

Southern Planning Committee

Agenda

Date:	Wednesday, 21st August, 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 - 8)

To approve the minutes of the meeting held on 24 July 2013.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **13/2529N Lakeside Superbowl, Unit 1, Phoenix Leisure Park, Dunwoody Way, Crewe CW1 3AJ: Change of use of part of the building, from Class D2 (Leisure) to Class A3 (Restaurants), with external alterations to create individual glazed shopfronts to the frontage and doorways to the rear and provision of ramped and stepped walkway to the north of the building to improve accessibility to the town centre for Albermarle Property Opportunities LLP (Pages 9 - 16)**

To consider the above planning application.

6. **13/2501C Land off A34 Newcastle Road, Congleton, Cheshire: Erection of up to 9no. residential dwellings (Outline) with all matters reserved except for access for Astbury Mere Development Ltd (Pages 17 - 28)**

To consider the above planning application.

7. **13/2427C Land off Congleton Rd, Smallwood, Sandbach, Cheshire CW11 2YH: Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council for Mr Andrew Garnett, MCI Developments, Plus Dane Group and Brian Bracegirdle (Pages 29 - 44)**

To consider the above planning application.

8. **12/4741N Land at COG Training and Conference Centre, Crewe Road, Nantwich, Cheshire: Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich for David Major, Stewart Milne Homes North West England (Pages 45 - 82)**

To consider the above planning application.

9. **12/4771C Higher House Farm, Knutsford Road, Cranage CW4 8EF: Demolition of existing buildings as described within the Planning Application submission and erection of 11no. family dwellings change of use from Haulage Yard to Residential for Merepark Developments (Pages 83 - 92)**

To consider the above planning application.

10. **13/2136C Rectory Farm, Knutsford Road, Church Lawton, Stoke-on-Trent ST7 3EQ: Outline application for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development for Northwest Heritage** (Pages 93 - 106)

To consider the above planning application.

11. **13/2187C Land Adjacent 5 Middlewich Road, Cranage, Cheshire CW4 8HG: Extension to time limit for implementation of application 11/0748C - Reserved Matters application for 10 dwellings for Cranage Parish Council** (Pages 107 - 114)

To consider the above planning application.

12. **13/2322N Sir William Stanier Community School, Ludford Street, Crewe CW1 2NU: Residential Development for Renew Land Developments Ltd** (Pages 115 - 132)

To consider the above planning application.

13. **13/2527N Land at Newtown, Newtown Road, Sound, Nantwich, Cheshire, CW5 8BX: Variation of approved plans - condition 2 of Application 12/0267N for Paul Bradbury** (Pages 133 - 140)

To consider the above planning application.

14. **13/2571N Orchard Barn, Newcastle Road, Blakelow, Cheshire CW5 7ET: New entrance road for the barn for Mr & Mrs Paul Miller** (Pages 141 - 146)

To consider the above planning application.

15. **13/2596N Orchard Barn, Newcastle Road, Blakelow, Cheshire CW5 7ET: New Detached Double Garage Block with Integrated Garden Store and Loft Storage Area for Mr & Mrs Paul Miller** (Pages 147 - 152)

To consider the above planning application.

16. **13/2653C 7, Heath Avenue, Sandbach, Cheshire CW11 2LD: A 1 Storey Extension To Accommodate Disabled Parents for A Patrick** (Pages 153 - 158)

To consider the above planning application.

17. **13/2732C 61, Hassall Road, Sandbach, Cheshire CW11 4HN: Two non-illuminated signs at Leigh Green Development for David Major, Stewart Milne Homes** (Pages 159 - 164)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 24th July, 2013 at Lecture Theatre, Crewe Library,
Prince Albert Street, Crewe, Cheshire CW1 2DH

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors B Moran, J Hammond and J Wray

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Minutes No. 35 and 36 Only:

David Hallam (Principal Conservation and Design Officer)
Richard Harries (Development Control Engineer - Highways)

Apologies

Councillors P Butterill and S McGrory

Apologies due to Council Business

Councillor P Groves

33 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 13/2187C, Councillor A Kolker declared that he considered he had pre-determined the application. Councillor Kolker declared that he would exercise his separate speaking rights as a Ward Councillor and would move from the Member seating area to the public gallery for the duration of the Committee's consideration of this item.

With regard to application numbers 12/2551C and 12/2552C, Councillor D Newton declared that he knew one of the objectors.

With regard to application numbers 12/2551C and 12/2552C, Councillor G Merry declared that she was a member of Sandbach Park Steering Group.

All Members of the Committee declared that they had received correspondence regarding application numbers 12/2551C and 12/2552C.

34 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 26 June 2013 be approved as a correct record and signed by the Chairman.

**35 12/2551C DINGLE FARM, DINGLE LANE, SANDBACH CW11 1FY:
ALTERATIONS TO AN EXISTING GRADE II LISTED FARMHOUSE,
DEMOLITION OF TWO OUTBUILDINGS, CONVERSION OF BARN
INTO ONE DWELLING, CONSTRUCTION OF 11 DWELLINGS
TOGETHER WITH ASSOCIATED GARAGING, CAR PARKING AND
LANDSCAPING WORKS FOR THE BENE OF THE ESTATE OF J M
GOODWIN**

Note: Councillor B Moran (Ward Councillor), Dr A Bastock (objector) and Mr R Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor A Wood had registered his intention to address the Committee on behalf of Sandbach Town Council. As Councillor Wood was not in attendance at the meeting, Councillor M Benson addressed the Committee in his place.

Note: Mr I Knowlson (on behalf of Hands off our Sandbach) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Knowlson to speak.

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

Note: Councillor R Bailey declared that she knew Town Councillor M Benson.

The Committee considered a report regarding the above planning application and an oral report of the site inspection. The Southern Area Manager – Development Management also reported that an amended landscaping scheme had been submitted.

RESOLVED – That the application be DEFERRED to allow officers to undertake discussions with the applicant regarding amendments to the layout.

- 36 **12/2552C DINGLE FARM, DINGLE LANE, SANDBACH CW11 1FY: LISTED BUILDING CONSENT APPLICATION FOR ALTERATIONS TO AN EXISTING GRADE II LISTED FARMHOUSE, DEMOLITION OF TWO OUTBUILDINGS, CONVERSION OF BARN INTO ONE DWELLING, CONSTRUCTION OF 11 DWELLINGS TOGETHER WITH ASSOCIATED GARAGING, CAR PARKING AND LANDSCAPING WORKS FOR THE BENE OF THE ESTATE OF J M GOODWIN**

Note: Everyone who had registered an intention to address the Committee on this matter indicated that they no longer wished to speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED pending discussions between officers and the applicant regarding application number 12/2551C.

- 37 **13/2051C RUE MOSS COTTAGE, BACK LANE, SMALLWOOD, SANDBACH, CHESHIRE CW11 2UN: FIRST FLOOR EXTENSION (RESUBMISSION OF 13/0766C) FOR MR R STOCKELL**

Note: Councillor J Wray (Ward Councillor) and Mr R Stockell (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 the application be REFUSED for the following reason:

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.

- 38 **13/1246C FORMER DANEBRIDGE MILL, MILL STREET, CONGLETON CW12 1XX: OUTLINE APPLICATION FOR 14 RESIDENTIAL UNITS, RANGING FROM 2-2.5 STOREYS, 2-4 BEDROOM HOUSING, WITH UNDERCROFT CARPARKING FOR MR IAN SHORROCK, BLACKMORES (D) LTD**

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

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:

(a) the satisfactory completion of a S106 agreement to secure:

- The following contributions for the amenity space:
Enhanced Provision: £ 2271.69
Maintenance: £ 5,084.75
- The following contributions for the children and young persons provision:
Enhanced Provision: £ 3,937.51
Maintenance: £ 12,835.50

(b) the following conditions:

1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters
2. Application for approval of reserved matters to be made within 3 years
3. Submission of reserved matters (landscaping)
4. Development to be carried out in accordance with approved plans
5. Noise impact assessment of the development to be submitted/approved/implemented.
6. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS
7. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 79.23 mAOD above Ordnance Datum (AOD)
8. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system
9. Submission and implementation scheme demonstrating a minimum access/egress level of 78.93 mAOD
10. Submission and implementation of a scheme for the provision and management of a buffer zone alongside River Dane
11. Submission of details of existing and proposed ground levels
12. Contaminated land Investigation to be submitted
13. Submission and implementation of Remediation Strategy
14. Materials to be submitted to and approved
15. Details of boundary treatments submitted
16. Implementation of a programme of archaeological work / watching brief
17. Submission of Construction / Dust Management Plan
18. Submission of Air Quality Assessment
19. Details of bin storage / waste strategy to be submitted
20. Hours restriction – construction including delivery vehicles
21. Hours restriction - piling activity
22. Removal of permitted development rights classes A-E
23. Details of CCTV installation to be submitted

- 24. Details of external lighting to be submitted
- 25. No approval granted for undercroft lighting. Scheme to be submitted

**39 13/1267N LAND TO THE REAR OF REMER STREET, CREWE CW1
4LT: DEVELOPMENT OF 18 RESIDENTIAL DWELLINGS AT LAND TO
REAR OF 110 REMER STREET FOR FRAZER LLOYD-JONES,
THOMAS JONES & SONS LTD**

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a S106 agreement to secure 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 implementing such 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 been 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
- 15. Reptile mitigation measures

**40 13/1379C LAND ADJACENT TO IVY HOUSE, HOLMES CHAPEL
ROAD, SOMERFORD, CONGLETON, CW12 4SP: CONSTRUCTION OF
ONE NEW DWELLING FOR ARTHUR DAVIES**

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

Note: Councillor J Wray (Ward Councillor) had registered his intention to address the Committee on this matter but had left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application. The Southern Area Manager – Development Management also reported that the Parish Council objections had been withdrawn.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a S106 agreement to secure the creation and retention of visibility splays on third party land

and the following conditions:

1. Time (Standard)
2. Plans
3. Materials to be submitted
4. Obscure glazing (x2 first-floor bedroom windows serving Bedroom 3 on north-western side elevation)
5. Electromagnetic materials
6. Hours of construction
7. Pile driving hours
8. Pile driving method statement
9. Landscaping (Details)
10. Landscaping (Implementation)
11. Boundary Treatment (Details)
12. Newt Mitigation (Implementation)
13. Breeding birds

41 13/1443C 22 , NURSERY ROAD, ALSAGER, STOKE-ON-TRENT ST7 2TX: PROPOSED EXTENSIONS & ALTERATIONS TOGETHER WITH THE ERECTION OF 1 ANTENNA FOR B. STEEN

Note: Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council.

Note: Councillor J Hammond (Ward Councillor), Mr S Poole (objector) and Mr B Steen (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, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

It is considered that the proposed extensions would not be subordinate to the original dwelling by way of scale and would be intrusive in the open countryside and therefore contrary to Policy RES.11 of the Crewe and Nantwich Adopted Replacement Local Plan 2011.

42 13/2187C LAND ADJACENT 5, MIDDLEWICH ROAD, CRANAGE, CHESHIRE CW4 8HG: EXTENSION TO TIME LIMIT FOR IMPLEMENTATION OF APPLICATION 11/0748C - RESERVED MATTERS APPLICATION FOR 10 DWELLINGS FOR CRANAGE PARISH COUNCIL

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor A Kolker moved from the Member seating area to the public gallery for the duration of the Committee's consideration of this item.

Note: Mrs J Wild (objector) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr M Hodge and Mr J Halstead (objectors) had registered their intention to address the Committee on this matter but were not in attendance at the meeting.

Note: Councillor D Bebbington declared that he was a tenant of Muir Homes.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to provide further information with respect to the housing needs assessment.

43 A PROPOSED NEW UNILATERAL UNDERTAKING TO AMEND THE HEADS OF TERMS TO EXCLUDE LOW COST MARKET HOUSING FROM OUTLINE PLANNING APPROVAL 10/2653C AND RESERVED MATTERS APPROVAL 13/0757C - 'ERECTION OF 17 DWELLINGS, ASSOCIATED WORKS AND VEHICULAR ACCESS FOR LAND OFF CANAL ROAD, CONGLETON'.

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

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

The Committee considered a report regarding proposed amendments to the Heads of Terms of the Unilateral Undertaking relating to outline approval 10/2653C and reserved matters approval 13/0757C.

When the Planning Inspectorate had granted outline approval for the development in 2011, the applicant had submitted an acceptable Unilateral Undertaking which included provision for four two-bedroomed dwellings of Low Cost Housing. There was, however, no requirement for low-cost market housing to be secured by way of a legal agreement. In addition, it

was accepted that residential developments should be designed in such a way as to incorporate smaller open market units within them, which by their nature were low cost.

RESOLVED – That, for the reasons set out in the report, the reference to low cost market housing be removed from the Heads of Terms of the Unilateral Undertaking relating to outline approval 10/2653C and reserved matters approval 13/0757C.

The meeting commenced at 1.00 pm and concluded at 5.40 pm

Councillor G Merry (Chairman)

Application No: 13/2529N

Location: Lakeside Superbowl, Unit 1, Phoenix Leisure Park, DUNWOODY WAY, CREWE, CW1 3AJ

Proposal: Change of use of part of the building, from Class D2 (Leisure) to Class A3 (Restaurants), with external alterations to create individual glazed shopfronts to the frontage and doorways to the rear and provision of ramped and stepped walkway to the north of the building to improve accessibility to the town centre.

Applicant: Albermarle Property Opportunities LLP

Expiry Date: 29-Aug-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

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

REASON FOR REFERRAL

The application is before Committee as it has been called in by Councillor Irene Faseyi on the following grounds:

- *Loss of leisure facilities for a lot of users. Cheshire East is encouraging people to exercise more and for the elderly to be outdoors exercising and the change of use from a bowling alley to more room for cinema and cafes negates this.*
- *I have received a petition signed by 435 people, 50 hand written letters and several emails from the users of the bowling alley facility who have expressed their dismay and anxiety at the proposed change of use.*
- *Many users are clients with special needs and students/pupils from various schools who need exercise to avoid obesity.*
- *Closure of the bowling alley will deprive the local community of a great facility.*

DESCRIPTION AND SITE CONTEXT

The application relates to an existing bowling alley adjacent to a cinema, bingo hall and restaurants on the Phoenix Leisure Park, which was granted planning permission in 2004 (P03/0965). There is dedicated parking at the site which is designated as being within the settlement boundary of Crewe.

DETAILS OF PROPOSAL

The proposal is for the change of use of part of the building, from Class D2 (Leisure) to Class A3 (Restaurants) and A1 (retail), with external alterations to create individual glazed shopfronts to the frontage and doorways to the rear and provision of ramped and stepped walkway to the north of the building to improve accessibility to the town centre.

To the rear of the building, four additional auditoria would be created; these have been the subject of an application for a Certificate of Lawfulness for a Proposed Use (13/2503N). A positive certificate has been issued which states that both cinemas and bowling facilities fall within Use Class D2, therefore an application for change of use is not required.

RELEVANT HISTORY

P03/0965 2004 Approval for mixed use leisure development comprising a terrace housing a bowling alley, cinema and bingo hall, and two free standing buildings housing a restaurant in one and a late bar/restaurant in the other.

POLICIES

National Guidance

National Planning Policy Framework

Local Plan

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

CF.3 – Community Facilities

RT.15 – Indoor Leisure Facilities

CONSIDERATIONS (External to Planning)

Environmental Health:

Recommend a condition relating to noise during construction.

Highways:

Have concern over the parking requirements for the site and what amounts to an intensification of use in parking terms.

It is clear that the proposal to expand the cinema use of this site will increase the maximum need for car parking by approximately 140 spaces over the existing cinema use.

The proposed A3 use will require a maximum of 105 spaces and the proposed A1 use will require another 12 spaces.

The existing bowling alley requirement is 36 spaces leaving a net additional maximum requirement of approximately 221 extra spaces to support this development proposal.

The site currently has some 300 spaces in total to serve:

Pizza restaurant
Bingo hall
Existing cinema – 406 seats
Bowling alley

This development proposal would become:

Pizza restaurant – as existing
Bingo hall – as existing
Proposed cinema expansion – 821 seats (406 + 415 proposed, 5 screens to 8 screens)
A3 café/restaurant – 105 seats (between 2 units)
A1 – 12 seats.

Assuming the existing 300 spaces adequately serves the existing use-classes, the additional number of spaces required at maximum levels would be 221 yet none can be provided within the site.

The Strategic Highways Manager acknowledges that the cinema change of use is permitted development however he finds that this level of parking impact cannot be mitigated within the site and without evidence to demonstrate how this demand will be managed or mitigated Highways cannot support this proposal.

It would be appropriate for the applicant to provide a Transport Statement which would take the form of a parking assessment and sustainable modal choice assessment in order that the viability of this development proposal in parking terms is examined and can be judged.

VIEWS OF TOWN/PARISH COUNCIL

The Town Council has not commented on the application at the time of report writing. They have however commented on the Certificate of Lawfulness application and expressed concerns about the loss of this community facility.

OTHER REPRESENTATIONS

At the time of report writing, 30 representations have been received from members of the public, employees of the facility and a representative of the operators of the bowling facility. In addition a petition, signed by a large number of people has been submitted. The objectors express the following concerns:

- Loss of an important leisure and community facility for the town
- Loss of a facility regularly used by people with special needs, families, teenagers and children
- Loss of a facility used by Crewe Youth Bowling Club which has produced several England and County bowlers
- Bowling provides a form of exercise which additional cinema screens would not
- Loss of a party venue
- Loss of employment
- Restriction of the range of leisure facilities in Crewe
- There is no demonstrable need for additional cinema screens or restaurant facilities

- There are numerous other sites in Crewe that could house additional restaurant facilities
- This is a well used, safe and popular facility
- People would have to travel to Stoke in order to bowl
- There are no other suitable alternative premises in Crewe
- Impact on the vitality and viability of the town centre
- Non-compliance with Policies RT15 and CF3 relating to the loss of community facilities
- Poor design of the steps and ramp
- The developer should provide funds for the enhancement of public transport
- Lack of a revised transport plan

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement boundary of Crewe and is on an existing leisure park. 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 of 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."*

The element of the building to be used as cinema screens has been the subject of a Certificate of Proposed Lawful Use, which has determined that a planning application for change of use would not be required. This is because a bowling alley and a cinema fall into the same use class. The principle of this has therefore been established.

The creation of the two A3 (restaurant) units and the A1 (retail) unit is therefore what remains to be assessed in accordance with the relevant policies in the local plan and the requirements of the NPPF.

Policy CF.3 requires that *'proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.'* The justification for this policy specifically refers to this policy relating to rural areas, where community facilities are limited.

Policy RT.15 requires that *'Development proposals which would result in the loss of indoor leisure facilities will not be permitted unless it can be shown that there would be no significant adverse impact on the range of opportunities available to local residents. Developers must demonstrate, through an independent assessment, that the facilities are surplus to requirements.*

In the event that redevelopment is shown to be avoidable, a replacement facility must be provided, at least as accessible to current and potential users, and equivalent (or better) in terms of size, usefulness, attractiveness and quality.'

Given that the part of the building that would house the additional cinema screens falls within the same use class as the bowling alley, it would not be reasonable to refuse the application

on these grounds. That leaves the impact of the change of use to retail and restaurant to be assessed in the context of this application.

The applicants are not obliged to retain the bowling alley and could use the whole building as cinema screens without requiring the consent of the Local Planning Authority. Therefore it is appropriate to assess whether the additional restaurant and retail space would have an adverse impact on the functions that this leisure park provides.

The additional A3 (restaurant) and A1 (retail) units are considered to be small scale in comparison to the site as a whole and would be complimentary to the existing cinema and bingo facilities. It is acknowledged that there are several empty shops in the town centre that could accommodate the A1 and A3 uses; however accommodating the D2 use that is intrinsically linked to these units would be very difficult.

Having regard to the issues discussed above, it is considered that the proposal is acceptable in principle.

Design and Scale

The alterations to the front and rear elevations are minimal and are considered to be in keeping with the character and appearance of the building and the leisure park as a whole. They involve the insertion of glazed facades with the retention of the existing brick piers which would be acceptable in design terms.

The proposal is therefore 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 leisure park, which has residential properties to the north and Environmental Protection has requested a condition requiring a restriction on the hours of construction. It is considered to be reasonable to impose a condition to secure this.

Subject to this condition the proposal is considered to be acceptable in terms of amenity and is therefore in compliance with Policy BE.1 (amenity) of the adopted local plan.

Highways

The Strategic Highways Manager has expressed concerns relating to the parking provision in relation to the new uses at the site. As previously stated, the use as a cinema does not require consent and a refusal on these grounds could not be justified. The additional restaurant and retail units could change the parking requirements at the site and as such an assessment of this has been requested and an update will be provided prior to the Committee making a decision on this application.

The application includes improvements to pedestrian access to the site and this is to be welcomed as it will improve connectivity at the site.

Subject to a satisfactory assessment relating to parking provision at the site, the proposal is considered to be acceptable and in compliance with Policy BE.3 of the adopted Local Plan.

Landscape

The improvements to pedestrian access to the site appear to necessitate the removal of three Lime trees. These are considered to make a positive contribution to the landscaped setting of the leisure park. As such a justification for their removal and mitigation measures have been requested and an update will be provided to members prior to committee making a decision on the application.

Other Matters

The amount of opposition to the proposal has been given careful consideration and it is understandable that users and employees of the bowling alley wish to see it remain open. However; given that the whole building could be used as a cinema, without the need for planning permission a refusal on these grounds could not be sustained. In addition, it is not the remit of the Local Planning Authority to dictate how the landlord chooses to operate their business when there is no requirement to apply for planning permission.

CONCLUSIONS AND REASONS FOR THE DECISION

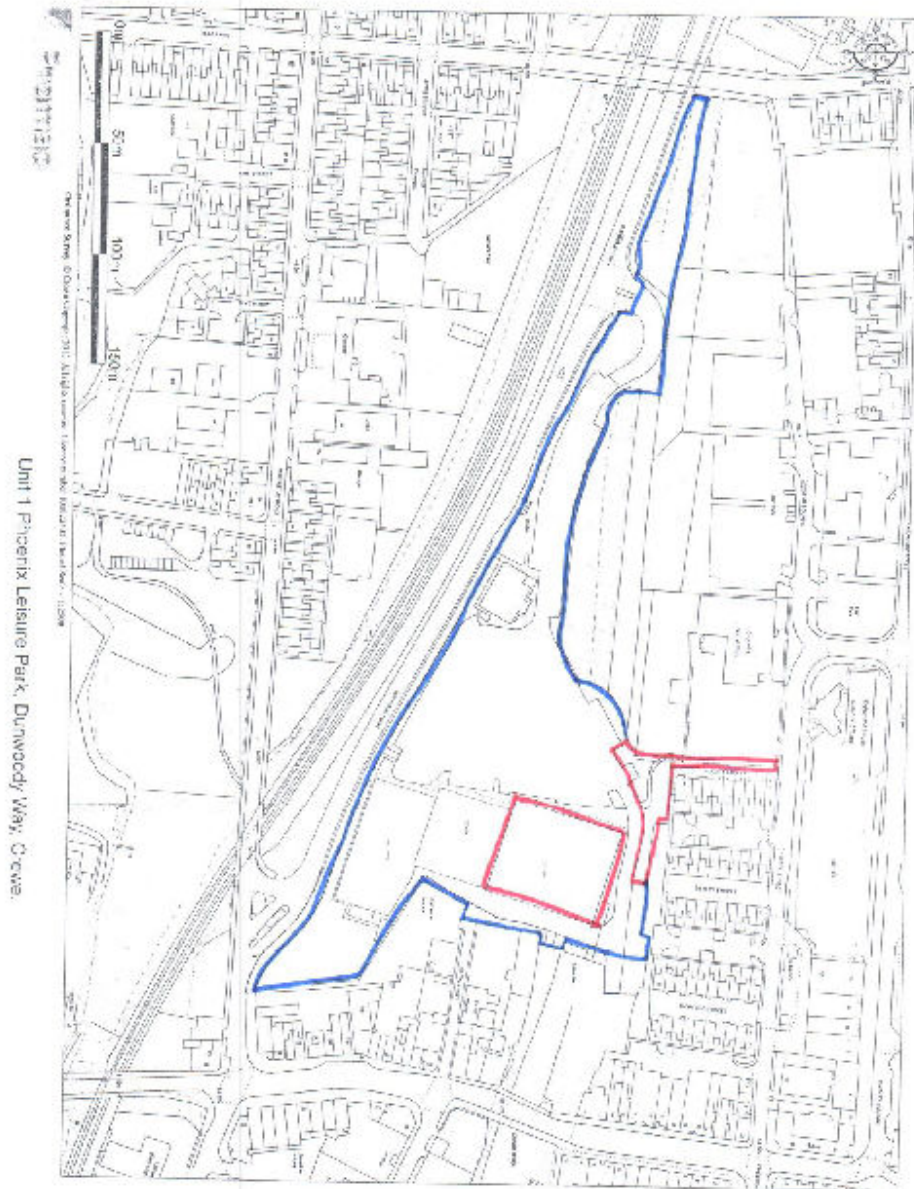
In conclusion, the proposal is considered to be acceptable in principle and accords with relevant planning policies. It will be of an appropriate scale and design and would not have a significant adverse impact on residential amenity. It is also considered to be satisfactory in highway safety terms for the reasons indicated.

