRE, CW11 2UN

Proposal: First floor extension (Resubmission of 13/0766C)

Applicant: Mr R Stockwell

Expiry Date: 11-Jul-2013

**SUMMARY RECOMMENDATION:****REFUSE****Main issues:**

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

**REASON FOR REFERRAL**

This application was called in to Southern Planning Committee by Councillor John Wray for the following reasons;

- *'The extension proposal is not disproportionate to the size of existing dwelling.'*
- *'Other similar extensions in the area much larger than this have been approved. The footprint of the property is not increased by this proposal.'*
- *'There is no objection from the Parish Council or neighbours, who actually support this modest extension.'*
- *'The extension is essential to accommodate the needs of a growing family to provide separate bedroom accommodation for the children.'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a detached, two-storey dwelling located on land north of Back Lane, Smallwood within the Open Countryside and Jodrell Bank Radio Telescope Consultation Zone.

The property has an open brick finish, white uPVC fenestration and a dual-pitched pain grey tiled roof.

## **DETAILS OF PROPOSAL**

Revised plans have been submitted for a first floor domestic extension.

The proposed extension would measure approximately 3 metres in depth, 7 metres in width and would have a dual-pitched roof approximately 2.8 metres in height and 5.6 metres in height from ground floor level.

The original submission consisted of a hipped roof.

This proposal is a re-submission of withdrawn application 13/0766C which was to be recommended for refusal by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would have been contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It was also considered that the proposal would have been contrary to the NPPF.

## **RELEVANT HISTORY**

**13/0766C** - First Floor Extension – Withdrawn 15<sup>th</sup> April 2013

**05/0094/FUL** - Proposed two storey extension comprising sitting room and bedroom – Approved 7<sup>th</sup> April 2005

**34494/3** - Proposed stables – Approved 5<sup>th</sup> July 2002

**30643/3** - Detached double garage & porch for domestic use – Approved 26<sup>th</sup> February 1999

**28571/3** - Change of use of existing rural building and agricultural land to single dwelling with domestic garden – Approved 26<sup>th</sup> November 1996

**25983/5** - Application for certificate of lawfulness in respect of the proposed use of rue moss cottage as a dwelling – Negative certificate 9<sup>th</sup> March 1994

**24118/1** - To provide retirement cottage/bungalow – Withdrawn 20<sup>th</sup> March 1992

## **POLICIES**

### *National policy*

National Planning Policy Framework (NPPF)

### **Local Plan policy**

PS8 – Open Countryside

GR1 – New development

GR2 – Design

GR6 – Amenity and Health

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

NR2 – Wildlife and Nature Conservation – Statutory Sites

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

**University of Manchester (Jodrell Bank)** – No objections

**Public Rights of Way (PROW)** – No objections, but would like to remind the applicant of their responsibilities

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

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

### **OTHER REPRESENTATIONS:**

No comments received at time of report

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

Design and Access Statement

### **OFFICER APPRAISAL**

#### **Principle of Development**

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

Paragraph 17 of the NPPF details the core principles of sustainable development. It is stated, inter alia that planning should recognize *'the intrinsic character and beauty of the countryside.'* It is also a principle that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'* As such, the NPPF supports the Local Plan policies that apply in this instance.

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

*permitted. In the context of this policy a 'modest' extension would normally comprise in the region of a 30% increase in the volume.'*

Within the Officer's report relating to the last extension at this property in 1996 (Application number 05/0094/FUL), it was advised that '*...The proposal will involve an increase in volume of approximately 30%...*'

When taking the previous additions and demolitions into consideration, combined with the current proposal, the development would represent an approximate 50% increase in the volume of the original property.

As such, it is considered that the proposed development, when considered in conjunction to previous extensions, would lead to a loss of identity of the original dwelling and could be deemed to be tantamount to the erection of a new dwelling in the countryside. As such, it is considered that the proposed extension is contrary to Policy H16 and subsequently Policy PS8 of the Local Plan and would be unacceptable in principle.

### **Design Standards**

Notwithstanding the above, the proposed extension would not appear subordinate to the existing dwelling as its ridge height would mirror the height of the existing roof. It is normal practice to opt for a lower ridge height in order to create a subordinate appearance.