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. Hours of construction/demolition restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday, with no working on Sundays and Public Holidays
5. Submission of a landscaping scheme
6. Implementation of landscaping scheme



Application No: 13/2501C

Location: Land off A34 Newcastle Road, Congleton, Cheshire,

Proposal: Erection of up to 9no. residential dwellings (Outline) with all matters reserved except for access

Applicant: Astbury Mere Development Ltd

Expiry Date: 21-Aug-2013

SUMMARY RECOMMENDATION

Approve with Conditions and completion of a Section 106 Agreement to provide

MAIN ISSUES

Principal of the Development

Planning Policy and Housing Land Supply

Landscape and Trees

Impact on Protected Open Space

Highway Implications

Amenity

Design

Ecology

Open Space

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it has been called in by Councillor David Topping for the following reasons:

- *Astbury Mere is a designated protected open space (RC2) which affords protection against development.*
- *This is an area of special importance and beauty to the Congleton community and further development is totally unacceptable in this green area.*
- *Permission for housing development should be consistent with the local planning of sustainable development and compliment investment in sufficient homes, jobs and other essential services. The Borough has a 5 year plan for sufficient housing as evidenced in the recently published SHLAA.*
- *This application falls outside the settlement zone identified within the SHLAA.*
- *There is an access issue that needs to be looked at carefully. This is recognised within the application. The link road to the A34 is unsuitable to support the proposed development.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an approximately 0.4-hectare parcel of land adjacent to Astbury Mere, 0.32 hectares of the site is considered to be developable. There is an existing

access road from the A34 Newcastle Road, which currently serves the existing water sports centre and restaurant. The site is within the settlement zone line of Congleton and is also part of a protected area of open space and recreation. To the west and south of the site a new development of 52 Dwellings has recently been completed. There is a church to the west of the site and a care home to the south.

DETAILS OF PROPOSAL

The application is for outline planning permission for the erection of 9 dwellings. Access is to be determined at this stage with appearance, landscaping, layout and scale to be determined at reserved matters stage. The access would be taken from the existing access road to Astbury Mere.

An **indicative** layout plan has been submitted with the application, which shows 9 detached dwellings set within the plot and existing and proposed landscaping.

RELEVANT HISTORY

10/4762C	2011	Approval for extension of time to 07/1059/FUL
07/1059/FUL	2007	Approval for restaurant/play barn
06/1182/OUT	2007	Outline approval for restaurant

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy
PS4 - Towns
GR1- New Development
GR2 – Design
GR3 - Residential Development
GR4 – Landscaping
GR5 – Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H1 – Housing Development
H2 - Provision of New Housing Development
H4 - Housing

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

Congleton Town Strategy

CONSULTATIONS (External to Planning)

Environment Agency:

None received at the time of report writing.

United Utilities:

No objection.

Strategic Highways Manager:

This site has an extant permission for a restaurant with play barn. This consented development would generate a significant amount of traffic.

The development proposal which is the subject of this application is for 9 residential units which would generate a very low traffic flow with only 6 potential trips in the morning peak hour. This is a negligible amount of traffic and would not have a material impact on the public highway network.

The effect of this would be to significantly reduce the traffic impact that would be sustained if the extant permission was developed. This represents significant betterment.

Proposed parking provision is in line with the emerging draft parking standards of the Authority and is accepted.

In negotiation the Strategic Highways Manager has secured an improvement to the junction of the Astbury Mere access with the A34 and this will include kerbing, surfacing and junction marking within the public highway. This will be the subject of a recommended condition.

The Strategic Highways Manager has no objection to this development proposal and recommends that the following condition and informative be attached to any permission which may be granted for this development proposal:

Condition:- Prior to first occupation the developer will provide detailed design plans for the junction upgrade with the A34 and provide the upgrade to the satisfaction of the Local Planning Authority. This will form the off-site highway works and be the subject of a Section 278 agreement.

Informative:- Prior to first development the developer will enter into and sign a Section 278 agreement under the Highways Act 1980. The detailed design plan for this junction improvement will inform the agreement.

Environmental Health:

Recommend that conditions are imposed relating to the hours of construction, piling and contaminated land.

Public Open Space:

With reference to the plans for 9 houses the following Streetscape comments and observations are made.

Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development there should be 216m² of useable Public Open Space excluding incidental open space such as linear highway verges.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance:	£2,554.20
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Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

It is acknowledged that it may not be viable for the developer to provide an on site play area for a relatively small development and there are no Council owned play areas within the vicinity of the proposed development which may benefit from financial contributions for off site enhancements

Public Rights of Way:

As acknowledged in the application documents, Astbury Mere is an important leisure resource for residents of Congleton and further afield. Pedestrian access to the Mere is available from the west from the Newcastle Road via a Public Right of Way, namely Congleton Public Footpath No. 10, as recorded on the Definitive Map and Statement, and the access track referred to in the application documents. This route offers an off-road option for pedestrians traveling between residential areas, the Mere and on towards the town centre.

At present there is no pavement provision along this access track which carries traffic accessing the watersports centre and restaurant, and would also to the proposed development. This safety concern was raised through responses to the community consultation undertaken ahead of the application. It is requested, therefore, that the developer be tasked through condition to provide a pavement facility alongside the relevant

part of the access track, in order that pedestrians can travel between the Mere and the Newcastle Road with segregation from the increased vehicular traffic arising from the development. Through provision arising from other developments, part of this route is planned to be improved to make it more accessible, and this proposed development offers the opportunity to complete the provision of a pedestrian facility in anticipation of increased traffic flows.

Forestry Commission:

Felling licence reference 010/65/11-12 (Land at Astbury Mere) is still valid on this land. It is a conditional licence for the felling of 28 poplar trees, conditions as follows:

The following conditions apply to the licenced felling in Cpt 1. Restocking of alternative area adjacent to and around the boundary marked in red on the accompanying plan.

1. Before 30th June 2014 the land marked on the attached map must be: a. cleared as necessary. b. Planted with 28 trees of which 7 Oak, 7 Silver Birch, 7 Rowan, 7 Wild cherry to achieve not less than 28 plants in total evenly distributed over the site.
2. For a period of 10 years from the planting: a. The plants must be protected against damage and be adequately weeded. b. Any failure or losses should be replaced as necessary to provide a stocking of not less than 28 plants in total evenly distributed over the site. c. Any areas must be weed free and must be maintained in accordance with the rules and practice of good forestry.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council objects to the application on the grounds that it fails to meet the criteria set out in Policy RC2, the land provides a buffer zone to the park and it is unsympathetic to the character of the locality.

OTHER REPRESENTATIONS

At the time of report writing, 16 letters of objection have been received raising the following points:

- Increase in traffic
- Dangerous junction with the A34
- Intrusion into the recreational area of the Mere
- A flawed consultation process undertaken by the developer
- Conflict with the felling licence imposed by the Forestry Commission
- Previous refusals for applications at the Mere
- A housing development would create 'a blot on the landscape'
- Inappropriate development on a nature reserve/greenspace
- Non-compliance with policies in the adopted local plan, the emerging local plan and the NPPF
- Visual intrusion
- Loss of a buffer between the country park and the new housing at Marsh Farm
- The site is not in a sustainable location
- Inappropriate density

A letter of objection to the proposal has also been received from the local MP, Fiona Bruce. She expresses concerns about the visual impact of the proposed development, the establishment of a precedent for development on this part of the Mere and the loss of a green recreational space.

Two other letters have been received, one from the neighbouring restaurant and one from the angling society that use the Mere. The restaurant owner supports the application. The Angling Society has concerns about access for refuse vehicle and surface water run-off, but also state that the Mere would benefit from 'passive surveillance' from the proposed dwellings.

These representations are available to view on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies in the Settlement Zone Line of Congleton as designated in the Congleton Borough Local Plan First Review, where there is a presumption in favour of development. It is also designated as a Protected Area of Open Space where Policy RC2 of the adopted local plan applies. This policy states the following:

Proposals which involve the development for an alternative use of any of those areas of open space or recreational facilities identified on the proposals map or those areas or facilities which may subsequently be created, will only be permitted where all of the following criteria are satisfied:

- i) the proposed development would not result in a local deficiency in the quantity, range and accessibility of recreational facilities or amenity open space or, alternatively, the provision of an equivalent or improved and suitably located replacement facility is proposed within a time period acceptable to the local planning authority;*
- ii) the open space or recreational facility has no significant local value either as part of an existing network of open areas, as a buffer zone between incompatible uses (including noise alleviation zones), as an important visual amenity or significant visual break in an otherwise developed area, or in relation to an existing or proposed linear amenity area such as a canal corridor, disused railway line or wildlife corridor;*
- iii) the proposal is in accordance with other policies of the local plan, particularly those relating to nature conservation, landscape and agricultural land.*

Development associated with the current use of the site, or extensions to existing buildings within designated areas of public open space will be permitted where it will allow for improved facilities on the site and will not result in any shortfall in open space provision and where the proposed use conforms to other relevant policies of the local plan.

It should be noted that there is an extant consent for a restaurant/play barn on the site and whilst this was considered to be a compatible use with the functions of the Mere, the impact of that development in terms of scale and massing would be more significant than the proposed residential development.

The site is not part of the land available for public access and is currently in an unsightly condition. As such it is considered that whilst it is designated as Protected Open Space, it

does not provide any significant benefit to the Astbury Mere Country Park and as it is in private ownership, that situation is unlikely to change. As such it is considered that the proposed residential development would be acceptable in principle.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th 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"

Housing Land Supply

The Planning Statement maintains that the Council cannot demonstrate a 5 year housing land supply.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. Given that the site is within the Settlement Zone Line of Congleton and the Council can demonstrate in excess of a 5 year housing land supply, the Council disputes this contention.

Landscape and Trees

Tree cover is restricted to the site boundaries and comprises mainly self set Sycamore and Ash to the west. There is an off-site plantation of early mature mixed deciduous and coniferous trees to the north associated with the adjacent Astbury Mere Country Park. There are lengths of hedgerow to the western and southern boundaries.

The submission is supported by an Arboricultural statement which includes a tree survey and layout appraisal. The survey covers 3 individual trees, 5 groups of trees and three lengths of hedgerow. The on-site trees are mainly identified as grade C with one Grade B group and one grade U tree. The offsite group is afforded a Grade B.

The Arboricultural Statement indicates there is a requirement for replacement planting of twenty-eight new trees (7 Oak, 7 Silver birch, 7 Rowan and 7 Wild cherry) on the site pursuant to a Forestry Commission Felling Licence granted in 2011. (The licence related to the felling of 28 Poplar trees on the north and west site boundaries). In paragraph 8.2 of the Arboricultural Statement indicates that the felling licence issued by the Forestry Commission can be complied with and that a landscaping scheme, including the requirements of the licence should be submitted at reserved matters stage.

As an outline application with all matters reserved except access, the indicative layout provided must be afforded limited weight. Nonetheless, the arboricultural layout appraisal indicates that it should be possible to accommodate the development with only the removal of low grade trees. In principle, it is accepted that the proposal does not raise significant forestry concerns in respect of existing trees. The Forestry Commission has been consulted on the application and has not raised any objection subject to the re-planting being secured. The Felling Licence requires the replacement planting to be evenly distributed over the site and the landscaping condition should include this requirement. This may involve amendments to the **indicative** layout to accommodate the replacement trees within the site, but it is considered that the requirements of the licence can be complied with.

In the event of approval, conditions would be required to secure at reserved matters stage: an arboricultural impact assessment, arboricultural method statement, schedule of tree works, tree and hedge protection, details of proposed levels and a comprehensive landscape scheme, to include replacement planting in accordance with Forestry Commission requirements.

Highways Implications

Access to the site would be taken from the existing access road to Astbury Mere and many of the objections to the proposal relate to highway safety. The Strategic Highways Manager (SHM) is satisfied that the development would generate a very low traffic flow that would be significantly less than the approved restaurant/play barn. Parking provision for the proposed development is considered to be acceptable.

Discussions have been held with the developer and should the application be approved, the SHM has secured an improvement to the junction of the Astbury Mere access and the A34, which will include kerbing, surfacing and junction marking within the public highway. This is considered to be a positive benefit to the area.

The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Amenity

In terms of the surrounding residential properties, these are mainly to the west and south of the site. Although the application is in outline form only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this locality.

The Environmental Health Officer has requested conditions in relation to noise during construction, pile driving and contaminated land. These conditions would be attached to the planning permission should members approve the application.

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

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has indicated that the development would comprise 9 detached dwellings. There is a variety of styles and sizes of dwelling types in the locality, therefore the indicative designs would not be out of character with the surrounding development. As such it is considered that the indicative proposals would be acceptable.

Ecology

This application is supported by an acceptable ecological survey report prepared by a suitably qualified and experienced ecological consultant. In the light of the reports findings, it is considered that there are no significant ecological constraints on the proposed development. However, as badgers have been recorded as being active adjacent to the site it is recommended that a condition be attached to any outline consent granted requiring future reserved matters applications to be supported by an updated badger survey. This is a precaution in case a sett is established on site between the grant of outline consent and the detailed design stage.

It is also recommended that conditions be attached to safeguard breeding birds:

Public Open Space

At the time of report writing, the Open Space Development has requested that contributions are required for maintenance Amenity Greenspace. They are as follows.

Maintenance: £2,554.20

This should be secured with a Section 106 Legal Agreement.

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 requirement for open space provision is considered to be in compliance with the CIL Regulations 2010.

The request for improvements to pavement provision by Public Rights of Way is not considered to be necessary, directly related to the development or fairly and reasonably related in scale and kind to the development. As such it is not in compliance with the CIL Regulations 2010 and should not be required to be provided.

CONCLUSIONS

RECOMMENDATION

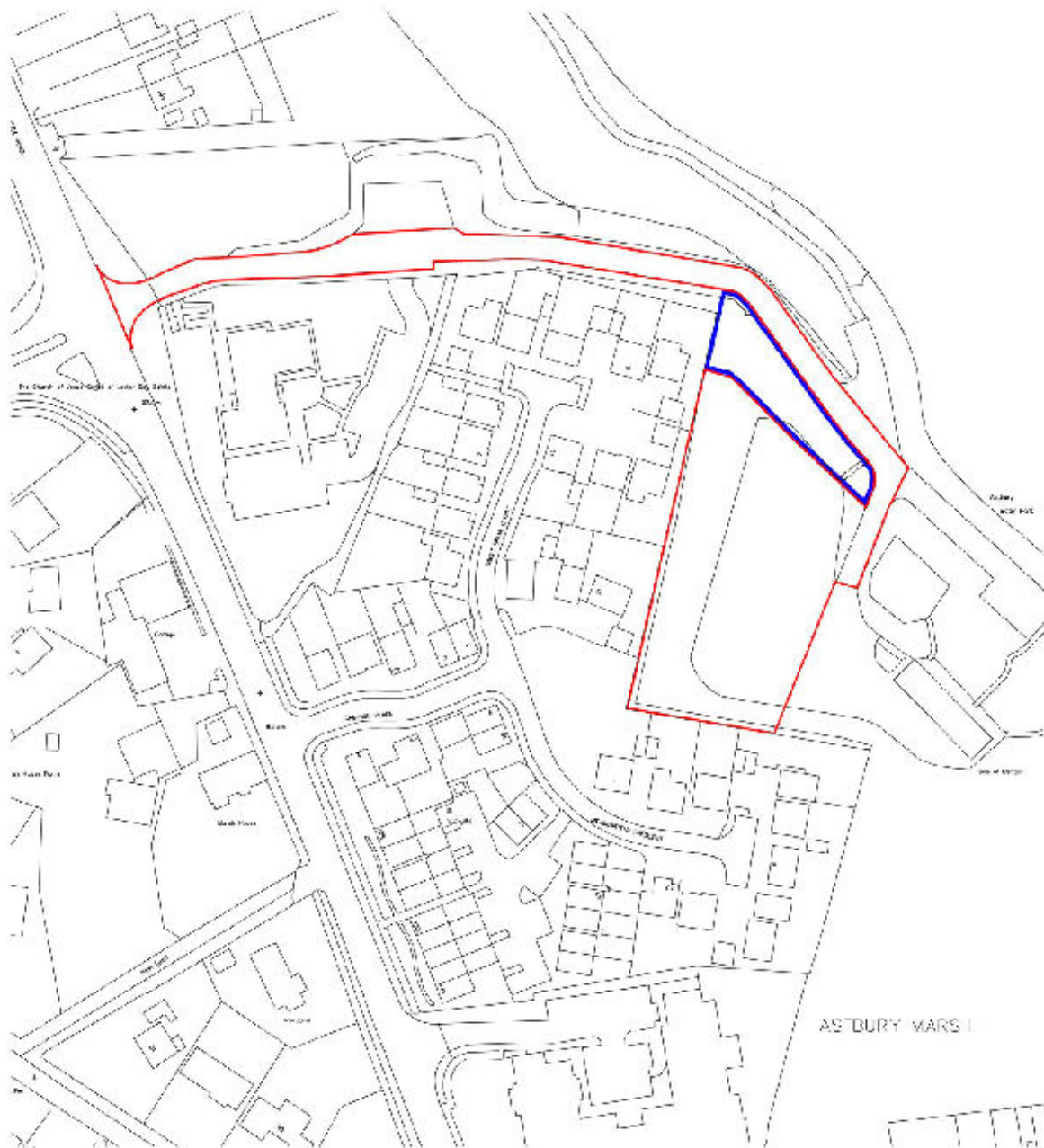
Approve subject to conditions and the completion of a Section 106 Agreement securing monies for maintenance of amenity greenspace.

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Plans**
- 4. Breeding Bird Protection**
- 5. Updated protected species survey and method statement prior to commencement**
- 6. Submission of a scheme to limit the surface water run-off generated by the proposed development,**
- 7. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.**
- 8. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 9. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil**
- 10. Submission of Construction Management Plan**
- 11. Reserved Matters to include details of bin storage.**
- 12. Submission of a landscaping scheme to include the requirements for restocking in compliance with the Forestry Commission Felling Licence.**
- 13. Implementation of landscaping scheme.**
- 14. Arboricultural Impact Assessment, Arboricultural Method Statement and Tree and Hedge Protection Plan to form part of the reserved matters**
- 15. Reserved matters to incorporate existing and proposed levels**
- 16. Submission of a Phase I contaminated land survey**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager in consultation with the Chair (or in his absence the Vice Chair of Southern Planning Committee) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

LAND OFF NEWCASTLE ROAD, CONGLTON

LOCATION PLAN 1:1250 @A4



ASTBURY WARS I



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Application No: 13/2427C

Location: Land off, Congleton Rd, Smallwood, Sandbach, Cheshire, CW11 2YH

Proposal: Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council

Applicant: Mr Andrew Garnett, MCI Developments, Plus Dane Group and Br

Expiry Date: 13-Sep-2013

SUMMARY RECOMMENDATION

APPROVE subject to the acceptability of arboricultural appraisal; conditions and a Unilateral Undertaking

MAIN ISSUES

- The principle of the development
- The acceptability of the Layout, Scale, Appearance, Landscaping and Access
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- The consideration of pedestrian measures
- The impact upon flooding
- The impact upon trees

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is 0.59 Ha of open land directly adjacent to the developed area of the village of Smallwood to the north-west of Church Lane within the Open Countryside.

The land is open with no buildings. It is relatively flat and enclosed by hedgerows and trees. There is built development to the south-west in the form of a row of red-brick terraced properties built as Council houses. The remainder of the site is surrounded by Open Countryside.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 11 affordable dwellings and 3 open market dwellings to facilitate the development. The application also seeks permission for an associated footpath link, the construction of a vehicular access to the highway, the change of use of land to car park and the provision of open space.

RELEVANT HISTORY

9771/1 – Dwellinghouse (Outline) – Refused 11th September 1979

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 (Open Countryside)
H14 (Affordable Housing)
GR1 (New Development – General Criteria)
GR2 (Design)
GR6 (Amenity)
GR9 (Accessibility, Servicing and Parking Provision)
GR15 (Pedestrian Measures)
GR19 (Infrastructure)
(GR20 (Public Services)
GR21 (Flooding)
GR22 (Open Space Provision)
NR1 (Trees and Woodlands)
NR2 (Protected Species)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections

Environmental Health – No objections, subject to the addition of the following conditions; Hours of piling, prior submission of a piling method statement, prior submission of an Environmental Management Plan, hours of construction, prior submission of a scheme to minimise dust emissions and a contaminated land informative.

United Utilities – No comments received at time of report

Countryside Rights Of Way Office (Cheshire East Council) – No objections

Greenspace (Cheshire East Council) – No objections

Environment Agency - No objections

Housing (Cheshire East Council) – No objections. Confirm that there is the need for 11 affordable houses in Smallwood Parish.

Education (Cheshire East Council) - No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Smallwood Parish Council – Support the application but raise a number of concerns including;

- Concerns that this application does not meet the needs identified in the Housing Needs Survey. The parish councillors understanding being that the largest proportion of the properties were to be shared ownership and not subsidised rental accommodation.
- The parish councillors have noted that their views have been taken into consideration in relation to the accommodation for those over 55 and further accept that for the development to be progressed in principle three properties will have to be sold off at market value, and would suggest that apart from the two properties available to be rented to the over 55 and the three properties to be sold at market value all remaining properties are shared ownership (subject to such shared ownership properties being offered for rent in the event that after a reasonable period of time they are not sold as shared ownership properties).
- The parish councillors and the local residents view is that the site layout plan as submitted is not acceptable in its current format and prefer the layout put forward in the pre-proposal application dated October 2012 in which the properties all follow the same building line.
- The parish councillors and the local residents view is that the location of the footpath in both the pre-proposal and current application presents a danger to unaccompanied children and may become disused presenting an untidy appearance in the parish and favour a footpath which connects to the present right of way which exits onto school lane opposite to the school (and in a much safer location).
- It is noted that the current application envisages a much smaller area being gifted to the parish council (intended to be utilised for an additional graveyard space subject to both Church and planning approval) the view of the parish council is that the additional car parking for the school is not required, but prefer the layout (and area) as submitted in the pre proposal application which also includes an area for parking for what would be available for the additional graveyard space.

OTHER REPRESENTATIONS

4 letters of objection (8 School Lane, Castle View, Brookside, 3 Congleton Road) have been received to the proposed scheme. The main areas of concern relate to;

- Un-sustainable site – Lack of local amenities e.g. shops, public transport
- Make-up of the affordable housing split not reflecting local needs
- Loss of Open Countryside
- Lack of consideration of the Smallwood Village Design Statement
- Flooding

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Design & Access Statement
Proposed Slab levels
Topographical survey
Bin enclosure
Ecology assessment
Site investigation report
Hedgerow information
Tree survey
Tree removal plan
United Utilities Plan
Unilateral undertaking
Viability statement
Boundary treatment

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside so is therefore subject to Policy PS8 of the Local Plan. Policy PS8 advises that development in the Open Countryside is only acceptable in certain circumstances, one of which is affordable housing in accordance with Policy H14. Policy H14 advises that the Local Authority will encourage affordable housing in rural parishes, if it can be demonstrated to meet a local need. Furthermore, the site should satisfy the following criteria;

- I. Comprise a site close to existing or proposed services and facilities
- II. Where it is within the green belt it should not compromise the openness of the green belt or its strategic functions;
- III. Comprise of a small scheme, the scale, layout and design of which is appropriate to the locality;
- IV. Consist in its entirety of housing that will be retained as low cost housing in perpetuity and which is for rent, shared equity or, in partnership with the local housing authority or a housing association. Those proposals which offer only a discounted initial purchase price will not be considered acceptable;

- V. Be supported by a survey which identifies a level of housing need within the local community as a whole commensurate with the proposed scheme. Such a survey would be carried out either by, or in association with, the parish council;
- VI. Be subject to a prior legal agreement which ensures that:
 - A. Initial and subsequent occupancy is limited to members of the local community who are in housing need;
 - B. Occupants are prevented from subsequently disposing of the property on the open market;
 - C. A satisfactory mechanism is established for the management of the scheme;
- VII. Be in all other respects in conformity with normal planning standards and other technical requirements;
- VIII. Be in conformity with all the policies of the local plan that relate to the site subject of the proposal.

In response to this Policy, the proposal seeks the provision of 11 new affordable homes in the rural Smallwood Parish, but 3 open market dwellings to facilitate this provision. The 3 open market dwellings do not accord with Policy PS8.

The Council's Housing Strategy and Needs Manager concluded that *'The Rural Housing Needs Survey identified a clear need for at least 14 affordable homes taking account of the incomes and local house prices, and the proposal is for 11 affordable dwellings. However, taking account of the other need information including the response from the consultation event carried out in February 2013 and the lack of affordable housing delivery or anticipated delivery in the Congleton Rural sub-area we have no objection to the provision of 11 affordable homes at the site.'*

As such, the overarching principle of the affordable housing is accepted.

In terms of the provision of 3 open market dwellings, Policy H6 (Residential Development in the Open Countryside and the Green Belt) of the local plan advises that new dwellings in the Open Countryside are not permitted unless they represent; an agricultural workers dwelling, a replacement dwelling, the conversion of a rural building, the change of use as an employment site, infill development or affordable housing. These 3 proposed dwellings do not adhere to this policy and as such are contrary to the local plan.

The NPPF however, does allow for a small amount of market homes at the Council's discretion. Specifically, paragraph 54 of the NPPF advises that *'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.'*

Originally, it was proposed that all of the 14 houses proposed would be for affordable housing. However, a later quotation from the statutory energy supplier in the area was significantly higher than normally budgeted for connecting the properties to the energy supply. As such, the 3 open market homes are sought to make the development viable. The viability statement confirms this to be the case and is accepted as a requirement.

The Council's Housing Strategy and Needs Manager advises that she has no objections to the provision of these houses.

In response to the other aspects of policy, on page 16 of the applicants Planning Statement it is advised that; *'The site is well connected to the community facilities and services of the village, with the Church and School located directly on the opposite side of School Lane. The continued growth and use of the internet means there are more opportunities for working from home, home-delivery shopping and access to public services.'* On page 17 of the Planning Statement, it is advised that *'the village contains services which are more location dependant, such as the school and church, and these will be easily accessible by foot as a result of the proposed footpath which will link the site to School Lane.'*

Although the application site would not be highly sustainable, given that the proposal is within walking distance of some important local amenities, and would be constructed on the edge of an urban area, it is considered that the overall benefits of providing affordable housing in this area, of which there is a proven need, outweighs this concern. This is coupled with the fact that an increasing number of people are now working from home and are utilising the internet for their shopping needs.

As the application site is flanked on 2 sides by the public highway and 1 side by existing residential development, it is considered that the development site would not significantly extend into the Open Countryside. The proposal would impact upon the openness of the Open Countryside by its very nature as it relates to an open field. However, given that it would relate to the existing centre of Smallwood, it is considered that its impact would not be significant. Furthermore, the design of the layout has been devised in order to minimise the impact.

The scheme is relatively 'small scale' and the scale, layout and design are appropriate to the locality.

The Rural Housing Needs Survey (2013) supports the need for affordable housing in this area.

The applicant has submitted a Unilateral Undertaking with the planning application to secure the affordable units on the scheme as 'affordable in perpetuity for local occupancy.' The restriction to be limited to plots 4 – 14 only. Plots 1 – 3 are free from restriction. An instruction to the Council's Legal team has been issued.

The adherence of the scheme to all other local planning policies is considered below.

Layout

The housing scheme consists of 14 new dwellings. These are made up from 2 semi-detached bungalows, 6 two-storey terraced properties and 8 two-storey semi-detached properties.

The layout of the scheme was subject to considerable pre-application discussions between the applicant and Cheshire East Council.

To the south of the site 7 properties would be constructed in a linear pattern parallel and fronting Congleton Road. Behind this would be rear gardens and parking provision. This ribbon development style would largely reflect the pattern of development on the adjacent land to the

south. Beyond these properties to the north would be the proposed new access to the site that would be off Congleton Road.

To the north of this, 4 properties would be inset deeper within the side in order to provide a level of interest in the scheme. Parking for these properties would be forward of these properties but would be screened from Congleton Road by planting.

The final 3 properties would be constructed at an angle facing in a southerly direction in an attempt to 'close-off' the site and respect the angle of the Road to the north of the proposal.

The relationship between these proposed dwellings is considered acceptable in this instance. As a result of the above reasons, it is considered that the layout of the proposed scheme is acceptable

The Parish Council have expressed concern about the layout of the scheme. Specifically, their preference was the scheme proposed at pre-application stage which was more linear in design. The layout of the scheme was subject to much negotiation between the Council and the applicant. The design has been amended to both reflect the linear layout of the properties on Congleton Road and also create a degree of interest.

Appearance & Scale

Of the 14 dwellings proposed, the break-down of the property types is as follows;

- 1 row of 3, two-storey terraced properties (Plots 1-3) – These measure approximately 8 metres in height, 9.5 metres in depth and 5.3 metres in width.
- 1 pair of semi-detached, two-storey dwellings (Plots 4-5) - These measure approximately 8 metres in height, 9.5 metres in depth and 4.7 metres in width.
- 1 pair of semi-detached, two-storey dwellings (Plots 6-7) - These measure approximately 7.7 metres in height, 8.5 metres in depth and 4.9 metres in width.
- 1 pair of semi-detached bungalows (Plots 8-9) - These measure approximately 4.8 metres in height, 10.1 metres in depth and 6.8 metres in width.
- 1 pair of semi-detached, two-storey dwellings (Plots 10-11) - These measure approximately 8 metres in height, 9.5 metres in depth and 5.3 metres in width.
- 1 row of 3, two-storey terraced properties (Plots 12-14) – These measure approximately 7.7 metres in height, 8.5 metres in depth and 4.9 metres in width.

All 12 of the two-storey dwellings proposed would largely have the same appearance. They would have an open red brick finishes, dual-pitched, brown tiled roofs and a lean-to canopies over the front doors. The only differences between these would be a difference of height of 0.3 metres, a difference in depth of 2 metres, a difference in width of 2.1 metres, and some would consist of obscurely glazed windows within certain openings whilst others would not.

The 2 bungalows would mirror each other. They too would have open red brick finishes, dual-pitched brown tiled roofs and a canopy over the front doors.

They would both measure approximately 4.8 metres in height.

Although there are no bungalows within close proximity of the site, this difference in form within the development itself would generate a degree of interest and is a welcome addition to the

scheme. Given that they would be constructed from materials to match the associated two-storey properties, it is considered that they would not appear incongruous within the streetscene.

As such, subject to a condition requesting that the detail of the materials being provided prior to the commencement of development, it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy GR2 of the Local plan.

Access

The proposed development will be accessed off the north-western side of Congleton Road where a new access point would be created. This access point would lead to a new road that would extend approximately 36.5 metres into the site in a north-westerly direction. It would include two accesses off this, one to the south-west, the other to the northeast that would lead to parking for the proposed properties. Two parking spaces per dwelling are proposed.

The Council's Strategic Highways Manager has reviewed this layout and advised that he has no objections subject to the developer entering into a Section 184 agreement. As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Landscaping

The application site where the houses are proposed consists of a rectangular parcel of green space adjacent to Congleton Road to the southeast Cobblers Lane to the northeast. The site is relatively flat in nature.

The Council's Landscape Officer has raised a number of concerns including; the impact of the built form upon the Open Countryside, that the frontages would appear to be car dominated, the size of several of the gardens, the lack of access to the agricultural land and that no detailed landscaping has been provided. Concern is also expressed that the Public Open Space to the east of plot 14 has little amenity value, a mechanism is needed to secure the Public Open Space and its maintenance; the boundary treatments need to be amended to be made child and pet proof and no details regarding the surfacing of the footpath have been provided.

With regards to forestry, insufficient information had been provided in relation to the 2012 British Standards. Not all tree constraints are shown, no tree protection measures are shown and the submission did not include an Arboricultural Impact Assessment.

Notwithstanding the above, it has been advised that the loss of trees within the hedgerow would not be of significant concern. However, Plot 14 would be dominated by a mature grade B oak tree located in the eastern corner of the site and the dwelling would be positioned well within the crown spread and as such would not adhere with BS 5837. As such, it was concluded that this aspect of the layout was unacceptable.

In terms of the hedgerows, it has been concluded that 1 of the hedgerows that will be removed qualifies as being 'important' under the hedgerow regulations 1997. As such, it is also advised that the hedgerows are also habitat value and therefore subject to a Biodiversity Action Plan.

The applicant's in response to these comments have provided additional information and updated plans including; an updated planning layout showing the root protection zones and further

hedgerow information. A tree protection plan, arboricultural impact assessment and a landscape strategy are currently being conducted.

The findings of this requested additional information and the subsequent comments received by the Council's Landscape Officer will determine the acceptability of the scheme from a landscaping perspective.

Amenity

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

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

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory. The private space provided for each ranges between approximately 32 metres squared and 85 square metres.

The Council's Landscape Officer has raised concerns about the amount of amenity space provided, particularly on plot 14 which has a rear garden space heavily dominated by the crown spread of an oak. In response, the applicant has amended the footprint of this dwelling to allow more space.

It is considered that the gardens provided would be of a sufficient size for a family to carry out a number of regular activities such as the hanging of a washing line, space for a family to sit out and a children's play area. Furthermore, all houses would have access to the provided public open space. As such, it is considered that the amount of amenity space provided would be sufficient.

The separation distances are discussed below.

Within the development site

As the properties proposed on plots 1-7 and 8-11 would be constructed adjacent to each other and not include any openings to principal rooms within their side elevations, it is considered that there would be no amenity issues created between these dwellings.

The dwelling proposed on Plot 7 and the dwelling proposed on Plot 8 would be separated from each other by the new access road and would be significantly offset from each other. At their closest points there would be a gap of approximately 13.5 metres between the two. As a result of this distance and offset relationship, it is considered that the impact upon amenity between these two dwellings will be acceptable.

The dwelling proposed on Plot 11 and that on Plot 12 will be constructed just 1.5 metres away from each other at their closest points. However, they would be constructed at oblique angles from one another. On the relevant side elevations of both properties no openings are proposed. As such, it is

considered that these dwellings would not have a detrimental impact upon each other with regards to neighbouring amenity.

Outside the development site

The closest residential property to the development site would be No.7 Congleton Road which would be positioned approximately 7.5 metres from the side elevation of the closest proposed dwelling on Plot 1.

On the relevant side elevation of both the proposed property on plot 1 and No.7 Congleton Road there are no windows. As such, no issues in relation to loss of light or visual intrusion are considered to be created by the proposal. There would be no amenity issues created to any other side.

Environmental Health advise that they would have no objection to the scheme subject to a number of conditions including; hours of piling, the prior submission of a piling method statement, the prior submission of an environmental management plan to include details regarding noise and disturbance, waste management and dust generation. In addition, informatives relating to contaminated land and hours of construction are proposed.

In summary, it is considered that subject to the above details being conditioned, the development would adhere with Policy GR6 of the Local Plan and therefore be acceptable from an amenity perspective.

Housing

The Council's Housing Strategy and Needs Manager has advised a Rural Housing Needs survey was carried out in Smallwood Parish in late 2012 with the final report being written in January 2013. This survey highlighted several types of resident that had an affordable housing need within Smallwood including; 5 respondents requiring alternative housing within the parish because they needed a cheaper home; 19 current Smallwood residents who wish to form a new household within Smallwood or Cheshire East within the next 5 years. Of these, 9 would consider either subsidised ownership or renting and 6 ex-Smallwood residents who would move back into the Parish within 5 years if affordable housing were available. As such the Rural Housing Needs survey concludes that there is sufficient need for 11 affordable homes in Smallwood Parish.

For the purposes of the Strategic Housing Market Assessment (SHMA) 2010, this study identified that the Congleton sub-area, within which Smallwood falls, has an annual affordable housing need for 10 new homes per year between 2009/10 and 2013/14. The Council's Housing Strategy and Needs Manager concluded that *'There has been very limited delivery of affordable housing in the Congleton Rural sub-area and there is also very limited anticipated delivery.'*

Cheshire Homechoice, the lettings system for allocating social housing currently has 6 applicants who have selected Smallwood as their first choice.

In February 2013, the applicant's carried out a consultation event. 14 people registered an interest in the properties all of which appear to have a local connection.

With regards to the tenure split, it is being proposed that 9 units would be allocated as affordable renting and 2 as shared ownership. In response to this split, the Council's Housing Strategy and Needs Manager concluded that *'...although this does not meet the preferred tenure split for affordable homes across Cheshire East of 65% rented and 35% intermediate identified by the SHMA 2010, the Rural Housing Needs survey carried out for Smallwood established that 11 of the respondents earned less than £30,000 per year. On this basis as well as the high house prices and limited affordable/social rented stock in this area I have no objection to the proposed tenure split of 82% affordable rent, 18% shared ownership.'*

As a result of the above information and comments, it is considered that there is a need for affordable housing in the area and the split of how the affordable housing is acceptable.

Protected Species

The application was supported by an Extended Phase 1 Habitat Survey.

In response to this survey, and a full assessment of the proposal the Council's Nature Conservation Officer has advised that additional information is required at application stage in order to assess and help mitigate any impacts upon protected species. This required additional information required includes an assessment of the loss of hedgerows under the hedgerow regulations (as they are a Biodiversity Action Plan priority habitat), a further bat survey and an additional botanic survey.

Notwithstanding the above it is also advised that a breeding bird's condition should be imposed, should the application be approved.

In response to the request for additional information, the applicant subsequently submitted a letter from their ecologist addressing concerns relating to hedgerows, bats and grasslands.

In response to this additional information, the Council's Nature Conservation Officer has advised that the report concluded that 1 of the hedgerows, hedgerow 1 on School Lane, is an important hedgerow under the 1997 act and is likely to be adversely affected by the development. The Nature Conservation Officer has advised that he recommends that I refer to the Local Plan policy for further guidance.

Policy NR3 of the Local Plan advises that proposals for development that would result in the loss or damage of such habitats will only be allowed if there are overriding reasons for allowing the development.

As this proposal is for the provision of affordable housing of which there is a proven need, it is considered that subject to a detailed native rich planting scheme being planted that replaces this lost hedgerow, the loss of this is considered to be acceptable in this instance.

With regards to bats and trees, it has been confirmed that none of the trees will be removed and as such, there will be no knock-on effect on roosting bats.

A further report is sought for the grasslands which shall be submitted shortly.

As such, subject to the outcome of this grasslands report, the subsequent response from the Council's Nature Conservation Officer, subject to conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

Open Space

It is proposed that the development would incorporate 2 areas of public open space within the layout. Furthermore, a section of open space would be 'gifted' to the Parish Council.

Within the site one section of open space would be positioned to the rear of the properties proposed on plots 1-3 and would adjoin these properties rear gardens and back onto open paddock to the rear of the site. A proposed footpath link would run through this space. The second space provided within the site would be between the dwelling proposed on plot 14 and the southeastern boundary of the site. This space would be accessed via the hard standing that leads to the parking for properties proposed on plots 8-14.

The area of land to be gifted to the Parish Council is located on an inside corner plot between School Lane and Cobblers Lane.

The Council's Greenspace team are satisfied with the provision of this open space and as such, it is considered that the development would adhere with Policy GR22 of the Local Plan.

Footpaths / Public Right of Way

The proposed development would include a number of new footpaths in order to make the site accessible to the closest facilities e.g. School and church, which are in walking distance of the site.

To the front of the site parallel to Congleton Road, a new footpath link is proposed that links onto Congleton Road itself between No.7 Congleton Road and the dwelling proposed on plot No.1. This footpath would extend into the site and travel parallel to Congleton road forward of the principal elevations of the dwellings proposed on plots 1-7. Each of these dwellings would have a footpath that would link into this walkway. This pathway ends at the proposed new access road into the site. The other main footpath proposed within the scheme would extend from the car park to the rear of the site, through the proposed public open space and along the rear boundaries of the properties and hall on School Lane and to a proposed car park that also links into School Lane.

The Council's Public Rights of Way Officer originally sought clarification with regards to the legal status and maintenance of the footpath. The applicant advised that the footpath will be maintained by Plus Dane as will the Open Space within the development. The proposed footpath would not be dedicated as a public right of way but kept as a private means of access.

As the Council's Public Rights of Way Officer is satisfied with proposal, it is considered that the development would adhere with Policy GR15 of the Local Plan.

Flooding / Drainage

The Environment agency has raised no objections to the scheme from a flooding perspective.

United Utilities have also raised no objections subject to the addition of informatives relating to the drainage of the site.

Other Matters

In response to the matters raised by the Parish Council that have not yet been addressed, the use of the use of the gifted space is a civil matter. If the Parish Council choose to use the land for something different than currently proposed, this would be their choice subject to planning approval.

CONCLUSIONS

The proposal is considered to be of an acceptable layout, scale, appearance, landscape and access. Furthermore, it is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, flooding or drainage.

As such, it is considered that the proposed development would and adhere with the Policies: PS8 (Open Countryside), H14 (Affordable Housing), GR1 (New Development – General Criteria), GR2 (Design), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), (GR20 (Public Services), GR21 (Flooding), GR22 (Open Space Provision), NR1 (Trees and Woodlands), NR2 (Protected Species) of the Congleton Borough Local Plan First Review 2005.

The proposal would also adhere with the NPPF.

RECOMMENDATION:

APPROVE subject the acceptability of a tree protection plan, arboricultural impact assessment, landscape report and subsequent consultation responses, conditions and a Unilateral Undertaking with regards to the affordable housing.

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials – Details to be submitted**
- 4. Hours of construction**
- 5. Hours of piling**
- 6. Prior submission of a Piling Method Statement**
- 7. Prior submission of an Environmental Management Plan**
- 8. Prior submission of a scheme to minimise dust emissions**
- 9. PD Removal (A to D)**
- 10. Landscaping (Details)**
- 11. Landscaping (Implementation)**
- 12. Tree protection implementation**
- 13. Boundary treatment**
- 14. Breeding birds**

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.

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Application No: 12/4741N

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

Proposal: Application to erect 59 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
Highways
Trees and Landscape
Amenity
Design and the Built Environment
Ecology
Affordable Housing
Education
Open Space
Drainage/Flood Risk
Impact on Level Crossing
Other Matters

REFERRAL

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

Members may recall that the application was brought before Southern Planning Committee on 26th June 2013 when Members resolved that the application should be deferred to allow officers to undertake discussions with the applicant regarding amendments to the layout and pepper-potting of the affordable housing.

Following the deferral amended plans have been submitted, and these are considered in the relevant sections of the updated report below. In essence, the scheme has now been reduced to 59 dwellings (previously 64).

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.

1. 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, following initial officer level discussions, amended plans were submitted, increasing the

number of proposed dwellings to 64. The proposal comprised 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.

Following the deferral of the application by Southern Committee, a further amended plan has been submitted. With regard to the layout, the applicants have removed the apartment block and reduced the overall numbers to 59 in total. The proposed “shared ownership” plots and the “affordable rents” plots, have been pepper potted these across the development as per the members request.

2. 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.

3. 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 19th-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 breaking 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.

Additional Comments

The Strategic Highways Manager has examined the resident's consultant's report and has produced a detailed response which concludes as follows:

- The Access HDPC report seeks to create a position of statement which would see the application refused on highway grounds.
- Unfortunately there are a number of fundamental errors in the report which compromise its conclusions.
- The commentary within the Strategic Highways Manager's response discusses the main points around which the report is built and the factual aspects of the site in comparison.
- The Strategic Highways Manager finds that there is insufficient factual matter in the AHDPC report upon which a sustainable reason for refusal could be based and recommends to the Local Planning Authority that the reasoning and conclusions included in that report have insufficient weight to influence a recommendation against the development on highway grounds.
- The Strategic Highways Manager would add that until the internal layout is finalised with an acceptable detail in line with his requirements for: layout quality, service strip provision, accessibility for refuse vehicle and acceptable geometry for regular vehicle movements within the site, that his recommendation for deferral be maintained.

The full text of the Strategic Highways Manager's response can be viewed on the Council's website.

The Strategic Highways Manager has also confirmed that he is now happy with the layout – all details look acceptable on drawing W0255/PL/101 - Rev J.

In response to the amended plans the Strategic Highways Manager has commented

- He discussed this with Adoptions Engineer and he said that this is the way a Manual for Streets scheme should look and they both agreed that it was a very good example of a MfS design approach.
- In adoption terms there are small issues with detail but they can be resolved via the Section 38 process.

- He promoted the last design and there is little difference between this layout and that one, the reduction to 59 units being perhaps the biggest change.
- The affordable layout is improved with better space and parking layout.
- The turning head in the vicinity of plots 20 & 23 is still a bit tight however it does track for a refuse vehicle.
- One preference for this layout it would be the provision of a footpath on all four sides of the public open space. This would complete the layout and is its only minor shortfall.
- Overall however he would support this layout as he does feel the developer has made a significant effort to understand and meet our ambitions for a Manual for Streets approach to design and the layout for this site will serve as a good example for future similar developments.

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.

a) Layout of the estate

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

b) 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.

c) Travel planning

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

d) 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 Birchlin 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 unthinkable 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.

Access HDPC

A report has been received from Access HDPC Highways Consultants acting on behalf of a neighbouring resident. The report concludes that:

- *In view of the information contained within this report, I am satisfied that the proposed visibility splays and access arrangements cannot safely accommodate any additional traffic generated by this development. The proposed access must be redesigned to conform to current design standards to enable safe movement for all road users. The turning movements will also need to be clearly demonstrated to accommodate all road users and include a right turn lane off Crewe Road. A stage 1 safety audit should be carried out to assist the highway authority with their recommendation along with trip rate assessment using 85th percentile speeds.*
- *From a highways safety perspective, I have looked at and examined the implications of traffic generated by this proposed development. There are, in my professional opinion clear technical reasons for recommending refusal on highways safety grounds.*

The full text of the report can be viewed on the Council's website.

An additional objection has been received noting that there are errors in the "site map" attached as page 41 to the agenda for the Southern Planning Committee to be discussed on the 26 June 2013.