It would be constructed from materials and finishes that would match the main dwelling (exposed brick, a grey concrete tiled, dual-pitched roof and white uPVC fenestration) and it is acknowledged that it would not be readily visible from the streetscene as the dwelling is situated well away from the closest road. However, this would not outweigh the harm to the character and appearance of the Open Countryside and the loss of the identity of the original dwelling.

Also, in particular, 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.*'

In this instance, it is considered that the cumulative increase in size of this dwelling would have a detrimental impact upon the character and quality of this rural area and as such, it is deemed to be contrary to the design aspect of the NPPF.

### **Amenity**

The closest neighbouring unit to the development site is Rue Moss Hall which would be located over 50 metres away from the proposed development.

As a result of this separation distance, it is not considered that the proposed development would create any neighbouring amenity issues and would adhere with Policy GR6 of the Local Plan.

### **Nature Conservation**

The Council's Nature Conservation Officer has advised that he considers that there would be no protected species concerns with the proposal. As such, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

### **Other Matters**

The land edged red on this site location plan includes land which is considered to be outside of the lawful domestic curtilage of the property. This application is a householder proposal, which does not seek consent for or infer any change of use of land to domestic curtilage and it is recommended that an informative to this effect is added to the decision notice.

## **CONCLUSIONS**

The property is located within the Open Countryside where extensions to dwellings are permitted provided that they are modest and do not result in a loss of the character and identity of the original dwelling.

Modest extensions are defined as being in the region of a 30% increase in the volume of the original dwelling. This proposal, when taken cumulatively with previous additions would result in a 50% increase and a loss of the identity of the original dwelling contrary to Local Plan Policy H16.

Furthermore, the design of the proposal is such that it would not appear subordinate which would exacerbate this problem and would detract from the character and appearance of both the property itself and the surrounding Open Countryside, contrary to Policy GR2 of the Local Plan.

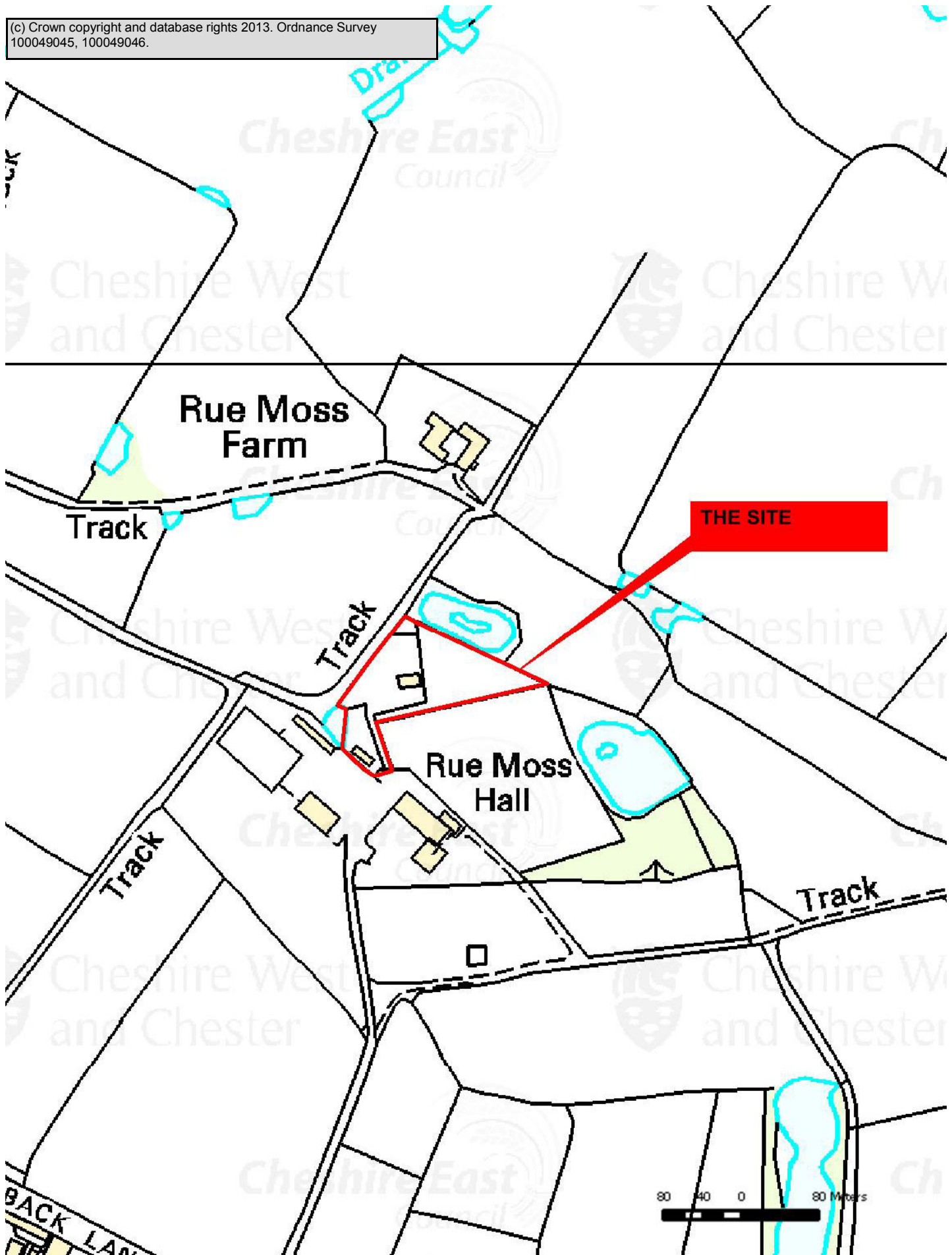
Whilst the dwelling is well screened from the public road, and the proposal is acceptable in terms of its impact upon amenity and protected species, this does not outweigh the concerns outlined above and accordingly it is recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE** for the following reasons;