This map does not show the correct land registry entry areas for properties on the Western and Eastern sides of the proposed access road. (Numbers 118 & 120 Crewe Road) the site map incorrectly shows that a large swath of land on the Eastern Side (120 Crewe Road), approx. 4 Metres wide and 40 Metres deep has been shown as available as part of the site plan. This land is and always has been part of land registered as part of 120 Crewe Road. Likewise on the Western side the "red line" is shown adjacent to 118 Crewe Road removing a strip approx. 1.8 Metres x the full length from this property.

This is total misrepresentation and will give all members of the Planning Committee a totally wrong basis to make any judgement as to the acceptability of this planning submission.

Support

An e-mail has been received from the occupier of 4 Regent's Gate stating that having learned that the application is to go to the planning committee next Wednesday, and spoken again to

the applicant, they are of the opinion that the revised layout - with the line of trees retained along the boundary with Regents Gate and altered house layout - is an acceptable one.

As such, they do not wish to continue with their earlier objection.

Nevertheless, they still consider that there is an even greater need to see the trees are well protected by a TPO.

The smaller number of trees that are now to remain are recognised by builder and planning authority that they are worthy of retention.

Their amenity value will increase with the new residents inside the site.

A TPO on those critical trees to be left will appear in Land Charge Searches for all new residents and will give clearer statutory control well into the future. Ordinary planning conditions will not have the status and enforceability of a TPO.

They thank officers for all their help over the past months

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 now provide 59 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. This resulted in the submission of an amended plan which was a considerable improvement over the original plans in terms of the highways arrangements and reflected the general principles established as part of those discussions. However there remained a number of detailed design issues in respect of the internal layout, which still required amendment. These matters were brought to the attention of the developer, and further amended plans were submitted. The Strategic Highways Manager has subsequently confirmed that he is satisfied with the amended plans.

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".

With regard to the highways report submitted on behalf of local residents, the Strategic Highways Manager has provided a detailed analysis and it would appear that the report contains a number of factual errors and that therefore, its conclusions are unsound. The Strategic Highways Manager is satisfied with the adequacy of the access arrangements as shown on the amended plans, and on this basis it is not considered that a refusal on highways grounds could be sustained.

The road pattern remains unchanged in respect of the latest plan submitted in response to the previous deferral. Therefore the previous swept path analysis still works. Parking for the higher density area also remains at 200% for both the 2 and 3 bedroom properties in this location. The Strategic Highways Manager has examined the amended plan and confirmed that in highway terms little has changed from the previous version of the proposals, although he considers that the affordable layout is improved with better space and parking layout. He has also reiterated his view that this is a good Manual for Streets design and any outstanding issues can be resolved through the adoptions process.

Overall however he supports this layout and feels that the developer has made a significant effort to understand and meet the Council's ambitions for a Manual for Streets approach to design and the layout for this site will serve as a good example for future similar developments.

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 and 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

Revision D was in response to the 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 expressed some concern that as further vegetation was 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. The applicant suggested suitable replacements for the losses, but space is somewhat limited for successful establishment due to the presence of an existing hedge. Further communication was received from the applicant (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 did show some minor encroachment into root protection areas which required due consideration in the turning head redesign. In this regard, given the species affected, it was considered there may be scope for accepting some slight encroachment without significantly affecting the health and safe well being of the retained trees. Further amended plans were subsequently received, and the Council's Principal Forestry and Arboricultural Officer confirmed that this matter had been adequately resolved and that he was now satisfied with the amended plans.

Following the resolution of this issue 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.

The Principal Forestry and Arboricultural Officer has also confirmed that the latest revision submitted following the deferral of the application by Southern Committee presents no particular arboricultural concerns.

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 adjoining end-of-terrace dwelling on plot 53, 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 22 and 23 and the flank elevation of 1 Regent's 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 20 and 21 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 gable of plots 14 and 11 and 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 8 is orientated with its gable facing towards no.41 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 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. 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. They include 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 storeys 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.

Following the deferral by Members of the Southern Planning Committee at its meeting in June, a further amended layout has been submitted. The high density area to the west remains but with the removal of the apartment block this is now more in keeping with the adjacent high density Barratt development on the site boundary.

The Council's Design Officer has examined the revised layout and commented that parking bays should not be used to terminate the view at the end of the street in the north west corner of the site. These bays could be moved into the landscape area opposite housing and replaced by a feature tree(s).

The parking courtyard for the mews properties in the north west corner would not be a very attractive or welcoming space if it is a mass of tarmac. Different surfacing should be considered and it is also vital that the trees/landscaping can be satisfactorily delivered. The rear boundaries that are visible in the courtyard should add to the character of the space, and therefore timber fencing should be avoided.

In this area, including the frontage properties there are question marks about how bin and recycling access is to be achieved. Also the bin storage area in the courtyard is pretty prominent and could further undermine the area (also would it be large enough). For the whole scheme there is no clear strategy. For larger properties it should be relatively easy to achieve. However for this part of the site this is a potential problem and there is a danger that courtyard will be marred by bins to the front of the houses.

Overall, within the scheme, with regard to front and side boundaries, there needs to be clear delineation with boundaries of a high quality, suited to the overall design objectives. Side boundaries, visible in street and boundaries adjacent to areas of open space need to be high quality (brick in street scenes, green screens adjacent to areas of open space). In relation to front/side street boundaries, these should be in walling, railings or hedging depending on the character they are located within.

Also the gateway units with the garages and accommodation above should have active edges to create a sense of activity/interest at the housing threshold. They should not have wholly blank elevations on their public faces and should demonstrate architectural quality

However, all of these issues could be addressed through suitable conditions.

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 Councils 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.

The implications of the amended plans requested by Members, in respect of affordable housing, are that there should be provision of 18 affordable dwellings, with 11 being provided as social or affordable rent and 7 provided as a form of intermediate tenure.

The plan showing affordable provision shows 18 affordable dwellings, highlighting 9 as affordable rent and 9 as shared ownership. The mix of affordable dwellings shown appears to be 8 x 2 bed and 10 x 3 bed houses although it is difficult to identify from the plan.

Nevertheless, the overall numbers, type of dwelling provided and tenures of the affordable housing being affordable rent and shared ownership are acceptable to Housing Officers. However the tenure split is not as per the IPS: Affordable Housing. The applicants are proposing a 50/50 split rather than 65/35. In the absence of financial viability evidence to indicate why this is necessary, it is considered that the split should be as per the IPS and this can be secured through the Section 106 Agreement.

The proposed “shared ownership” plots and the “affordable rents” plots, have been pepper potted these across the development as per the members request. For the avoidance of doubt, the high density area in the north west corner is now both private and affordable plots. Housing Officers have noted that the affordable rented units are all in one location. However the IPS: Affordable Housing merely states units should be pepper-potted and does not give any specifics about tenures being pepper-potted, so the spread of affordable units across the site is considered to be acceptable.

Education

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

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

Following the further amendments requested by Members, the number of units has been reduced to 59, which would be expected to generate 11 primary aged pupils. Therefore the contribution reduces to £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 open space in excess of 3693sqm. Therefore the Local Plan policy requirement is exceeded 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.

Other Matters

As pointed out by residents, the site plan within the committee agenda does not accurately reflect the site boundary. It is merely for Members to locate the site. It is not the legally enforceable plan which defines the extent of the land covered by the planning application and any subsequent permission. The location plan which forms part of the application (and would be referred to by number on any decision notice) is within the Key Plans booklet and will be displayed as part of the Officer presentation at planning committee. It is also available to view on the website.

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.

Following the deferral of the application by Southern Planning Committee in June, the developers have removed the apartment block and reduced the overall numbers to 59 in total. The high density area to the west remains but with the removal of the apartment block this is now more in keeping with the adjacent high density Barratt development on the site boundary. The road pattern remains unchanged therefore the previous swept path analysis still works. Parking for the higher density area also remains at 200% for both the 2 and 3 bedroom properties in this location. The proposed "shared ownership" plots and the "affordable rent" plots, have been pepper potted across the development as per the members request. The high density area in the north west is now both private and affordable

plots. It is considered that these amendments have fully addressed the concerns previously raised by Members.

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 completion of a Section 106 agreement to secure:

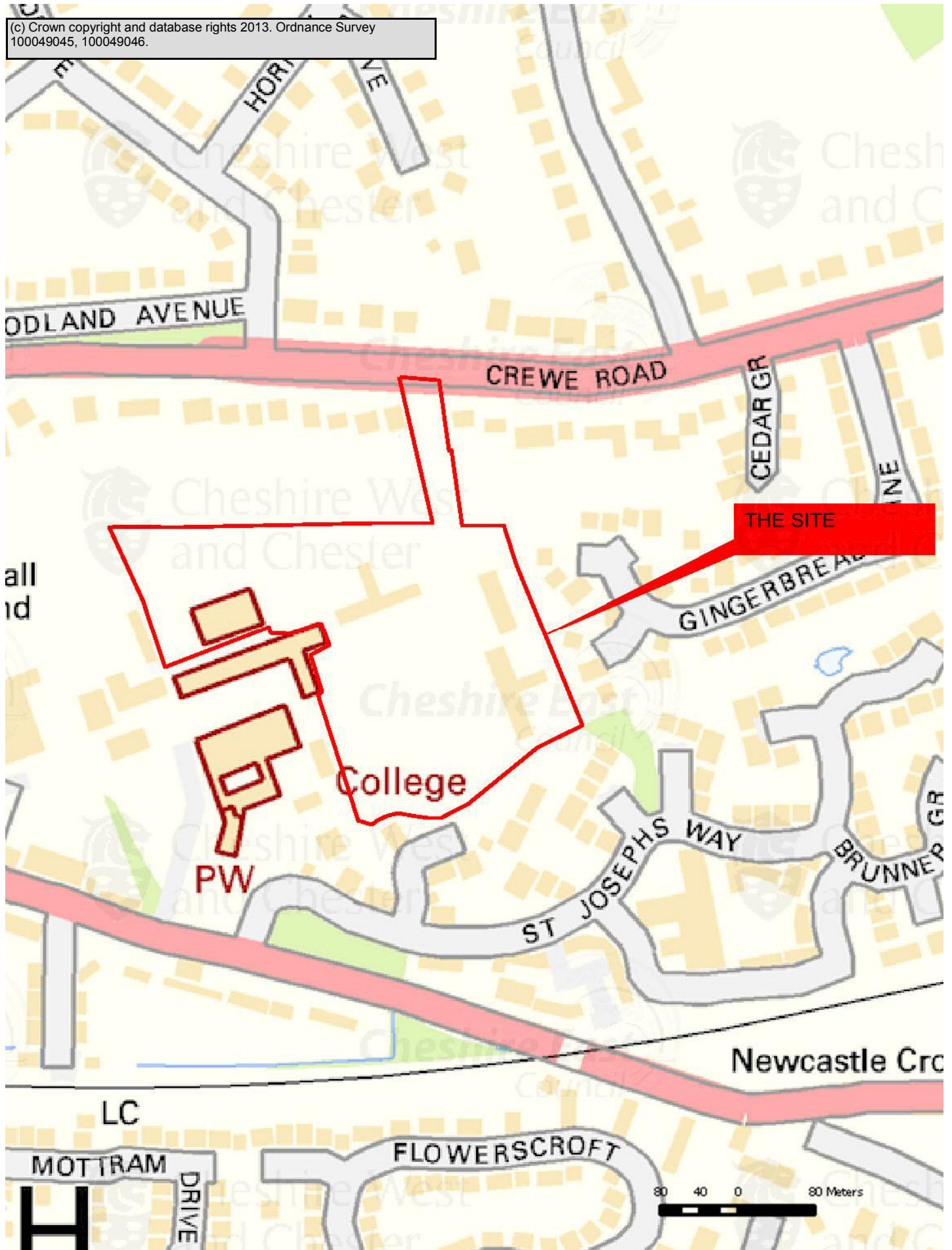
- **18 affordable dwellings, with 11 being provided as social or affordable rent and 7 provided as a form of intermediate tenure.**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (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 £88,500 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 of 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.
31. Relocation of parking bays 53 and 52
32. Submission of detail to garage elevations on plots 1 and 59

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Application No: 12/4771C

Location: Higher House Farm, KNUTSFORD ROAD, CRANAGE, CW4 8EF

Proposal: Demolition of existing buildings as described within the Planning Application submission and erection of 11no. family dwellings change of use from Haulage Yard to Residential.

Applicant: Merepark Developments

Expiry Date: 12-Mar-2013

SUMMARY RECOMMENDATION

Approve with conditions and subject to S106 Agreement

MAIN ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Landscape Impact**
- **Ecology**
- **Highway Safety and Traffic Generation.**
- **Affordable Housing**
- **Residential Amenity**
- **Open Space**

1. SITE DESCRIPTION

The site lies in the open countryside to the north of Holmes Chapel on the A50. It lies on the eastern side of the A50 opposite an established residential housing site referred to as the former Cranage Hospital site.

The site measures 0.44 hectares in size and hosts Higher House Farm, which has previously been used as a haulage depot. The site hosts a number of brick built and portal framed buildings and associated hard standing as well as the main Higher House Farm residence.

The northwestern corner of the site is given over to garden used for Higher House Farm. The main dwelling is situated centrally within the site frontage and sides onto Knutsford Road. There is a traditional brick built barn positioned just to the southeast of the dwelling and is positioned directly in front of the vehicular access serving the site.

1. DETAILS OF PROPOSAL

This application seeks full planning permission to redevelop the site by demolishing the existing buildings on the site and erecting 11 no. family homes. The existing dwelling referred to as Higher House Farm would be retained.

2. RELEVANT PLANNING HISTORY

There is an extensive planning history for the site relating to the former use of the site as a haulage depot. There have been applications more recently to operate a private hire vehicle from the main residence but no more applications relevant to this application.

3. PLANNING POLICIES

Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR4/5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

National Planning Policy Framework
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

4. OBSERVATIONS OF CONSULTEES

Jodrell Bank

No objection subject to incorporation of electromagnetic screening measures

Environmental Health

No objection, subject to conditions restricting hours of construction / piling, compliance with the submitted noise mitigation scheme and submission of a contaminated phase II survey.

Highways

The Strategic Highways Manager (SHM) considers that the replacement of the existing haulage yard with the proposed 11 residential units will have advantages in terms of traffic generation. Whilst the SHM acknowledges the concerns of the Parish Council regarding the access and its proximity to Needham Drive, he considers that the site access already operates safely and the traffic generation from the proposed development will not have a material impact which could be considered to create a specific hazard. The SHM would advise that this does not constitute a sustainable reason for refusal. However, the SHM requires more detail to be submitted with regard to the junction design with a plan detailing the radius kerbs and paving as well as detailed visibility splays. He also recommends the 200% parking provision required should be increased to 300% for the larger 4/5 bed properties.

United Utilities

No objection, subject to the site being drained on a separate system, with only foul drainage connected into the public foul sewerage system.

Environment Agency

No objection

5. VIEWS OF THE PARISH COUNCIL

Object - Conflicts with Local Plan which is in use currently. Over development of site although brown field site in open countryside. .Extensive landscaping should be shown. No affordable homes included or 2 /3 bedroom properties. The access from A50 does not conform with policies set down and is on a red route. The exit/entrance opposite Needham Drive is concerning. Heights of dwellings not in keeping with location.

6. OTHER REPRESENTATIONS

One representation has been received supporting this application on the following grounds:

- The proposal is based on a Brownfield site
- There is good walking access to Holmes Chapel without crossing the A50, so sustainability is excellent
- Site access and egress is safe

- The house designs are pleasing and in keeping with neighbouring houses
- The plan will contribute to the requirement for 5 years worth of building land

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Planning Statement
- Ecological Survey
- Contaminated Land
- Amended Plans

8. OFFICER APPRAISAL

Principle of Development

The site lies in the open countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, one of the NPPF's 12 key principles is to '*encourage the effective use of land by reusing land that has been previously developed*'. This is reiterated in para 111 of the NPPF. This states that Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. This proposal seeks to redevelop an existing brownfield site previously used a haulage depot.

Paragraph 215 of the NPPF states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*". Policies PS8 and H6 do not contain the exception as laid down in paragraph 111 and as such, in this case the NPPF takes precedence.

Also of relevance is Local Plan Policy E10. Policy E10 states that '*proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be a substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes*.' The policy further states that in determining whether the site is no longer suitable for employment uses, account will be taken of its location; adequacy of employment site supply in the area; attempts to sell or let the premises; and the need for the proposed change of use.

The cessation of the haulage use, and the applicant's assertion that the properties can only be filled by offering rents below the market level, indicate that there is a potential case for the site no longer being suitable for employment uses and that there is already an adequate supply of employment floorspace in the borough.

The buildings are of an age and configuration that would not lend themselves well to modern commercial / industrial practices and therefore re-use. In addition, there is no clear evidence to support the development of employment floorspace in this area (office and industrial) on anything but the smallest scale. The nearest centre, Holmes Chapel, does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. The locational disadvantages of this site, and the lack of profile of the area as an employment location, are such that any new development will serve a predominantly local market. This view is supported by the slow take up on new developments in the area in recent years. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that there is no longer a need for employment floorspace at this site and as such, the proposal would comply with Policy E10.

Another of the core principles of the NPPF is that Local Planning Authorities should:

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

With respect to sustainability, the site is located approximately 800 metres to the north of Holmes Chapel along the A50, adjacent to the existing residential development on the former Cranage Hospital site. Whilst it does not meet all of the distances specified within the former North West Regional Development Agency’s Sustainability toolkit, it scores a medium. Owing to its position close to Holmes Chapel, the site would benefit from the key services and amenities offered within this service centre. Additionally, there is a bus stop located just 70 metres from the site, which would give residents the choice to access the wider area using public transport. Thus, whilst the site is not as sustainably located as a site that more centrally positioned, it does not perform badly. Owing to the small-scale nature of the proposals, and the fact that it is accessible, it is not considered that a refusal could be sustained on these grounds.

Given the factors addressed above, the proposal is considered to be acceptable in principle. The proposal is therefore in compliance with the relevant local plan policies, where they are consistent with the advice within the National Planning Policy Framework and also national guidance.

Design and Layout

Following negotiations with the applicant, the scheme has been amended to reduce the impacts of the development on the wider area. To assist this, a former garage and office building (which were shown as being retained) will now be demolished so that a more coherent and consolidated scheme can be taken forward.

As amended, the proposed dwellings would be laid out so as to follow the boundaries of the site. There would be a row of properties forming a cul-de-sac towards the northern corner of the site set behind the existing Higher House Farm property (which would be retained) and a

further cul-de-sac travelling at right angles travelling towards the back of the site. The proposed dwellings would predominantly back onto the site boundaries. The ridge heights of the dwellings have been reduced by approximately 1.6 metres, so as to prevent them from appearance intrusive within their setting. They have also been shifted slightly further away from the site boundaries and gables have been changed to hips on end plots to help soften the transition with the adjacent open countryside. As such, it is considered that the scheme would not have any significantly greater harm to the character and appearance of the area than the currently buildings and authorised uses at the site.

The existing barn, which fronts the access to the site, would be replaced with a row of 3 cottage style properties. These would be modest in terms of their size and scale and would be traditional in terms of character. As you travel further into the site, the units would become larger providing a gentle transition. The layout minimises the potential for noise and disturbance to future occupants from the busy main road, and the layout would create a sense of enclosure and community as well as natural surveillance of the parking areas and public realm within the development.

To turn to the elevational detail of the scheme, the properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses and traditional cottages in the vicinity. There are many substantial properties and farmhouses in the vicinity. As amended, it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Highway Safety.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

In the light of the previous use of the site as a haulage depot, the Strategic Highways Manager (SHM) has concluded that the proposal will not result in an unacceptable level of traffic generation to and from the site. Whilst the SHM acknowledges the concerns of the Parish Council regarding the access and its proximity to Needham Drive, he considers that the site access already operates safely and the traffic generation from the proposed development will not have a material impact which could be considered to create a specific hazard. The SHM. would advise that this does not constitute a sustainable reason for refusal. However, the SHM requires more detail to be submitted with regard to the junction design with a plan detailing the radius kerbs and paving as well as detailed visibility splays. This has been requested and a written update will be provided to members.

With respect to parking provision, the SHM also recommends 200% parking provision be required with this increased to 300% for the larger 4/5 bed properties. Including garage accommodation, this provision would be met.

Trees and Landscape

There are some lengths of established Leylandii hedgerow around the boundary of the site and a small number of trees in the vicinity. However, taking into account the Brownfield nature of the majority of the site, subject to submission of a landscape scheme, the council's Landscape Officer does not have any significant issues on landscape grounds. This detail can be easily secured by condition.

Residential Amenity

The surrounding development comprises a farm complex to the north side and residential properties to the west forming part of the former Cranage Hospital site. However, these are all positioned well in excess of the minimum separation distances advised within the Council's Supplementary Planning Guidance Note on space between new dwellings.

Within the development itself, the properties have been arranged and the windows positioned and designed so as to prevent any direct overlooking and ensure that the proposed occupants benefit from an adequate standard of residential amenity both in respect of light and outlook. Due to the close relationship that some of the proposed dwelling would share, some of the plots will require the removal of permitted development rights for extensions and openings to preserve and consider future amenity. The quantity of private amenity space for each unit is acceptable.

With respect to traffic noise from the adjacent A50, the application is supported by a noise mitigation scheme which is acceptable to the Council's Environmental Protection Unit. Subject to the submitted mitigation scheme being conditioned, the proposal would be acceptable in terms of noise impacts from the adjacent road. The scheme is therefore found to be in accordance with Local Plan Policy GR6 and SPG2

Ecology

The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The council's ecologist has examined the assessment and commented that no evidence of bats was recorded during the survey of the additional buildings to be demolished. Confirmation from the applicant's ecologist that no potential exists for barn owls has also been received. As such, the Council's Nature Conservation Officer has confirmed that species protected by law do not present a constraint on the proposed development.

Affordable Housing

The proposed development will provide 3 affordable units (2 social / affordable rent and 1 for intermediate tenure) within the proposed 11. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. Subject to this, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

Open Space

According to the Council's Supplementary Planning Guidance, developments of 7 or more family dwellings will generate a requirement for public open space and children's play space.

The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. In this case, there is provision within 800m provided on the existing former Cranage Hospital site across the A50.

Given that this scheme is very small it is deemed to be impractical to provide the open space on site, and therefore consideration needs to be given to financial contributions to off-site works at this local facility. A further update on this matter will be provided to Members when the Greenspaces officer has confirmed the exact requirements. Given that this is likely to require financial contributions, this will need to be secured by way of a s106 agreement.

9. CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it would see the 'effective use and redevelopment of Brownfield site' in accordance with the NPPF. Although it would result in the loss of an existing employment site, it is considered that the premises are no longer required for employment uses. The submission of revised plans has addressed concerns regarding the impact on the character and appearance of the area. The proposal would be acceptable in terms of its impacts on residential amenity. The proposal is considered to be acceptable in terms of design and layout, ecology and subject to updates, acceptable in terms of highways and open space. Consequently, it complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of the following:

Heads of Terms for Legal Agreement

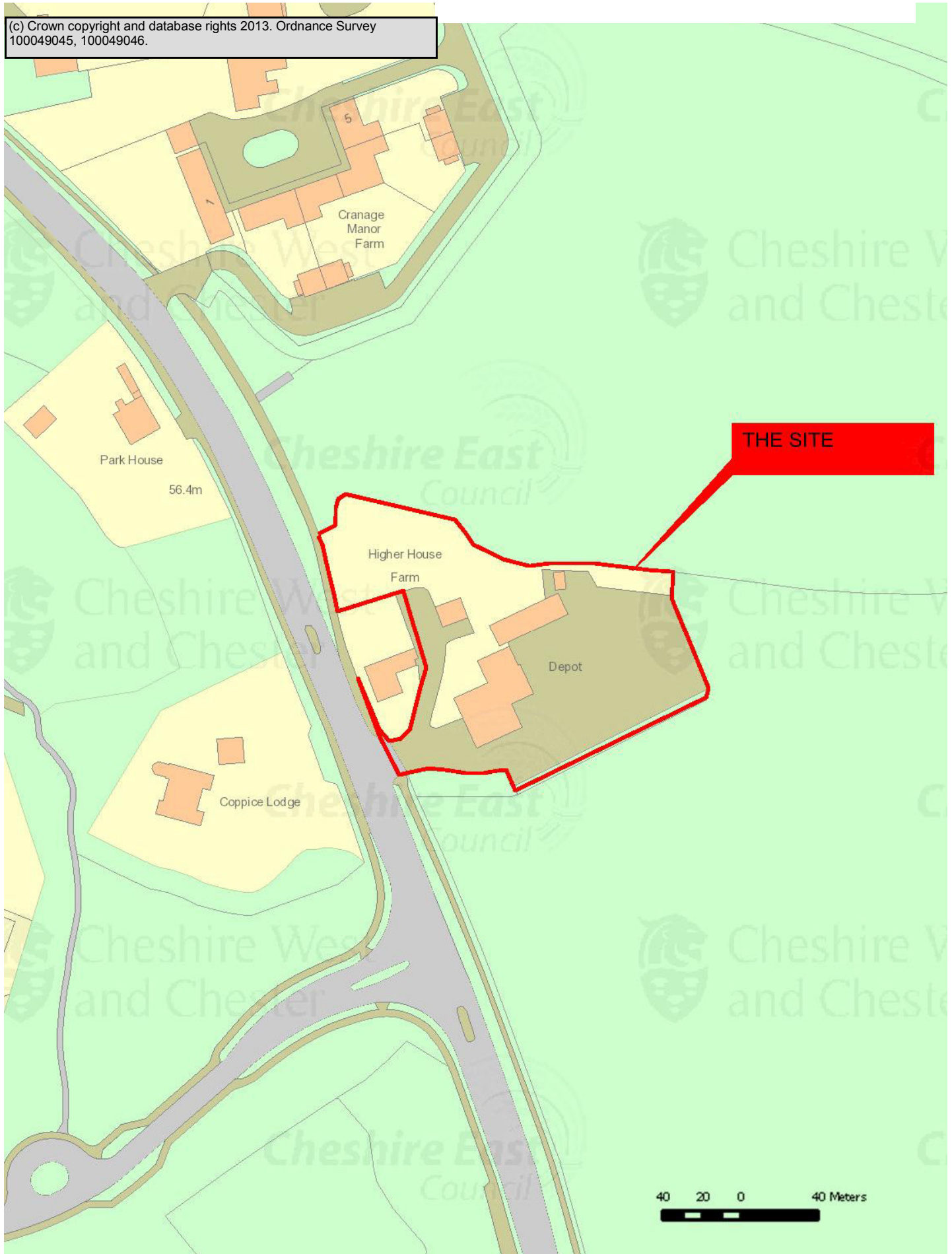
- 1. Financial contributions towards public open space and CYPP and ongoing maintenance of the facilities to be determined.**

And the following conditions:

- 1. Standard**
- 2. Amended Plans**
- 3. Delivery of 3 affordable units (2 social / affordable rent and 1 for intermediate tenure)**
- 4. Materials**
- 5. Landscaping**
- 6. Implementation of Landscaping**
- 7. Boundary Treatment**
- 8. Removal of Permitted Development Rights for extensions**
- 9. Obscured glazing and removal of permitted development rights for openings**

- 10. Contaminated Land Condition (Phase II)**
- 11. Jodrell Bank Electromagnetic Screening Measures**
- 12. Submission / approval and implementation of access drawings**
- 13. Submission / approval and implementation of visibility splays**
- 14. Provision of parking**
- 15. Compliance with submitted noise mitigation.**
- 16. Construction Hours restricted**
- 17. Breeding bird survey of works are carried out within the bird nesting season**
- 18. Details of drainage to be submitted**
- 19. Details of pile driving**
- 20. Surfacing Materials**
- 21. Details of existing / proposed and finished levels**

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Application No: 13/2136C

Location: Rectory Farm, Knutsford Road, Church Lawton, Stoke-on-Trent, ST7 3EQ

Proposal: Outline application for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development

Applicant: Northwest Heritage

Expiry Date: 27-Aug-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Principle of Development**
- **Sustainability**
- **Character and Appearance**
- **Landscape Impact**
- **Ecology**
- **Highway Safety and Traffic Generation.**
- **Affordable Housing**
- **Drainage and Flooding**
- **Open Space**
- **Residential Amenity**
- **Other Considerations**

REFERRAL

The application has been referred to the Southern Planning Committee because the site area is just over 0.5 hectares in size and is therefore a small scale major development.

1. SITE DESCRIPTION

This application relates to the former Rectory Farm situated to the northwest of Church Lawton and to the east of the Town of Alsager. The site lies wholly within the Infill Boundary Line for Lawton Gate, which is a small settlement washed over by Green Belt. The site accommodates the main rectory farm dormer bungalow, a detached dormer ancillary outbuilding and some detached barns / stables towards.

To the north and the east, the site is bound by field and paddocks. Beyond the northern boundary of the site, the levels drop away significantly where the curtilage of Rectory Farm ceases. The land slopes downwards towards a brook beyond which there is the Trent and Mersey Canal which occupies an elevated position relative to the northern end of the site. The site can be viewed from the adjacent canal towpath.

There are residential properties further to the east and residential properties bounding the southern boundary of the site which form part of the Lawton Gate settlement. To the west is Old Knutsford Road, which runs parallel with the A50.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 9 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for approval at a later stage.

2. RELEVANT PLANNING HISTORY

The submission of this scheme follows the refusal of a larger scheme for 31 units. This involved developing a larger site which included a Green Belt designated paddock / field outside of the infill boundary line of Lawton Gate. The scheme was deemed to be inappropriate in Green Belt terms because it extended outside of the settlement. The site subject of this application is within the settlement limits.

12/3016C - Outline Application for New Residential Development and Access Roads for up to 31 residential units – Refused 03-Apr-2013

3. PLANNING POLICIES

Policies in the Congleton Borough Local Plan

PS6	Settlements in the Open Countryside and the Green Belt
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR5	Habitats
BH9	Conservation Areas
H2	Provision of New Housing Development
H13	Affordable Housing and Low Cost Housing

Other relevant planning guidance:

National Planning Policy Framework

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

4. OBSERVATIONS OF CONSULTEES

Environment Agency

The Environment Agency has no objection to the submitted Flood Risk Assessment subject to the following conditions:

- Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- Submission of 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, subject to the site being drained on a separate system, with only foul drainage connected into the public foul sewerage system.

Campaign to Protect Rural England (CPRE):

Object on the following grounds:

- Development not essential to local needs or rural economy
- Development would harm the character and openness of the Lawton Gate Estate
- Sustainability – whilst most of the facilities referred to are within the required distance, they cannot be reached without crossing the busy A50
- No measures to assist pedestrians
- Limited visibility from second proposed access
- Loss of wildlife and habitats – full otter and vole surveys should be carried out and various mitigations should be proposed

Highways

No objection subject to the following conditions and financial contributions:

1. Upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres.
2. Streetlighting scheme for Old Knutsford Road to a point north of the proposed access and include for 30mph speed limit signs to the southern approach, to the satisfaction of the LPA.
3. Financial contribution of £7,250 towards the upgrade of the local bus shelter facilities

Canal & Rivers Trust

No objection

Archaeology

No objection - The 19th century Ordnance Survey maps show the application area in some detail, including the actual rectory. This structure is the one shown in the photo included in the Design and Access Statement, which looks no older than mid-19th century. It is likely, however, to be the latest in a long line of rectories going back into the medieval period and, significantly, the 1839 tithe map shows an earlier structure on a slightly different alignment, which is surrounded by extensive 'pleasure grounds'. The sites of both structures lie partially within the application area and will, inevitably, be affected by the development.

The evidence is not sufficient to generate an objection to the development on archaeological grounds or necessitate any pre-determination work. However, a developer-funded watching brief would be appropriate in order to record any remains of the rectories (especially the earlier one) and the associated pleasure grounds. Any such watching brief would be limited to the areas referenced above and would need to be maintained during relevant groundworks (topsoil stripping, excavation of foundations). The work may be secured by condition.

Environmental Health

No objection, subject to conditions restricting hours of construction / piling, submission of an environmental management plan, scheme for dust control and contaminated phase II survey.

Public Rights of Way (PROW):

No objection

5. VIEWS OF THE CHURCH LAWTON PARISH COUNCIL

The Parish Council has objected to the proposals on the following grounds:

- Proposal is not in accordance with the development plan
- Proposal is outside of an identified settlement boundary
- Proposal would compromise the openness and strategic functions of the Green Belt
- The site is Green field and is not sustainable
- The relevant local plan policies are up to date and consistent with the NPPF
- The Council now has a 5 year housing land supply and should not release this Green Belt site

- NPPF does countenance refusal of planning permission for inappropriate development in Green Belt
- There are no 'special circumstances' to justify approval
- The adverse impacts of the development would not outweigh the benefits of the scheme
- A Number of Omissions in the previous application have been repeated in this one
- There is no Primary School in Church Lawton
- No public consultation has taken place

6. OTHER REPRESENTATIONS

Representations from over 90 addresses (including letters from Rectory Farm Action Group) have been received objecting to this application on the following grounds:

- This is a Green Belt site
- No more applications on this site should be allowed
- Proposal is contrary to local policy and the NPPF and is not in the Council's strategy
- There are no special circumstances to justify the development and is therefore inappropriate
- Proposal will set a precedent and open up the rest of the site for building
- Other Brownfield sites should be used e.g. Twyfords
- There is no demand for such houses
- There are already vacant properties which cannot be sold in the area
- Permission for hundreds of houses has already been permitted in Alsager
- The site is not sustainable with poor pedestrian links and limited amenities and services (shops, schools, churches, community centre, GP services, post office, bank, train station) are situated or provided either in Rode Heath or in Alsager
- Canal Towpath linking site with Rhode Heath is dangerous especially for children
- Nearby Kidsgrove Brook already floods
- Increased risk of flooding from more surface and drainage water in the area
- Traffic Levels along A50 and approach roads would be increased
- The junction with the A50 is dangerous
- Local roads are narrow and the nearby aqueduct may be affected by increase in traffic and larger vehicles
- Local roads are congested when there is an accident on M6
- Would not amount to an infill development
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology
- Loss of views
- Loss of privacy - overlooking
- Swallows, bats, badgers and other wildlife regularly use the site / meadow
- Proposed protected species mitigation is not acceptable
- The area is enjoyed by walkers
- The site is prominent from the adjacent canal
- Loss of property values
- Disturbance to neighbouring amenity

- Schools in the locality are oversubscribed (Cherry Lane School has been closed for years)
- Proposed houses would not be in keeping with the area or adjacent low level bungalows
- There is a main sewer running through the site
- Subsidence
- Lack of local amenities and infrastructure, the nearest are in Alsager
- Lack of consultation – they have disregarded local opinion
- The site is overlooked by public footpaths
- Impact on adjacent Canal conservation area
- Inaccuracies made by agent
- There is no local employment to warrant this development
- The proposed open space is not suitable
- There is contamination on the site
- The existing barn should be converted

5 letters of support has been received commenting that:

- This application is acceptable in planning terms being within the Lawton Gate settlement
- The land is poor quality and should be developed
- There is a need for affordable houses
- Will assist with ecology

7. APPLICANT'S SUPPORTING INFORMATION:

- Floor Risk Assessment
- Planning & Design & Access Statement
- Highways Statement
- Ecological Assessment
- Arboricultural and Tree Impacts Assessment
- Letter Responding to Objections

8. OFFICER APPRAISAL

Principle of Development

The application site is situated within an existing settlement that is 'washed-over' by Green Belt. Paragraph 89 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except where it comprises of limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan. This advice is consistent with the relevant local plan policies PS6 and H6. Policies PS6 and H6 state that the principle of new residential development within the settlements will be permitted where it is 'limited' and is appropriate to the local character in terms of use, intensity, scale and appearance.

In terms of use, the settlement is predominantly residential and therefore the proposal would be appropriate and complimentary in this regard. With regard to intensity, the explanatory text

to Policy PS6 explains that 'limited development' would comprise of the building of a single or small group of dwellings.

This proposal would involve the erection of up to a maximum of 9 residential units. The proposed dwellings would be tightly grouped within part of the settlement that is previously developed and would be small relative to the size of the settlement. As such, the proposal is considered to represent 'limited development'. Subject to appropriate scale and appearance, which will be considered later and as part of any subsequent reserved matters application/s, the proposal is found to be acceptable in principle.

The NPPF clearly states at paragraph 14 that at the heart of the NPPF there is a presumption in favour of sustainable development. For decision making, this means approving development that accords with the development plan without delay, unless the development plan is absent, silent, policies are out of date or material considerations indicate otherwise.

With respect to housing land supply, paragraph 49 of the NPPF states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Council's Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply for the Borough. Given that Cheshire East can demonstrate a five year supply of housing land, the relevant housing policies in the adopted Congleton Borough Local Plan are not considered to be out of date and therefore apply in this case. Taking the above into account, the scheme is found to be acceptable in principle.

Sustainability

Being located on the built up edge of Church Lawton, the site already benefits from existing local facilities. These include: a local store at Lawton Gate, which is within 500 metres of the site and facilities at Rode Heath including: a primary school, doctor's surgery, and a few shops. There are three public houses (2 in Rodeheath), and a petrol filling station locally as well. Lawton Gate is easily within walking distance on footpaths and Rodeheath can be accessed by the well used canal towpath or connecting roads.

Bus services are available with two services having stops within the 500 metre requirement advised by the former North West Development Agency sustainability toolkit. These services are hourly or two-hourly, although there is a third service with a 20 minute frequency but this is a little further away. Overall, the site is considered to be acceptable in sustainability terms having regard to the small scale nature of the proposals.

Character and Appearance

An indicative layout plan has been submitted with the application. This shows the entrance to the site situated in between the properties referred to as 'Rectory Bungalow' and 'Rectory

Lodge'. Given that the site is situated to the rear of existing properties, with a single point of access, and because the site is self contained, there is little opportunity or need for frontage onto Old Knutsford Road.

Within the site, the indicative layout demonstrates that the site may accommodate up to 9 residential units by arranging the development around a cul-de-sac. The access road would turn 90 degrees and would travel to the rear of Rectory Bungalow with the proposed properties fronting the street and backing onto the eastern boundary. The pattern of the development would follow the shape of the site and details how 9 units could be laid out within the site. The indicative layout would not deviate or harm the character or appearance of the area. As such, it is deemed to be acceptable.

The proposed units would be of differing shape and size which would present the opportunity for some visual interest. Given the mix in character of the area and having regard to the fact that the site would be self contained, the dwellings would not appear out of keeping with the area. However, it is important to note that in general, the adjoining residential properties are limited in terms of their scale insofar as they are dormer properties. Thus it is recommended that the scale parameters be limited to respect this existing character. Subject to this, the proposal would not harm the character or appearance of the area or views from the adjacent Trent and Mersey Canal Conservation Area.

Landscape Impact

In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The Council's Landscape Officer has stated that as this is an outline application and the layout shown is illustrative, it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This would be secured at the reserved matters stage. Subject to this, the provision of 9 units would not materially harm the landscape character of the area when viewed from areas generally accessible to the public and would not impact on the openness given that it would amount to infill and the majority of the site is previously developed.

Ecology

It must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010.

The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The Council's ecologist has examined the assessment and

commented that evidence of a minor roost of common bat species has been recorded within one of the buildings on the site. However, the usage of the buildings by bats is likely to be limited to a small number of animals using the buildings for short periods of time during the year.

Where a European Protected Species has been recorded on site and is likely to be affected by the proposed development, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

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

The loss of the buildings and associated roost in the absence of mitigation is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The development could however lead to the disturbance/killing/injuring of any bats present when the work was undertaken and therefore whilst the roost is minor in nature, its loss should be compensated for.

To compensate for the loss of the existing roost, the applicant is proposing to incorporate a bat loft into one of the proposed properties. It is proposed that the demolition works will be supervised by a licensed bat worker to mitigate the risk of roosting bats being disturbed. Subject to this, the Council's Nature Conservation Officer is satisfied that if planning consent is granted the favourable conservation status of the species of bat concerned will be maintained.

Following the completion of further survey work, reptiles and other species groups are unlikely to be present or affected by the proposed development. With respect to breeding birds, the site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) species which are a material consideration. Subject to conditions that require a survey to be carried out if works are to be undertaken during the bird breeding season and the incorporation of features into the scheme for breeding birds and the planting of native hedgerows, the scheme is found to be acceptable in terms of the impacts on nature conservation.

Highway Safety and Traffic Generation.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Old Knutsford Road positioned directly in-between Rectory Farm Bungalow and Rectory Lodge. The Strategic Highways Manager has confirmed that the visibility splays offered are in accordance with the requirements of Manual for Streets. Added to this, Old Knutsford Road is a lowly trafficked local semi-rural road and, as such, the traffic generation from 9 units would not give rise to local traffic

issues. Subject to conditions, proposal is deemed to be acceptable in terms of highways and compliant with local plan policy GR9.

Affordable Housing

The proposed development will provide 3 affordable units (2 social / affordable rent and 1 for intermediate tenure) within the proposed 9. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. Subject to this, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources. The proposed development is outline. As such, the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1.

Suitable mitigation and appropriate siting of the development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of the NPPF. Data obtained from the FRA also places the site at low risk of flooding from other sources. In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

United Utilities have also raised no objections, subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Open Space

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', in development of 7 residential units and above, there is a requirement for the provision of public open space. The proposed layout shows that there would be a central core of open space delivered within the site. The agent has confirmed that any on site open space and facilities would be delivered by the developer and maintained by a management company in perpetuity.

When the previous application for 31 units was considered, the Council's Greenspaces Officer stated that there would be a deficiency in both Amenity Greenspace (open space) and Children's and Young Persons provision (play equipment) if 31 units were to be provided. On this basis, the minimum area of open space and financial contributions towards future maintenance were recommended. However, owing to the significant

reduction in the number of units, the Greenspaces Officer has been asked to revisit the calculations. A further update on this matter will be provided to Members prior to the meeting.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters. However, the proposed layout enjoys adequate separation with the nearest neighbouring properties and demonstrates that up to 9 units could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

Other Considerations

The Strategic Highways Manager is seeking a financial contribution of £7,250 towards the costs of upgrading local bus services. However, it is not considered that the proposed development of up to 9 units would place undue burden on the existing bus stops and would not be necessary or reasonable to make this proposed development acceptable in planning terms. Consequently, such requests would not meet the tests of Circular 06/2005 and subsequent CIL regulations.

Conclusions

The site is largely previously developed and lies wholly within the infill boundary line of the 'Lawton Gate' settlement where there is a presumption in favour of limited sustainable development. The site is considered to be sustainable in terms of the small scale nature of the development proposed and the scheme is considered to amount to limited development having regard to the characteristics of the site and the relative size of the development to the existing Lawton Gate settlement. The principle of 9 units is therefore found to be acceptable.

Subject to securing an appropriate design at the reserved matters stage, the proposals would not undermine the character and appearance of the area or the openness of the surrounding Green Belt. The favourable conservation status of the bat species identified would be maintained and would not impact detrimentally on other species protected by law. As amended, the proposal would not impact detrimentally on highways, and there would be no material harm to neighbouring residential amenity, drainage or flooding.

With respect to public open space, some on-site provision may be required, but the exact requirements suitable to this development will be determined and updated to Members by way of a written update. The applicant has demonstrated general compliance with

national and local guidance in a range of areas and the application is therefore recommended for approval.

9. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved plans including amended plans and access detail**
- 4. Contaminated land Phase II investigation to be submitted**
- 5. 30% Affordable Housing - Delivery of 3 affordable units (2 social / affordable rent and 1 for intermediate tenure).**
- 6. Scheme to deliver on site Public Open Space and managed by a management company with details of future maintenance responsibilities**
- 7. Hours of construction**
- 8. Details of pile driving operations**
- 9. Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD**
- 10. Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD**
- 11. Scheme to limit surface water runoff**
- 12. Submission of scheme to manage the risk of flooding from overland flow**
- 13. Sustainable Urban Drainage System**
- 14. Only foul drainage to be connected to sewer**
- 15. Retention of important trees**
- 16. Updated Protected species survey to be submitted with any subsequent Reserved Matters applications**
- 17. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 18. Scheme for incorporation of features into the detailed scheme for use by breeding birds**
- 19. Archaeological developer-funded watching brief to be carried out**
- 20. Environmental management plan including scheme for dust control to be submitted**
- 21. Submission of scheme to upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres**
- 22. Submission of streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach**
- 23. Levels to be submitted with Reserved matters**
- 24. Scale of dwellings to be limited to 2 storey dormer properties.**

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Application No: 13/2187C

Location: Land adjacent 5, MIDDLEWICH ROAD, CRANAGE, CHESHIRE, CW4 8HG

Proposal: Extension to time limit for implementation of application 11/0748C - Reserved Matters application for 10 dwellings

Applicant: Cranage Parish Council

Expiry Date: 28-Aug-2013

SUMMARY RECOMMENDATION

Approve.

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

1. REFERAL

This application is included on the agenda of the Southern Planning Committee as the proposal involves extending the time limit on a scheme which comprises of more than 10 dwellings and is therefore a small-scale major development.

2. PREVIOUS MEETING

At the last meeting of 24th July 2012, Members resolved to defer this application pending the receipt of further information. Members sought clarification about the existing housing figures/need in the area through the submission of a Housing Market Needs Assessment. In response to this, the agent has submitted a supplemental statement assessing the current level of need for affordable housing in this area based on the Council's own evidence base.

This confirms that the Strategic Housing Market Assessment 2010 (SHMA) shows a significant need for affordable housing in the Holmes Chapel Rural sub-area over the 2009/10 – 2013/14 period. The SHMA took into account the turnover of affordable housing at that time and therefore the provision of shared ownership properties in the area (Needham Drive) was taken into account when arriving at the latest published affordable housing requirements for the Holmes Chapel Rural sub-area.

As previously reported to members, the SHMA states that there is a need for 40 net units over the 2009/10 – 2013/14 period. There are currently 9 applicants on Cheshire Homechoice who have selected Cranage as their first choice. The Council's Housing Manager has confirmed that Plus Dane is the Housing Association with the most rented stock in Cranage. However,

this only equates to 10 dwellings. Last year, none of these became vacant which indicates that the existing provision is not relieving the demand.

To date, only 23 affordable dwellings have been delivered in the Holmes Chapel Rural sub-area for the current period. This is made up of the Big Stone House and Twemlow developments. The Twemlow development is still being constructed and therefore 13 of the units are unlikely to be completed / available until the end of 2013. Taking this into account, there remains a need for 17 net affordable units until 2014.

This proposal would quench some of this need by delivering 10 units. However, the council's own evidence confirms that there would still be a need for 7 units by the end of next year (2014). Thus, as it currently stands, there is a failure to deliver these units if the present rate of delivery continues and sites such as this are not carried forward. As such, Members are recommended to approve the application in line with the original resolution included in the report below.

The agent has also forwarded copies of minutes from a meeting held by Cranage Parish Council where it was resolved and authorised that this application be submitted to Cheshire East Council. However, this is not material to the determination of this application.

1. DESCRIPTION OF SITE

This application relates to a 0.5 hectare parcel of land located at the junction of Middlewich Road and Knutsford Road in Cranage. The site lies entirely within the Open Countryside and is in the freehold ownership of Cranage Parish Council.

This is a rural site currently used for grazing and is highly prominent within the surrounding area. The site is bound to the west by residential properties, to the north and south by Open Countryside, and to the east by Knutsford Road followed by several residential properties.

The site is currently accessed from an agricultural access off Middlewich Road and the boundaries consist of traditional Cheshire railings and substantial trees and hedges.

2. DETAILS OF PROPOSAL

This application seeks permission to extend the time limit attached to outline approval 07/0662/OUT, which was subsequently kept alive by the later approval of the reserved matters referenced 11/0748C. This granted approval for the erection of 10 affordable dwellings.