1. The proposed extension by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would be contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It is also considered that the proposal would be contrary to advice within the NPPF.

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



**Cheshire East Council****Southern Planning Committee****Date of meeting: 26<sup>th</sup> June 2013****Report of: Chris Hudson, Principal Forestry and Arboricultural Officer,  
Heritage and Design****Title: Cheshire East Borough Council (Stapeley, The Maylands, Broad  
Lane) Tree Preservation Order****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 5<sup>th</sup> February 2013 at The Maylands, Broad Lane, Stapeley; to consider the objections and representation made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

**SUMMARY RECOMMENDATION**

The Development Management and Building Control Manager recommends that the Southern Area Planning Committee confirms the Tree Preservation Order at The Maylands, Broad Lane, Stapeley.

**WARD AFFECTED**

Nantwich South and Stapeley

**POLICIES**

Policy BE2 concerning Design Standards for new development and NE5 referring to the integration of Trees, Woodlands and Hedgerows of the Crewe and Nantwich Replacement Local Plan 2011 (Saved policies) 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 of trees 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 the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

## **CIRCUMSTANCES**

On 28<sup>th</sup> September 2012 the Council received an outline application for residential development of up to 189 dwellings, retail and employment development with vehicular and pedestrian access off Broad Lane, Stapeley (App. 12/3747N).

The application was supported by an Arboricultural Report which provided an assessment of the environmental and amenity values of all the trees within the application site and the arboricultural implications of the proposed development.

The proposed access off Broad Lane has been designed to link into the former Stapeley Water Gardens site, providing an access for the western part of that site onto Peter Destapeleigh Way and provides an alternative access for the proposed mixed use proposals.

In order to facilitate the position of the proposed access, the application proposed the removal of a group of 9 Scots Pine trees located adjacent to Broad Lane which are located on land to the east of 'The Maylands' building and a mature Beech tree within the garden. The supporting arboricultural assessment categorised and valued the group of Scots Pine as making a substantial contribution and the Beech as a significant contribution.

As the trees were identified as high and moderate quality and were shown to be removed, an amenity evaluation of the trees was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees. The opportunity was also taken to protect three Lime trees and two other Beech trees also located within The Maylands, which although are not directly affected by the proposed access also contribute to visual amenity and local landscape setting and could also be a material consideration in any future development of the land.