3. RELEVANT HISTORY

(07/0662/OUT) - Approved 16.10.2007 - Outline application for ten dwelling houses

(10/4189C)

Withdrawn 04.01.2011

Reserved Matters Application for Approved
Application 07/0662/OUT - Ten Dwelling
Houses

(11/0748C)

Approved 06.06.2011

Reserved Matters Application for Approved
Application 07/0662/OUT - Ten Dwelling
Houses

4. POLICIES

Local Plan Policy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Developments of More than 10 Dwellings

GR4 Landscaping

GR6&7 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR10 Managing Travel Needs

GR16 Footpath, Bridleway , and Cycle Networks

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H14 Affordable and Low Cost Housing

NR1 Trees & Woodland

NR2 Wildlife & Nature Conservation

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in New Residential Developments

SPD4 Sustainable Development

SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

National Planning Policy Framework

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

DCLG (Oct 2010) Greater flexibility for planning permissions

5. CONSULTATIONS

Cranage Parish Council:

No comments received

Strategic Highways Manager:

No objection

Environmental Protection:

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

United Utilities:

No objection

Jodrell Bank:

No objection

Public Rights of Way (PROW):

No objection subject to an informative

Other Representations:

Letters have been received from 16 addresses objecting to this proposal on the following grounds:

- This is a Greenfield site
- The Public Bridleway along the edge of the field needs to remain a wide rural bridleway
- Local Residents have already voted to keep this as grazing land
- The Parish Council have already voted not to sell this land off
- There is already affordable housing across the road (Big Stone Gardens), some of which had to be sold off outside the area as demand was too low
- There is no further need for affordable housing in Cranage
- latest SHMA report shows only a need for 7 affordable houses
- There is an excess of affordable units taking into account other permissions which have been granted since the original outline application was considered
- The application is now out of time
- A new housing needs survey should be carried out
- The site is unsustainable – there are no amenities or services nearby
- Highways Safety – coupled with Big Stone House, the A50 is very dangerous. There have been numerous accidents
- The site is not infill and is therefore Green Belt
- The Parish Council were not aware of the submission of this application even though they are the applicant
- The land belongs to the people of Cranage
- This project is a waste of the Parish Council's money
- There is a S106 Legal Agreement with a cascade system including a local connection criteria
- PPS3 advises that land for housing should only be released next to existing settlements
- No reasons have been given for extending the time limit
- Development usually only require 30-35% affordable housing. This application will saturate the area
- The drainage, water and electricity supply in the area is poor
- The application is not within the spirit of the concessions to extend time limits.

6. OFFICER APPRAISAL

SCOPE OF THIS APPLICATION

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The application remains unchanged from the previous schemes that were approved under the outline consent and the detail agreed at the reserved matters stage. Since then, the National Planning Policy Framework has been introduced, but does not make any significant changes to the original policy position with respect to rural exception sites for affordable housing such as this one.

With respect to local policy, whilst there has been a change in position in terms of housing land supply, with the recent update to the Strategic Housing Land Availability Assessment (2013) and the Cheshire East Draft Strategy, this would not preclude this site from being brought forward because it is a scheme for 100% affordable housing (i.e. a rural exception). In this regard, there has been no material change.

A number of objectors consider that there is no proven need for additional affordable units in the area as they feel that the need has already been met by developments such as Big Stone Gardens across the Road and the Sanofi Aventis site in Holmes Chapel. There has been a change in the level of provision since the original application was considered. However, the Council's Housing Section has confirmed that there is still a need.

The Strategic Housing Market Assessment 2010 (SHMA) identified a requirement for 40 affordable homes between 2009/10 – 2013/14 in the Holmes Chapel Rural sub-area. This sub-area includes Cranage, Goostrey, Twemlow and Swettenham. There are currently 9 applicants on Cheshire Homechoice who have selected Cranage as their first choice. Four of these require 3 bed properties, three require 2 bed properties and two haven't said how many bedrooms they need. In addition, when the last housing needs survey (which incorporated Cranage) was carried out; it identified 27 newly forming households who required affordable housing.

In terms of delivery, 10 affordable dwellings were delivered at Big Stone House, Cranage in 2010/11 and the development of 13 affordable dwellings at Twemlow Lane, Twemlow has now commenced. The likely prospect is that only 23 affordable dwellings have been delivered in the Holmes Chapel Rural sub-area. As such, there is still a shortfall that needs to be met

and therefore still a need for the proposed units. Thus, whilst there has been a slight change in the delivery, this has not been enough to address the need and as such, there has been no 'significant' material change in circumstances that would warrant an objection to the proposal.

Other Issues Raised by Representation

Many of the comments raised by objectors refer to the acceptability of the development. However, the principle of the development has already been established and issues relating to access, highway safety, the sustainability of the site, drainage and local infrastructure have already been considered and deemed acceptable.

With respect to the survey that Cranage Parish Council conducted to gather local resident's opinions about the sale of the land and whether the site should be developed or not, this is not a material planning consideration.

Reference has also been made to the fact that the original outline application has expired. The application for reserved matters was lodged within the required 3 year time limit. The time limit then stated that the reserved matters had to be commenced within 2 years of the reserved matters being approved. This application to extend the time limit was lodged before the expiration of the 2 year time limit to commence (before 3rd June 2013). As such, this application is valid and is in accordance with guidance (para 21 of DCLG 'Greater flexibility for planning permissions').

Conditions

Condition numbers 4 and 5 required submission of legal agreements prior to development commencing to secure the affordable housing and to protect the Council against Part 1 claims under the Highways Act 1980. However, a S106 agreement has not been submitted for the affordable housing as development has not commenced. This can be secured by way of a condition and as such will be amended accordingly. The legal agreements relating to Part 1 Claims are not a material planning consideration and therefore this condition should be deleted. This is covered under separate highways legislation.

7. CONCLUSIONS

It is concluded that there are no 'significant' material changes since applications 07/0662/OUT and 11/0748C were permitted that would warrant a refusal to extend the time limit on the original permission. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the conditions that were applied, except where amendment is required to account for the later approval of the reserved matters.

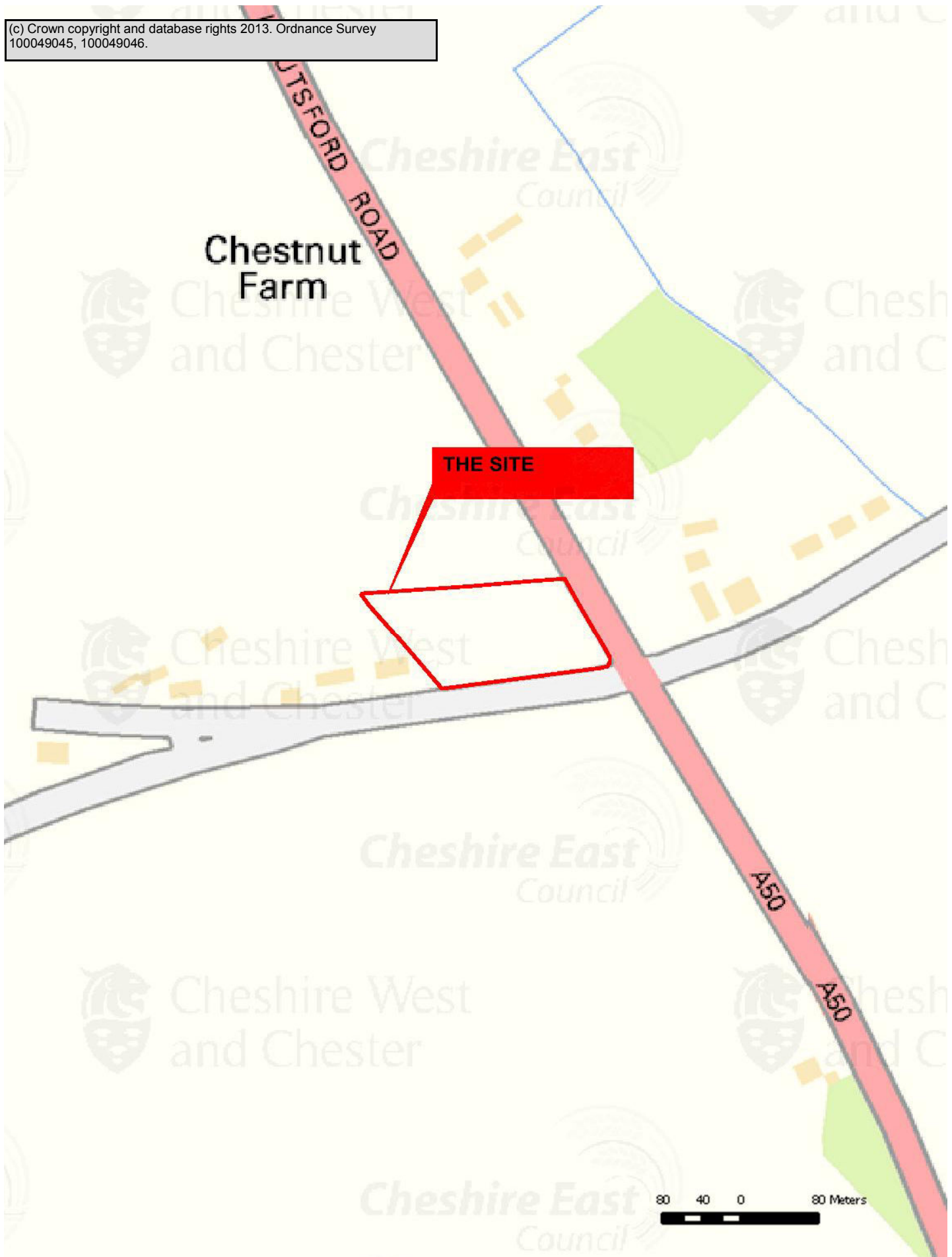
8. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Reserved Matters to be submitted or in accordance with reserved matters 11/0748C**
- 2. Reserved Matters to be submitted within 3 years or in accordance with reserved matters 11/0748C**

3. Commencement of development within 3 years of this permission or 2 years following approval of last of reserved matters
4. Housing to be 100% affordable in perpetuity
5. Compliance with parking standard agreed at Reserved Matters stage
6. Prior to first use, visibility splays to be provided at the access
7. Landscaping to be implemented in the first planting season following occupation or completion
8. Details of boundary treatment to be submitted
9. Contaminated Land Assessment to be submitted
10. Submission of scheme to protect dwellings from traffic noise
11. Hours of construction restricted
12. Submission of an Air Quality Assessment
13. Hours of piling restricted
14. Submission of details of anti-radio interference materials
15. Submission of details of foul and surface water drainage
16. Submission of details of external materials and finishes
17. Dwelling to be set-out and finished floor levels
18. Removal of Permitted Development Rights for Classes A-E (extensions, alterations and outbuildings)
19. Removal of Permitted Development Rights for gates, walls and fences

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Application No: 13/2322N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET,
CREWE, CW1 2NU

Proposal: Residential Development

Applicant: Renew Land Developments Ltd

Expiry Date: 02-Sep-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Education
Design and the Built Environment
Amenity
Contaminated Land
Noise
Air Quality
Drainage/Flood Risk
Highways
Pedestrian and Cycle Provision
Open Space
Trees and Landscaping
Ecology

REFERRAL

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

1. SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures approximately 1.52 hectares being roughly rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is a former school premises but is currently vacant and in the process of being demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

1. DETAILS OF PROPOSAL

The application seeks outline planning consent for residential development. Approval is sought for the principle of development and the site access with matters of appearance, landscaping layout and scale reserved for a subsequent application.

However, according to the Design and Access Statement, it is envisaged that the proposal would provide for circa 84 dwellings with a mix of traditional mews, semi's and detached market housing and a block of apartments to address affordable housing needs. The proposed density across the site is 55 dwellings per hectare.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning decisions.

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

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

Housing Policies

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

Transport Policies

- TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTÉES

United Utilities

- No comments received at the time of report preparation

Greenspaces

- In respect to this application, Greenspaces would like to see a contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. Greenspaces have been in dialogue with Wulvern Housing about the improvement of this area recently.

Highways

- This is an outline application with an indicative layout submitted, the site is a former school but has been demolished.
- There is only one main access to the site from Badger Avenue, the visibility splays have been indicated as 2.4m x 56m although to achieve the splays a number of trees will need to be removed.
- The indicative layout serves circa 84 units with most of the parking being provided in private parking courts, I would be seeking 200% parking for the development.
- Whilst, the former use of the site is school and will have traffic associated with it, this proposal does not produce a severe impact on the local highway network.
- Therefore, there are no highway objections to the development and the access as proposed.

Environment Agency

No objection subject to the following conditions.

- Submission of a surface water regulation scheme,
- Submission of a scheme to manage the risk of flooding from overland flow
- Submission of infiltration tests
- For discharges of surface water to mains sewer above the allowable rate, submission of attenuation for up to the 1% annual probability event, including allowances for climate change.
- Submission of details of Sustainable Urban Drainage System (SuDS)

Education

- A development of 87 dwellings will generate 12 primary aged pupils and 9 secondary aged pupils.
- Given that the local primary schools are forecast to be cumulatively oversubscribed then a contribution of $16 \times 11919 \times 0.91 = £173,541$ will be required.

Environmental Health

- Request the following conditions:
 - o Submission, approval and implementation of travel plan
 - o Submission, approval and implementation of scheme to minimise dust emissions arising from demolition / construction activities
 - o Submission, approval and implementation of details of bin storage
 - o Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
 - o Submission, approval and implementation of piling method statement
 - o Hours of construction shall be restricted to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
 - o Submission, approval and implementation of details of external lighting
 - o Submission, approval and implementation of an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development.
 - o Submission, approval and implementation of an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
 - o Should the updated Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried
 - o Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted. The remedial scheme in the approved Remediation Statement shall then be carried out.
 - o Should remediation be required, a Site Completion Report shall be submitted

Rights of Way

- The Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.
- The application document states that a new Public Right of Way is to be created within this proposed development; clarification is required on this point.
- There is an aspiration, in line with the policies of the Council's statutory Rights of Way Improvement Plan, to improve pedestrian and cyclist access from the Leighton Greenway in the northwest part of Crewe (which leads towards Leighton Hospital, a major employment site) to the town centre. This development site offers an opportunity to do that, whilst increasing the site's connectivity, and thereby travel options for prospective residents. The developer should be tasked to assess and improve this provision, encompassing that within the site, and any adjacent road crossings.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- The Town Council expresses concern at the lack of green spaces; the apparent difficulty in accessing parking; the pressure that will be created on schools in the area; the high density and lack of variety of offer for affordable housing. The Council also notes the large number of vacant apartments in the area already. However the Council wishes to support the utilisation of Brownfield developments in principle.

6. OTHER REPRESENTATIONS

Sustrans

1. Sustrans have been looking at ways to extend the Leighton Greenway from its current end position at Badger Avenue/Broad Street into the town centre. Broad Street, although a 20mph road, is unpleasant to cycle up due to the parked vehicles.
1. The Ludford site offers the possibility of an alternative, quieter route via Newdigate Street as on the attached plans. This will require the following type of measure:
 - a. A diagonal crossing of Badger Avenue/Broad Street junction
 - b. A foot/cycle track on the south side of Badger Avenue
 - c. Access, N-S, through the site into Newdigate Street
 - d. A refuge crossing of West Street using the wide hatched area
 - e. Two-way use of road past Asda to Victoria Street
 - f. This scheme could provide a part of this route with a suitable design
2. The design of any smaller properties should include storage areas for residents' buggies/bikes.
3. Would like to see travel planning set up for the site with targets and monitoring.

Local Residents

A number of representations have been received from local residents, raising the following points:

Sustrans Proposal for Cycleway

- Object to Sustrans proposal to extend Leighton Greenway through the site
- Newdigate Street should remain a cul-de-sac
- Newdigate Street is very narrow and has double parking
- It is currently safe for children
- There is already traffic calming in place
- Proposal does not make any sense from cost or safety point of view
- There is already a nearby cycle route into the town
- Would increase vandalism
- Would increase risk to safety at the junction with Meredith Street
- Increased hazard around entrance to the Nursery at Vere Street
- Street is noisy without more people using it.
- Would become an escape route for criminals and vandals

Design

- Proposed design are banal, uninspired and commonplace
- Does not comply with draft local plan 4 – Vision “ arrange of attractive and high quality housing choices, distinctive architectural styles reflecting the town heritage
- Should be houses with Art Deco elements similar to those throughout the town – round hall windows, windows on landings, fanlights, blue or green roof tiles.

7. APPLICANT'S SUPPORTING INFORMATION:

- Tree Survey
- Bat report
- Travel Plan
- Housing Statement
- Planning Statement
- Contaminated Land Report
- Travel Statement
- Flood Risk Assessment
- Design and Access Statement.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also go 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.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) 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 Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of a need for 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 units.

There are currently 3074 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds and 9 x 5 beds (159 applicants haven't specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 25 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (16 units) and 35% intermediate tenure (9 units), the affordable housing should be provided on site.

According to the Planning Statement the applicant is offering 30% affordable housing at this site with a tenure split of 65% rented and 35% intermediate which is in line with the IPS. However, Housing Officers object to the following: -

- All the affordable units being in one location on the site and not pepper-potted. This does not support the requirement for pepper-potting in the IPS and does not support the principle of creating mixed and balanced communities.
- All the affordable properties being flats while all the market properties are houses. There is a need for affordable housing in Crewe that includes both houses and flats.

It is therefore recommended that the Section 106 Agreement includes an appropriate mix of houses and flats.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units. All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). This can also be secured through the Section 106 Agreement.

In addition the agreement should require

- transfer any rented affordable units to a Registered Provider
- provision of details of when the affordable housing is to be delivered
- the 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 should match the Councils allocations policy.
- an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site.

Education

The education officer has commented that a development of 87 dwellings will generate 16 primary aged pupils and 9 secondary aged pupils. Given that the local primary schools are

forecast to be cumulatively oversubscribed then a contribution of $16 \times 11919 \times 0.91 = \text{£}173,541$ will be required. This can be secured through the Section 106 Agreement.

Design and the Built Environment

Although Design and Layout are reserved matters, an indicative layout has been provided which involves the siting of an apartment block at the junction of Badger Avenue and Ludford Street and groups of Mews properties to either side, which would create an active frontage to both streets, particularly given that both these frontages include windows and doors opening onto the street. Inside the site, a mixture of mews, detached and semi-detached are shown fronting onto the proposed access road running, in a north to south direction through the middle of the site, from the proposed access from Badger Avenue as well as in a cul-de-sac / courtyard to the western side. Parking and amenity areas would be predominantly hidden behind the buildings in private parking courts, thus avoiding a car dominated frontage. The site layout would also respect the existing building lines on both Avenue and Ludford Street, which will assist it in blending into the existing urban fabric. Small front garden areas are proposed between the building and the highway boundary which will create elements of “defensible space” in front of the dwellings. This is all considered to be positive in urban design terms.

The surrounding development comprises predominantly traditional, two storey terraced properties, of brick and tile construction. Indicative elevations have been provided which show that the proposed dwellings are also a traditional pitched roof design finished in red brick with artificial stone window cills and lintels, which along with half-timbered gable features add interest to the elevations. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity.

The apartment building height is three stories, but it's location at junction of the two roads creates a focal point in this prominent location which is considered to be a positive feature. Furthermore, there is an existing modern three storey apartment block on the opposite corner, and therefore, it will not appear out of place within it's context.

Overall it is considered that the indicative plans show that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Amenity

The indicative layout also demonstrates that an adequate standard of amenity can be maintained for the occupants of adjoining properties.

The gable elevation of the proposed dwelling at the southern end of the Ludford Street frontage will adjoin the gables of the neighbouring dwelling (110 Ludford Street) which contains only secondary windows, and will not project beyond its existing front and rear elevations. Therefore no amenity issues are raised in respect of this property.

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and therefore, no overshadowing issues are raised. A distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. The gable elevation of the proposed dwelling at the western end of the Badger Avenue would face towards the principal windows in the side elevation of the adjacent accommodation known as Cyprus Court. However, the two elevations would not be directly opposing and the recommended minimum distance of 13m could be achieved between them.

The front elevation of the proposed building will be sited 11m from the front elevations of the existing apartments on the opposite corner of Ludford Street. Whilst, the proposal will not comply with the recommended standard, it is accepted that separation distances between the front elevations of properties in traditional, tightly knit, terraced streets such as Ludford Street, are lower than those which would be expected in modern suburban housing estates and the separation distances in this case would be equivalent to that between the existing properties on opposite sides of those streets. Furthermore, the apartment building could be designed in such a way that there were no principal windows in the elevation facing towards Ludford Street. There are no existing dwellings on Badger Avenue, opposite the site, due to the presence of the cemetery.

The majority of the proposed dwellings shown on the southern boundary of the site will overlook the existing school playing fields and therefore do not raise any amenity concerns. The only adjoining dwelling on the southern boundary is no 109 Newdigate Street, the gable end of which adjoins the site. However, the indicative layout shows a parking court adjacent to the boundary with this dwelling and therefore, the required minimum separation distances can be achieved.

Turning to the standard of amenity within the site, the indicative layout demonstrates that the required minimum separation distances can be achieved between all of the plots within the site with the exception of between the front elevations of plots 40 and 41 and the front of plot 21. However, this could be resolved at reserved matters or Plot 21 could be designed so that the principal windows are positioned in the other elevations. The requirement for minimum garden area of 50sqm could be achieved in all cases.

Therefore, whilst it is acknowledged that it is only indicative, it is considered that the submitted layout demonstrates that the proposal can provide for an adequate standard of amenity and it is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Contaminated Land

The Environmental Health Officer has considered the application and commented that the application was formerly a school, and as such there is the potential for areas of localised contamination to be present. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted a contaminated land report in support of the planning application. This report has addressed the environmental and historical information for the site. However a site walkover has not been mentioned within the report. In pre-application

advice given to the consultant, we advised that prior to demolition of the building, a site walkover should be undertaken in order to identify any possible areas of localised contamination (such as heating oil tanks etc.).

The report should be updated with information from a site walkover, if this has not been undertaken then research should be carried out to ascertain whether any areas of potential contamination exist, associated with the site's use as a school.

An updated Preliminary Risk Assessment for the site is required, taking into account the above comments. A Conceptual Model for the site should also be presented within the updated report. This can be secured by condition.

Noise

There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from road traffic and noise from the primary school located to the south of the site.

In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant should submit an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development. Any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. This can also be secured by condition.

Air Quality

As originally submitted, it was considered that insufficient information had been supplied relating to local air quality in order to assess adequately the impact of the proposed development. In the absence of this information, was not been possible to demonstrate that the proposal would comply with relevant planning policies. It was considered that the applicant should address this issue and provide this information.

An air quality assessment has since been submitted and indicates that there will be small increases in the area surrounding the proposed development. There are 2 Air Quality Management Areas nearby in Crewe and it is possible that there could be some very small impacts in these locations although they were not considered in this assessment. Given the small increases in pollutant concentrations it is considered that some low impact mitigation should be included with planning approval to safeguard future air quality against cumulative impacts of subsequent planning proposal impacts. There are also potential impacts from construction dust.

Environmental Health Officers have therefore recommended conditions requiring the submission, approval and implementation of a travel plan and measures to control and minimise dust emissions during construction.

Drainage/Flood Risk

Whilst comments are awaited from United Utilities, the Environment Agency 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.

Highways

Although the application is submitted in outline, approval is sought for access at this stage. A single point of access to the site is proposed from Badger Avenue, midway along the frontage. The Strategic Highways Manager has examined the application and commented that adequate visibility splays can be achieved. He has therefore raised no objection with regard to the safety of the access.

Furthermore, having taken into account the traffic generation associated with the use of the site for the school, he has concluded that there would be no net adverse impact on the surrounding highway network and junctions in terms of congestion and traffic generation.

The internal layout is reserved for a subsequent application. However, the Strategic Highways Manager has commented that the indicative layout serves circa 84 units with most of the parking being provided in private parking courts, and that he would be seeking 200% parking for the development. This can be secured by condition and through the reserved matters application.

Therefore, there are no highway objections to the development and the access as proposed and it is concluded that the proposal complies with Policy BE3 (Access) of the Local Plan.

Pedestrian and Cycle Provision

The Council's Rights of Way Officer and Sustrans have indicated that they would like to see a pedestrian and cycle link created through the site to Newdigate Street. There is considerable local objection to this proposal.

Whilst approval is sought for the means of access at the outline stage, the application refers only to one main vehicular, pedestrians and cycle access from Badger Avenue. The applicant has confirmed that it is not their intention to provide a cycle and pedestrian route to Newdigate Street. Nevertheless, layout is a reserved matter and the indicative layout does show the potential for this link to be achieved.

It is normally considered to be desirable and good practice to provide and improve pedestrian and cycle connectivity through development sites to encourage the use of sustainable modes of travel by providing more direct routes to destinations such as the town centre. However, in this case, there are good quality alternative cycle and pedestrian links to the town centre. Given the small size of the site, it is not considered that the failure to provide a through-route would result in residents of the site being discouraged from walking or cycling to the town centre as a result of the need to travel out via the Badger Avenue access and around the site via Ludford Street and Meredith Street.

Therefore, if Members share the concerns of local residents, it is open to them to impose a condition to prevent the provision of a pedestrian and cycle link from the site to Newdigate Street. Alternatively, if they share the view of Sustrans and the Rights of Way Officer, a condition could be imposed requiring the provision of the link.

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.

According to the design and access statement the site is likely to accommodate 84 dwellings, which would equate to an open space requirement of £1260 sqm of shared open space and 1680 sqm making a total of 2940sqm. No public open space is shown on the indicative site layout and it would not be possible to provide this level of POS whilst accommodating the number of dwellings proposed.

However, the Council's Greenspaces Officer has been consulted and has commented that in this case he would be willing to accept a financial contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. On this basis, it is considered that the scheme would comply with the requirements of Policy RT3.

Trees and Landscaping

The site comprises buildings, significant areas of hard standing and some areas of soft landscaping. There are trees around the periphery of the site, and trees off site which overhang the boundaries.

As an outline application with all matters reserved except access, limited weight can be attached to the submitted layout. Nonetheless, the Landscape Officer has considered the application and is of the opinion that the site has the capacity to accommodate residential development, provided the layout is sensitively designed, respects any existing trees worthy of retention and is sympathetic to adjoining development. The Badger Avenue and Ludford Street frontages will need to be carefully detailed to provide an appropriate and high quality streetscape. It is noted that the site plan show the existing boundary dwarf wall and railings retained. These features and the adjacent landscaped area would require remedial works if to be retained in a new setting. However, all of these issues can be addressed at the reserved matters stage.

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 commented that the building subject to this application is now in the process of being demolished.

Whilst evidence of bat activity had been recorded previously further bat surveys were undertaken which indicated that bats were simply flying around the building and that there was no evidence that the building currently supported a roost. Therefore roosting bats do not present a constraint on the proposed development.

If planning consent is granted, however, he recommends that conditions be attached to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development.

8. CONCLUSIONS

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 vacant brownfield site which would be brought back into beneficial use. The proposal would also provide c.84 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.

There would be no adverse impact on residential amenity, highway safety, drainage and flood risk, ecology or trees and landscaping. Although design and layout are reserved matters, it is considered that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Subject to appropriate Section 106 contributions, open space and education requirements can be addressed in respect of this development. Environmental Health matters of noise, air quality and contaminated land can be addressed through appropriate conditions.

With regard to pedestrian and cycle access, if Members share the concerns of local residents, it is open to them to impose a condition to prevent the provision of a pedestrian and cycle link from the site to Newdigate Street. Alternatively, if they share the view of Sustrans and the Rights of Way Officer, that the application presents an opportunity to improve connectivity and sustainability a condition could be imposed requiring the provision of the link.

Therefore the recommendation is one of Approve subject to the completion of a section 106 agreement and suitable conditions.

9. RECOMMENDATION

APPROVE subject to completion of a Section 106 agreement to secure

- **£30,000 for improving the existing children's play area and footpath off Cranborne Road, off Middlewich Street, Crewe**
- **£130,155 towards primary education provision.**
- **30% of the total dwellings on site should be provided as affordable, split on the basis of 65% social or affordable rent and 35% intermediate tenure**
- **an affordable housing scheme to be submitted at reserved matters stage that includes:**
 - **full details of the affordable housing on site**
 - **Pepper-potting of affordable units**
 - **Mix of houses and flats**
 - **details of when the affordable housing is to be delivered – To be no later than occupation of 50% of the open market units.**
- **transfer any rented affordable units to a Registered Provider**

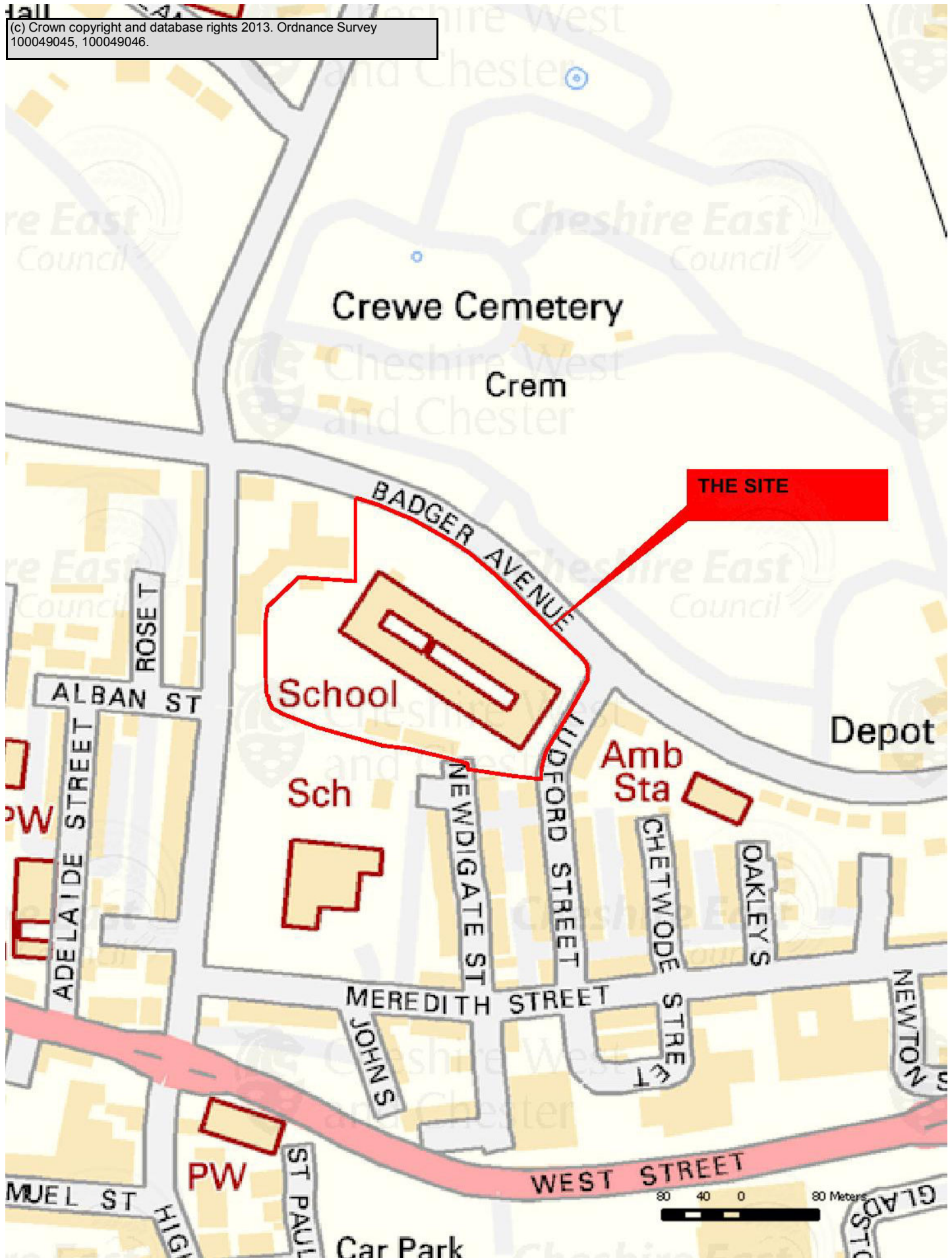
- the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

And the following conditions:

1. Standard outline timescale
2. Standard outline
3. Approved plans
4. Construction of Access
5. Provision of 200% parking
6. Submission of a surface water regulation scheme,
7. Submission of a scheme to manage the risk of flooding from overland flow
8. Submission of infiltration tests
9. For discharges of surface water to mains sewer above the allowable rate, submission of attenuation for up to the 1% annual probability event, including allowances for climate change.
10. Submission of details of Sustainable Urban Drainage System (SuDS)
11. Submission, approval and implementation of travel plan
12. Submission, approval and implementation of scheme to minimise dust emissions arising from demolition / construction activities
13. Submission, approval and implementation of details of bin storage
14. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
15. Submission, approval and implementation of piling method statement
16. Hours of construction shall be restricted to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
17. Submission, approval and implementation of details of external lighting
18. Submission, approval and implementation of an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development.
19. Submission, approval and implementation of an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
20. Should the updated Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried
21. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted. The remedial scheme in the approved Remediation Statement shall then be carried out.
22. Should remediation be required, a Site Completion Report shall be submitted
23. Detailed breeding bird survey
24. Features for use by breeding birds and bats
25. Submission and approval of materials
26. Submission and approval of cycle parking within scheme

- 27. Submission and approval of boundary treatment**
- 28. Submission and approval of landscaping**
- 29. Implementation of landscaping**

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Application No: 13/2527N

Location: Land at Newtown, Newtown Road, Sound, Nantwich, Cheshire, CW5 8BX

Proposal: Variation of approved plans - condition 2 of Application 12/0267N

Applicant: Paul Bradbury

Expiry Date: 12-Aug-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

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

REASON FOR REFERRAL

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

'BE1 Loss of Amenity.

I consider Condition 15 was specifically set by the inspector at appeal in recognition of the need to protect the amenity of the adjacent properties; indeed the condition articulates "no extensions shall be constructed on the east and west side elevations of the dwelling".

Removal of this condition is contrary to the protection afforded by the inspector.'

DESCRIPTION OF SITE AND CONTEXT

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

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 (approved plans condition) from the planning permission 12/0267N. This condition reads as follows;

Condition 2

'The development hereby permitted shall be carried out in accordance with the following approved plans: Bir.3661_1 and First Floor, received by the Local Planning Authority 16 January 2012 and revised plans: Site Plan, Garage, Elevations 1, Elevations 2, Ground Floor, Truss Plan and Roof Plan received by the Local Planning Authority 15 March 2012.'

This application has been made in response to a recently refused planning application for a number of changes to the approved scheme (ref: 13/1087). As part of this refused application, the applicant sought the following changes to the approved scheme;

- Increase the depth of the approved property to the rear by 0.675 metres
- Add a single-storey extension to the western side elevation
- Increase the overall dimensions of the approved garage (depth by 0.6 metres and height by 0.377 metres)
- Move the overall siting of the dwelling to the east by 0.5 metres

This application again seeks approval for all of these proposals minus the siting of the dwelling. It therefore seeks

- Increase the depth of the approved property to the rear by 0.675 metres
- Add a single-storey extension to the western side elevation
- Increase the overall dimensions of the approved garage (depth by 0.6 metres and height by 0.377 metres)

It should be noted that at the time of submission, this application also referred to the variation / removal of Condition 15 (Removal of permitted development rights). This reference has now been amended and no variation or removal of this condition is now sought.

RELEVANT HISTORY

13/1097N - The erection of a detached property, double garage and associated access provision – Refused 7th May 2013.

12/0267N - Erection of Detached Property, Double Garage & Associated Access Provision – Approved at appeal 17th December 2012.

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

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

A re-submission (ref: 13/1097N) was refused by Cheshire East Southern Planning Committee on the 7th May 2013 which was for the following changes to the approved scheme;

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

This application was refused because the Committee considered that;

1. *The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would create an overbearing feature within the streetscene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the design advice within the NPPF.*
2. *The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would have an adverse impact upon the amenity and living conditions of neighbouring occupiers in particular Corner Cottage, contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and paragraph 17 of the NPPF.*

This refusal is currently under appeal.

POLICIES

Local Plan Policy

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

Other Considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH COUNCIL

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

'Loss of Amenity being the main reason and as recommended by the Appeal Judge when the application was considered at that stage.

The appeal judge that granted the planning permission realised this and specifically set the condition 15 precisely to stop any more encroachment on the two adjacent properties by saying "no extensions shall be constructed on the east and west side elevations of the dwelling.

This application is to build an extension on the west side and to increase the depth of the property thereby enlarging the mass of the wall on the east side. The size of the garage is also enlarged again.

The appeal judge also noted that "The proposal was amended during the course of the planning application to reduce the scale of the development closest to Corner Cottage and to remove single storey elements. Notwithstanding that the house would fill much of the plot width, some space would remain between the house and the site boundaries to reflect the character of the surrounding area and prevent the proposed dwelling from appearing overly-dominating in its plot.

The appeal judge was clearly protecting the surrounding area from an overly-dominating building in the plot and particularly the neighbouring properties from any extension to the property to the east and west. This application is contrary to this protection afforded by the judges decision.'

OTHER REPRESENTATIONS

8 letters of neighbouring objection have been received to this proposal. The main material issues raised include;

- Loss of amenity
- Design – Impact upon streetscene
- Contrary to the inspectors decision
- Application similar to previously refused permission
- Principle of development

The applicant has submitted a response to these concerns.

APPLICANT'S SUPPORTING INFORMATION

Covering letter
Design and Access Statement
Tree Report
Ecology report
Response to letters of objection

OFFICER APPRAISAL

Principle of Development

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

Amenity

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

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

In terms of the additional impact upon Corner Cottage, one of the proposed changes could potentially impact upon this neighbour. This is the minor two-storey rear extension.

The proposed 0.675 metre increase in depth of the dwelling to the rear of the property would be positioned approximately 9.1 metres away from the southeast of this proposed change.

The closest impacted room on Corner Cottage by this development is a conservatory. It was considered as part of the original officer assessment that there was sufficient distance between the conservatory and the proposed dwelling to ensure that the development would not be overbearing for this neighbour. It is not considered that this additional 0.675 metres would change this conclusion. Also, as part of the original officer assessment, it was concluded that the proposal would result in some loss of daylight to the conservatory towards the late afternoon/early evening, but, again, due to the siting, spacing and aspect, it was considered that this would not cause significant harm. Due to the minor nature of this proposed extension, it is not considered any significant additional loss of light would be created.

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

In terms of the additional impact upon Pritch House, given that the closest aspect of the proposed development would be over 30 metres away from the closest aspect of this neighbouring property, it is not considered that there would be any additional impact created on the amenities of this neighbour by the proposed changes.

The proposal includes the creation of a single-storey side extension on the western elevation that would extend approximately 3 metres to the west. This would be approximately 16.5 metres away from Pritch House. Given this large separation distance and because the development would be single-storey, it is not considered that this addition would have a detrimental impact upon the amenities of the occupiers of Pritch House in terms of loss of privacy, loss of light or visual intrusion.

It is also considered that the marginal re-sizing of the garage (depth by 0.6 metres and height by 0.377 metres) would have no additional amenity impacts for the same reasons.

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

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

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

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

Design Standards

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

The proposed 0.7 metre deep, two-storey rear extension would be the same width and height as the approved dwelling and would be finished in materials to match the dwelling approved. As such, it is not considered that this proposed amendment would have a detrimental impact upon the overall design of the dwelling.

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

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

Trees

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

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

Ecology

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

Access and Parking

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

CONCLUSIONS

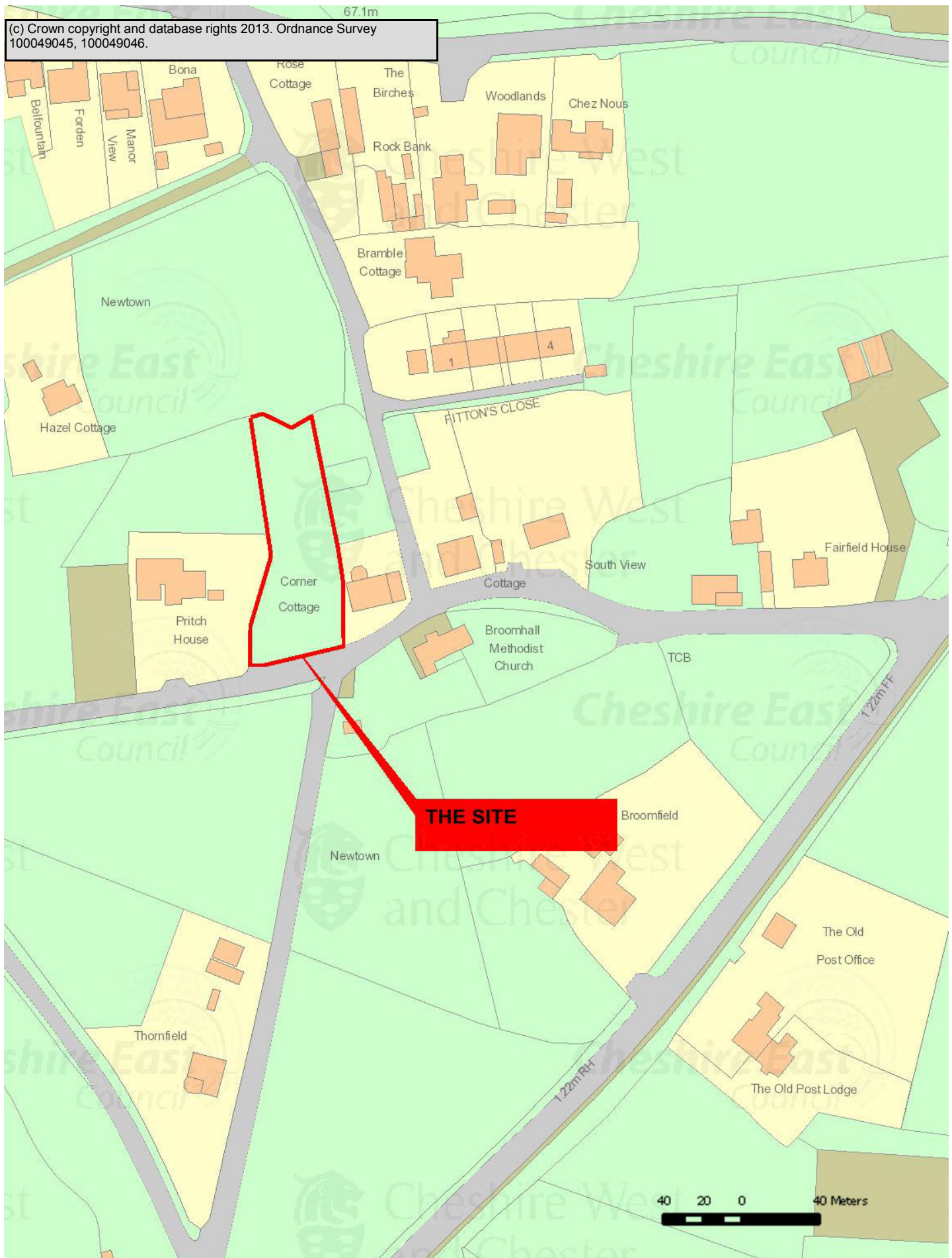
In conclusion, the proposed changes to the approved scheme are not considered to create any significant issues in relation to the Open Countryside, nature conservation, protected species, neighbouring amenity, design, access and parking, drainage or parking standards.

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

RECOMMENDATION

APPROVE subject to the following conditions

1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of hard or soft surfacing materials
5. Prior submission of landscaping scheme
6. Implementation of approved landscaping scheme
7. Prior submission of drainage
8. Prior submission of boundary treatment
9. Obscure glazing (x2)
10. Hours of construction
11. PD removal for extensions to the East and West elevations
12. Nesting birds
13. Implementation of tree protection plan
14. Any gate, bollard, chain or other means of obstruction across the approved access should be inset by 5.5 metres from public highway
15. Visibility splays of 2 metres by 25 metres to the east and 2 metres by 35 metres to the west of the proposed access onto Newtown Road shall be provided with no obstruction within the splay above 1 metre in height.



Application No: 13/2571N

Location: Orchard Barn, Newcastle Road, Blakelow, Cheshire, CW5 7ET

Proposal: New entrance road for the barn

Applicant: Mr & Mrs Paul Miller

Expiry Date: 14-Aug-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Design;
- Impact on Highway Safety;
- Impact on Residential Amenity; and
- Trees/Landscape

REFERRAL

The application has been referred to Southern Planning Committee as the applicant is a member of staff employed by the Council within the Planning Department.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a barn conversion (yet to be implemented), which is 2 storeys high constructed out of facing brick under a tile roof. The application site is located to the south of Newcastle Road. The barn known as 'Orchard Barn' is shaped like a letter 'U' and is located directly behind 272 Newcastle Road. Located to the east is another barn, which is part of the same complex and has already been converted. The application site is bounded by open fields and trees to the south and west of the application and Newcastle Road to the north. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for a new access road and entrance to Orchard Barn, Newcastle Road, Blakelow. The proposed access track and entrance will be located to the east of the applicants property and is located wholly within the applicants residential curtilage.

RELEVANT HISTORY

P04/0297 - Barn Conversion to Two Dwellings and 2 New Access Points – Approved – 11th June 2004
13/2596N – Detached Outbuilding – Yet to be Determined

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
NE.2 (Open Countryside)
TRAN.9 (Car Parking Standards)
RES.11 (Improvements and Alterations to Existing Dwellings)

CONSIDERATIONS (External to Planning)

Highways: No objections subject to the following informative

Prior to first development the developer will enter into and sign a Section 184 Agreement under the highways Act 1980 and provide a new vehicular crossing over the highway verge in accordance with Cheshire East Council specification.

Landscape: The site of the proposed development is situated in open countryside and outside the settlement boundary line as identified in the Crewe and Nantwich Local plan. Policy NE 2 applies. It appears that the driveway would be located on land currently in agricultural use therefore the application may need to reflect this proposed change of use to residential curtilage.

The proposed driveway would result in the removal of a section of established roadside hedgerow. Unless this is a replacement for an existing access to be closed up, the hedgerow would require assessment under the Hedgerow Regulations 1997. If found to be 'Important' under the Regulations, this would be a material consideration.

The drive would be in close proximity to a young Oak tree and a young Holly tree. Whilst these trees are shown on the submitted plan 13/0614 there is no supporting arboricultural information. In this respect the application does not accord with the guidelines contained within *British Standard 5837:2012 Trees in relation to design, demolition and construction* –

Recommendations and does not provide the level of detail required to adequately assess the impact of development on existing trees.

Whilst there are issues to be addressed, should the proposal be deemed acceptable, a boundary hedge along the eastern boundary would help to contain the development.

VIEWS OF THE PARISH / TOWN COUNCIL

Shavington Parish Council: No objections

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

No supporting information

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policy RES.11 (Improvements and Alterations to Dwellings), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically 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. (Para 64). It is considered that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is in accordance with advice stated within NPPF.

The proposed access track will be located off the existing track, which has been partially constructed. The proposed track will measure approximately 12m in length and an entrance will be formed by removing a section of hedgerow. The proposed access is set well back from the adjoining road, due to an existing grass verge. It is considered that if planning permission is to be approved for the proposed access track conditions relating to surfacing materials and

design of the gate will be attached to the decision notice. It is not considered that the proposal will form an alien or intrusive feature within the streetscene and the proposal complies with policy BE.2 (Design Standard).