The Council also received over 30 requests from members of the public for the trees to be protected by a TPO.



Under powers delegated to the Development Management and Building Control Manager, a Tree Preservation Order was made on 5<sup>th</sup> February 2013.

## **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 objections 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 owners/occupiers of the land and their Agents on 5<sup>th</sup> February 2013. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Stapeley Parish Council and Ward Members for Nantwich South and Stapeley and Crewe East.

## **OBJECTIONS/REPRESENTATIONS**

The Council has received one objection to the Tree Preservation Order from Haydn Jones, Associate of Pegasus Group who are Agents acting for the developer Muller Properties. The objector objects to all the trees and groups included in the Order and its implementation for the following reasons:

- That the Order is unnecessary and is not expedient in the interests of amenity as described in Government Guidance as there is no threat to any of the trees save by way of a full planning approval to develop the site and adjacent land.
- Should a planning approval be given, this would effectively override the Order and would allow the Local Authority to require landscape planting to mitigate any losses of valuable trees. The power to require mitigation for the loss of trees and/or to require the planting of additional trees pursuant to a conditional planning permission exists irrespective of whether the trees or land was subject to a TPO.
- The inclusion of the Beech (T5) on the Order is not justified as the tree is situated in a secluded location within a private garden screened from roads and footpaths by other trees, as a consequence it is barely visible from a public place. In such cases Government guidance states a TPO might only be justified in exceptional circumstances. There does not appear to be nor have the Local Planning Authority identified any exceptional circumstances that would justify the inclusion of this tree.
- The Order is unnecessary and is not expedient in the interests of amenity. The loss of any of the trees subject to the TPO and the planting of new ones will ultimately be dependent on the granting of planning permission.

## **APPRIASAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

Objection by Pegasus Group on behalf of Muller Homes

Section 197(b) of the Town and Country Planning Act 1990 places a specific duty on planning authorities to consider making Tree preservation Orders in connection with the grant of planning permission or as Government advice states in *Tree Preservation Orders – A Guide to the Law and Good Practice* (para. 3.5) where certain trees are at risk generally from development pressures.

In the context of this development proposal, the Order identifies which trees the authority considers to be important in terms of their contribution to the amenity of the area and wish to see retained on the site. It is therefore recognised that, in the knowledge that trees were proposed to be removed as part of this development proposal, the Council were duty bound in accordance with the Act to consider whether a Tree Preservation Order should be placed on the trees. The risk of such development pressures has been recognised in Government advice as an appropriate test of expediency for raising a TPO.

In considering the merits, or otherwise of any development proposal that includes the removal of important trees. The Council must be in a position to evaluate the overall impacts of the scheme on the amenity of the area including the retention of any important amenity trees and whether such trees should be retained and form part of the mitigation for development.

Should the authority consider the merits of the scheme outweigh the protection of such trees then planning permission can be granted with the provision for attaching such conditions for planting to mitigate for any loss of trees.

Government advice states that trees, or at least part of them should be visible from a public place and therefore it is not necessary to justify any exceptional circumstances for the protection of this tree. The Councils' Arboricultural Officer takes the view that the protected Beech tree (T5 of the Order) contributes to the setting of 'The Maylands' in association with other trees, and that part of the tree can be seen a glimpses between properties and as filtered views from a number of vantage points along Broad Lane and therefore is visible from a public place.

The Order is considered to be necessary as the test for expediency has been met in accordance with Government advice, and the Council has demonstrated and recognised that the trees are a significant contribution to the visual amenities of the area. The Order allows the trees to be protected and ensures that full consideration is given to ensuring that adequate mitigation is secured as part of any development proposals.

**CONCLUSION**

In the light of the planning application received indicating the removal of trees which contribute to the visual amenity of the area and the Council must give

full consideration to the impact of any development proposal on those features that contribute to the amenity of the area, it is therefore considered expedient for Cheshire East Council to make the TPO in accordance with Section 198(1) of the Town and Country Planning Act.

**RECOMMENDATION**

That the Cheshire East Borough Council (Stapeley – The Maylands, Broad Lane) Tree Preservation Order 2013 be confirmed without modification

This page is intentionally left blank