The Landscape Officer notes that the proposed access track is located within the open countryside. However, according to planning reference P04/0297 the red edge for the whole barn conversion included this parcel of land, which is the subject of this application. Consequently, the proposed access track is located wholly within the applicants residential curtilage. As previously stated the proposal involves forming a new entrance on to Newcastle Road by removing a section of hedgerow. As the proposal is located wholly within the applicants residential curtilage a hedgerow assessment will not need to be conducted.

Impact on highway safety

Colleagues in Highways have been consulted and have no objection to the proposal subject to a condition relating to detailed drawings outlining the sites access arrangements and visibility splays and an informative to ensure that the proposal is carried out under a section 184 licence.

Impact on residential amenity

Given the scale of the proposal it is not considered that this alteration would raise any amenity concerns. It is considered that the proposal complies with policy BE.1 (Amenity) of the Crewe and Nantwich Local Plan 2011.

Trees/Landscape

Policy NE.5 (Nature Conservation and Habitats) clearly states that the LPA will protect, conserve and enhance the natural conservation resource. Proposals for development will only be permitted where natural resources such as trees etc. are, wherever possible, integrated into landscaping schemes on development sites. The proposed drive would be in close proximity to a young Oak tree and a young Holly tree. The applicant has not submitted any arboricultural information in support of their application and these details are awaited and Members will be updated once this information has been received.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and the street scene and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within the National Planning Policy Framework.

Approve subject to conditions:

- 1. Standard**
- 2. Plans**

- 3. Surfacing Materials**
- 4. Details of the Access Gate**
- 5. Landscaping along eastern boundary to be submitted**
- 6. Landscaping along eastern boundary to be implemented**

[illegible]

Application No: 13/2596N

Location: Orchard Barn, Newcastle Road, Blakelow, Cheshire, CW5 7ET

Proposal: New Detached Double Garage Block with Integrated Garden Store and Loft Storage Area.

Applicant: Mr & Mrs Paul Miller

Expiry Date: 14-Aug-2013

SUMMARY RECOMMENDATION:

APPROVE subject to the receipt of amended plans reducing the size of the garage and omitting the dormer windows.

In the event that the above are not received: REFUSE on the grounds of unacceptable design by reason of its mass, bulk and incorporation of domestic features.

MAIN ISSUES:

- Principle of development;
- Open Countryside and Residential Extensions
- Design;
- Amenity;
- Highways; and
- Landscaping

REFERRAL

The application has been referred to Southern Planning Committee as the applicant is a member of staff employed by the Council within the Planning Department.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a barn conversion (yet to be implemented), which is 2 storeys high constructed out of facing brick under a tile roof. The application site is located to the south of Newcastle Road. The barn known as 'Orchard Barn' is shaped like a letter 'U' and is located directly behind 272 Newcastle Road. Located to the east is another barn, which is part of the same complex and has already been converted. The application site is bounded by open fields and trees to the south and west of the application and Newcastle Road to the north. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for a detached outbuilding at Orchard Barn, Newcastle Road, Blakelow. The proposed outbuilding will be located towards the rear of Orchard Barn and wholly within the applicant's residential curtilage.

RELEVANT HISTORY

P04/0297 - Barn Conversion to Two Dwellings and 2 New Access Points – Approved – 11th June 2004

13/2571N - New entrance road for the barn – Yet to be Determined

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

TRAN.9 (Car Parking Standards)

RES.11 (Improvements and Alterations to Dwellings)

NE.2 (Open Countryside)

Other Material Considerations

SPD - Extensions and Householder Development

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Wybunbury: No objections subject to the materials used in the construction of the building matching the host dwelling

Shavington: No objections

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

No supporting information received

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies RES.11 (Improvements and Alterations to Dwellings), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

The SPD entitled 'Extensions and Householder Development' is another material planning consideration. This document builds upon guidance given above and advocates good quality design.

Open Countryside and Residential Extensions

Policy NE.2 seeks to restrict new development within the open countryside. Policy RES.11 reiterates the ethos of this policy by limiting the volume of extensions which will be permitted for existing dwellings within the open countryside. RES.11 requires that extensions within such areas should be 'subordinate' and defines subordinate as less than double the size of the original dwellinghouse.

Design

According to the submitted plans/application forms the proposed new garage/office/store will be constructed out of facing brick under a concrete tile roof, which will be conditioned, if planning permission is approved. It is considered that the use of these materials is similar to other garages in the locality and across the Borough. The proposed garage is located to the rear of the host property (according to the submitted plans an existing shed will be removed in order to make way for the proposed development) and will be erected wholly within their residential curtilage and this helps to consolidate the built form, which will serve to minimise the impact that the proposal will have on the streetscene and character and appearance of the area.

According to the submitted plans the proposed garage will measure approximately 7.5m long by 7.6m deep (at the widest point) and is 2.5m high to the eaves and 6.9m high to the highest

part of the ridge. The garage will incorporate a pitched roof and will incorporate two projecting gable elements.

Internally the proposed outbuilding will comprise a boot room, lobby, cloakroom and garage at ground floor level. Whilst the first floor level will comprise an office with a kitchen.

The proposed outbuilding will comprise a personnel door, barn opening and window at ground floor level. Located at first floor level is a small eye window on the projecting gable element. No apertures are proposed on elevation B and on the opposing elevation are two windows (one at ground floor level and one at first floor level). Located on the rear elevation is a small window at ground floor level and a bulls eye window in the projecting gable. According to the submitted plans above each of the proposed windows/doors is a brick arched header course and below the eaves are some corbelling details. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, it is considered that the proposal represents an acceptable design solution in the context of existing development.

The footprint of the proposed structure is primarily rectangular in form and the total footprint of the building is approximately 57sqm. It is considered that the scale and massing of the proposal is not in keeping with the host property and the area. Policy RES.11 states that development within the curtilage of a dwelling should respect the design, scale and form of the original dwelling. This is echoed in the SPD which states that outbuildings should be modest in size and height and must appear subordinate or ancillary to the main dwelling. It is considered given the height of the building it will not appear subservient and the projecting gable elements add to the bulk and massing and appear overly domesticated. However, amended plans have been requested reducing the height of the building and omitting the dormers and Members will be advised in the update report.

Amenity

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.

The next nearest properties are 272 Newcastle Road (located to the north) and Barnsfield (located to the north east) of the application site. There is a distance in excess of 27m separating the application site from 272 Newcastle Road and 26m from Barnsfield. Considering the separation distances, intervening vegetation and the host building, no significant amenity issues are raised in relation to these properties. The effect on residents of other houses nearby would be negligible. It is considered that the proposal complies with Policy BE.1 (Amenity).

Highways

According to the submitted plans there is sufficient space within the residential curtilage for two vehicles to be parked clear of the public highway and be able to access/egress the site in a forward gear. It is considered that there is insufficient justification to warrant a refusal on

highway safety grounds and sustain it at any future appeal. It is considered that the proposal is in accordance with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

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.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not significantly impact upon neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling, street scene and will not have a detrimental impact on the Open Countryside. The proposed development therefore complies with BE.1 (Amenity), BE.2 (Design Standards), RES.11 (Improvements and Alterations to Existing Dwellings) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within the National Planning Policy Framework.

APPROVE subject to conditions, subject to receipt of revised plans.

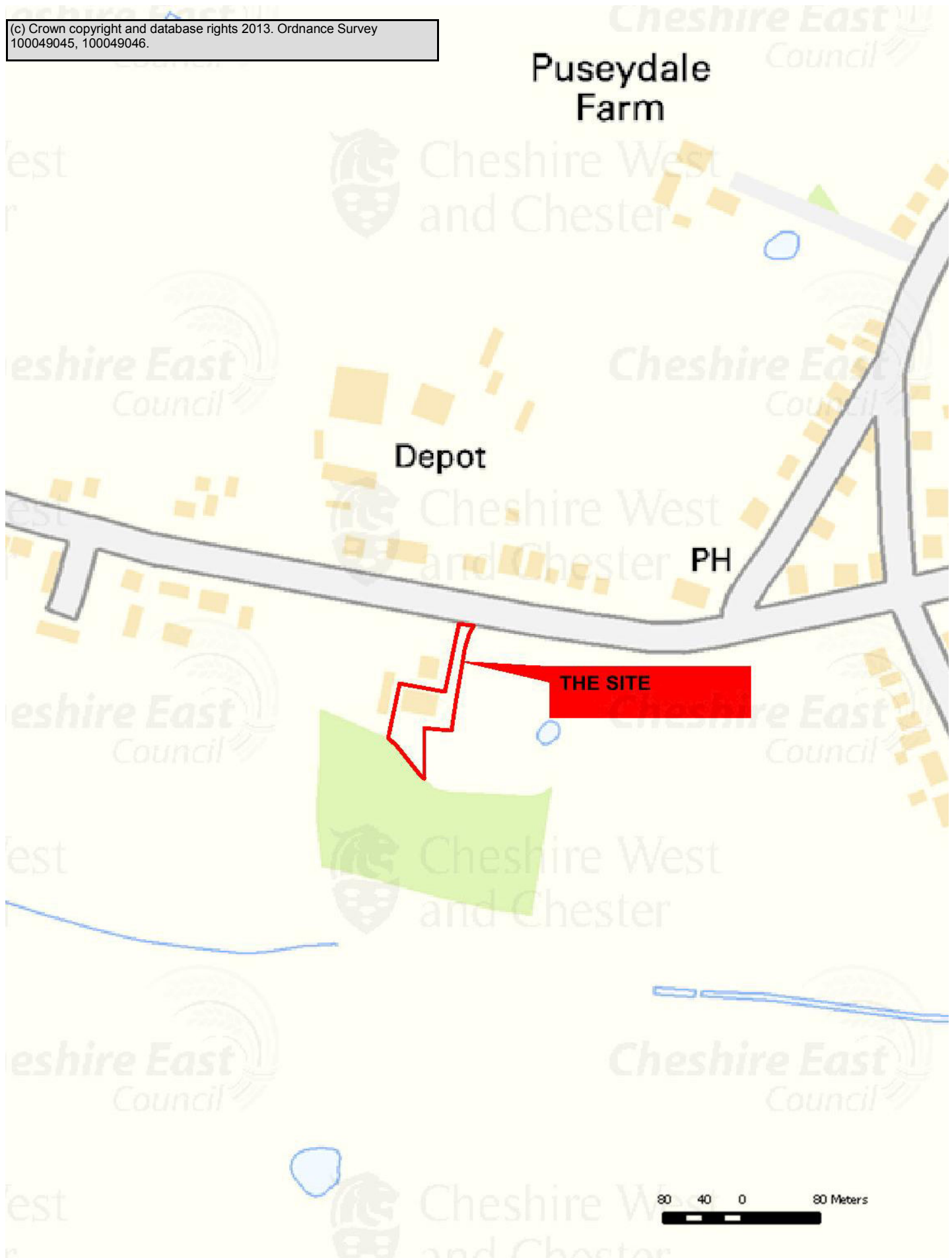
- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted and approved in writing**

In the event that amended plans are not received reducing the height of the garage and omitting the domestic features:

REFUSE for the following reason:

- 1. The proposal is of an unacceptable design by reason of its mass, bulk and incorporation of domestic features that would have a detrimental impact upon the visual character of the Open Countryside. As a result, the development would not adhere to Policies: NE.2 (Open Countryside) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. It would also not adhere to the design principles within the NPPF.**

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Application No: 13/2653C

Location: 7, HEATH AVENUE, SANDBACH, CHESHIRE, CW11 2LD

Proposal: The proposal is for a 1 storey extension to accommodate disabled parents.

Applicant: A PATRICK

Expiry Date: 03-Sep-2013

Summary Recommendation; Approve Subject to Conditions

Main Issues; Design and Amenity

1. DESCRIPTION OF THE SITE AND CONTEXT

The proposed development site is a detached two storey dwelling sitting at the head of a cul-de-sac in a predominantly sub-urban environment. The property benefits from generous gardens to the side and rear bounded by 1.8m close boarded fencing and sporadic mature hedging and trees. The plot is surrounded by two storey houses and Bungalows.

2. DETAILS OF THE PROPOSAL

The proposed development would form a single storey side and rear extension with a two pitch roof reaching approximately 4.01m above ground level. The development would project approximately 4.37m from the side elevation of the host dwelling and extend approximately 10.45m front to rear with 3.6m projecting beyond the rear property line.

3. RELEVANT HISTORY

12/2267C	Proposed annex	Refused 01/08/2012
12/3982C	Proposed annex	Refused 07/12/2012
13/0698C	Certificate of proposed lawfulness	Rejected 02/05/2013

The previous applications 12/2267C and 12/3982C were both refused on two grounds; that an isolated structure in the garden of No7 Heath Avenue would represent a disproportionate addition to the host dwelling that would represent an unsustainable form of development and that due to the height of the proposed development and its proximity to the neighbouring boundaries it would form an un-neighbourly form of development causing harm to the amenity of nearby properties.

For the application 12/3982C the height of the proposed ridge was reduced to 4.3m from 5.8m however the proposal was still judged to be un-neighbourly.

The refusal of application 12/3982C was the subject of an appeal; this was dismissed by the Planning Inspectorate on the 3rd of April. In his report the planning Inspector gave significant weight to the impact of the proposed development on the street scene when viewed from neighbouring properties as well as the public realm and the loss of amenity in neighbouring properties causing significant harm to their living conditions.

4. POLICIES

Local Plan Policy

GR1, New Development

GR2, Design

GR6, Amenity

GR9, Accessibility, Servicing and Parking Provision

National Planning Policy Framework

5. VIEWS OF THE PARISH COUNCIL

No objection

6. OTHER REPRESENTATIONS

Three letters have been received both for and against the development. There has been one letter of objection citing overdevelopment of the existing dwelling and the excessive size of the proposed structure.

There has been one letter of outright support and another expressing the opinion that they do not object to this application because they don't think it will affect their property.

7. APPLICANTS SUPPORTING INFORMATION

The applicant has provided a Design and Access statement

8. OFFICER APPRAISAL

Principal of Development

The proposed development lies within the Former Congleton Borough Council 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.

Design

The fore most elevation of the extension is set approximately 4.5m back from the front of the host property and behind a continuous close boarded fence of 2.2m in height. The proposed maximum height of the extension is 4.01m and when viewed from the front elevation appears as a lean to roof as only one pitch of the roof is visible. It is

considered that these two factors ensure that the impact of this development on the street scene is subservient to the host property.

The size of the proposal is 7.8m x 10.4m but a portion of the bulk is 'lost' as the host and the proposed development effectively overlap where they are connected, particularly at the rear.

From the side and rear elevations the proposed development takes the form of a large single storey extension. External access to the proposed development will be through a single door on the front elevation close to the existing gated side entrance to the garden, and via a pair of French doors opening in to the garden to the side elevation, additionally there is proposed an internal connecting door to the host property.

The materials specified in this application have been chosen to match the existing property.

It is considered that the proposal, by virtue of its position in relation to the host property does not amount to an over development of the existing garden, and does not adversely affect the street scene.

Amenity

The North elevation is closest to a neighbouring property; this elevation is screened by a proposed 2.2m boundary fence. The proposed boundary fence at 2.2m is 20cm higher than would be allowed under current Permitted Development regulations. The height of the boundary fence has been raised to offer further screening of the proposed development for the residents of No 5 Heath Avenue.

The north elevation of the proposed development and contains a single door that, in conjunction with the proposed boundary fence is not considered to compromise the amenity and privacy of the residents of No 5 Heath Avenue.

To the East the proposed development faces No 9 Pear Tree Ave at an oblique angle at a distance of approximately 12m. There is proposed a pair of French doors opening out on the garden in as well as two windows serving the Kitchen and bedroom on this elevation. The separation and the existing boundary treatment ensure that these features do not adversely affect the amenity and privacy of the residents of No 9 Pear Tree Ave.

The Bungalows to the south are separated by at least 17m and are not considered to be adversely effected by the proposed development by virtue of this separation and the screening offered by the existing boundary treatment of 1.8m close boarded fencing.

Other Matters

There are effectively four parking spaces within the curtilage of the proposed development. The Strategic Highways Manager commented on previous applications; so long as the proposed annex remains as an annex associated dwelling, he has no objection to the scheme. There are no material differences to the proposed extension that would change this advice.

The proposed development is designed to offer a form of independence from the host dwelling for the applicant's disabled, elderly relatives. In this application the degree of separation offered by the level of amenities within the development are offset by both the physical attachment of the two blocks and the presence of interconnecting doors. The proposed use of the extension is not a material planning consideration; however it is important to maintain the connectivity between the proposal and the host property.

9. CONCLUSIONS

The proposed development will not harm the character of the existing street scene and will not raise any material amenity issues. Previous decisions and the appeal decision were based on the impact of an isolated structure on the street scene and the scale of the proposal and its proximity to the boundary. It is considered that this proposal being smaller than previous proposals and as an extension to an existing building addresses all of these issues.

As a subordinate element of the host dwelling the proposal can integrate with the existing street scene and due to the reduced scale of this proposal and its necessary location further from the boundary than a separate annex it has a significantly reduced impact on the amenity of neighbouring properties.

It is concluded that the proposed development meets the requirements of the Congleton Borough Local Plan Policies; (GR1new Development, GR2 Design, GR6 Amenity and Health).

10. RECOMMENDATIONS

Approve subject to conditions as follows

1. Time; A03FP
2. Plans; A01AP
3. Materials; A03EX
4. The Extension hereby permitted shall form part of the existing residential unit and shall not be occupied as a separate unit of accommodation independent from the main dwelling house.

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Application No: 13/2732C

Location: 61, HASSALL ROAD, SANDBACH, CHESHIRE, CW11 4HN

Proposal: Two non-illuminated signs at Leigh Green Development

Applicant: David Major, Stewart Milne Homes

Expiry Date: 30-Aug-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Impact on Visual Amenity**
- **Impact on Public Safety**
- **Other Issues Raised by Representation**

1. REASON FOR REFERRAL

This application has been called in for determination by the Southern Planning Committee by Local Ward Councillor Sam Corcoran. The reasons for calling in the application are as follows:

- 1) "Public Safety - The boards will go up on the edge of a junction that is already below normally accepted standards and is on the corner of an unadopted road. Please note that the new road layout is different from that shown on the application. The board will distract passing motorists. The board is immediately adjacent to a footpath (or will be when the new access is completed according to the plans approved by the Strategic Planning Board).
- 1) Public Amenity – The boards will be out of keeping with a narrow residential street. The period requested for 2 years is too long and is not a 'temporary sign' in the normal use of the word."

Cllr Corcoran has stated that "most of the above comments apply to the board by Hassall Road, but some apply to both".

1. DESCRIPTION OF SITE AND CONTEXT

This application relates to a residential development of 39 no. residential units situated to the rear (east) of properties fronting Hassall Road in Sandbach. The development is currently in the process of being constructed and is referred to as the 'Leigh Green' development. The site comprises of part of the garden area to the front of no. 61 Hassall Road and part of the southwestern corner of the approved development to the rear of no. 75 Hassall Road.

2. DETAILS OF PROPOSAL

This application seeks Advertisement Consent for the erection of 2 non-illuminated signs at the 'Leigh Green' development off Hassall Road in Sandbach. The signs are intended to advertise the sale of the residential units at the site and are requested for a temporary period of up to 2 years.

The first sign (referred to hereinafter as 'Sign A'), would be positioned in the front garden area of no. 61 Hassall Road and would be a post mounted sign configured in a 'V' shape. It would measure 1200mm in width (600mm per side) and would have an overall height of 1310mm above ground level.

The second sign (referred to hereinafter as 'Sign B') would also be post mounted and would be positioned to the rear of no. 75 Hassall Road just to the south of the access road serving the new residential development. It would measure 2400mm in width and would have an overall height of 3675mm above ground level.

Both signs would be on a part blue / part white background with part blue and part white lettering.

3. RELEVANT HISTORY

11/3414C – Outline Planning Application for 39 Residential Dwellings Over 1.29ha. Access from Hassall Road with Landscaping Reserved – Approved 14-Aug-2012

12/1998C - Erection of 39no. Dwellings and Associated Works including Foul Water Pumping Station – Approved 07-Dec-2012

4. POLICIES

Local Plan Policy

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

S14 (Advertisements)

Other Material Considerations

National Planning Policy Framework

5. CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No objection - The location of the sign in no. 61 is set back behind the visibility splays and also as it is non-illuminated, the sign does not interfere with visibility for drivers on Hassall Road. The

location of the second sign within the site does not raise any highway issues. No highway objection.

6. VIEWS OF THE TOWN COUNCIL

None received at the time of report writing

7. OTHER REPRESENTATIONS

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

- The proposed signs can be seen from the public footpath / highway
- Signs will be out of character with the area
- This is a dangerous junction
- The proposed access is already below standard
- Proposed signs are a danger to highway safety and will distract motorists, cyclists and pedestrians
- Signage is large and is not 'temporary' as it is required for too long
- Would cause loss of light / outlook, overshadowing and overlooking of neighbouring properties
- This development should not go ahead until the original planning permission is adhered to and the approved access is completed
- The front garden of no. 61 is incomplete and is already an eyesore
- The rear sign would directly overlook the decking area of no. 75 and interfere with light, view and amenities. It should be positioned further away
- The signs are not necessary
- The signs would be made of aluminium, which can be noisy in adverse weather conditions and may be a health and safety concern
- The submitted location plan does not reflect what is on the ground today
- Other developments do not require such signage

8. OFFICER APPRAISAL

KEY ISSUES

In accordance with the Advertisement Regulations and the NPPF, the main issues to consider in the determination of this application are the impact that the proposals will have on (i) visual amenity, and (ii) public safety. This advice is reflected in Local Plan Policies GR2 (Design), GR6 (Amenity), GR9 (Highways) and S14 (Advertisements). These Policies seek to ensure that advertisements are not detrimental to visual amenity or highway safety.

(i) Visual Amenity

'Sign A' would be positioned within the front garden area of no. 61 Hassall Road, adjacent to the proposed access serving the new residential development. This sign would be angled to the road

and configured in a 'V shape so as to be visible to users travelling in both directions along Hassall Road.

The area is predominantly residential and therefore signage is not common along the Hassall Road frontage. However, dimensionally, the sign would be limited in terms of its size measuring only 1.3 metres above ground level with each side having a width of only 600mm. As such, it would be modest in terms of its size and its impact on the visual amenity of the street would not be significant.

'Sign B' would be positioned within the development itself and would be larger in size measuring 3.6 metres in height and 2.4 metres in width. The sign would be tucked away behind the rear boundary of no. 75 Hassall Road and would only be evident within the development itself. In visual terms, the proposed sign would not materially harm the character or appearance of the area as it would not be prominent from views of Hassall Road.

As such, the scheme is found to be acceptable in terms of visual amenity.

(ii) Public Safety

'Sign A' would be set back from the highway and would not interfere with the visibility splays that are required in order to construct the vehicular access serving the approved residential development. This has been confirmed by the Strategic Highways Manager. Further, 'Sign B' is set within the development site itself and does not interfere with vehicular visibility within the site. The signs would be non-illuminated and would be appropriate in terms of their size and siting. The signs would not therefore result endanger the public safety of pedestrians or highway users. In the absence of any objection from the Strategic Highways Manager, the proposal is therefore considered to be acceptable in terms of public safety.

Other Issues Raised by Representation

Neighbouring residents have expressed concern that the proposed signs will impact on the residential amenity of adjoining properties. 'Sign A' is modest in terms of its size measuring only 1.3 metres in height. It would have no greater impact on residential amenity than a boundary fence. 'Sign B' would have a maximum height of 3.6 metres and would be set at least 3 metres from the rear boundary of no. 75. The main rear elevation of no. 75 would be in excess of 13 metres distance away from this sign and therefore their residential amenity would not be materially harmed. The proposal would not materially harm neighbouring residential amenity by reason of loss of light, visual intrusion or direct overlooking.

It is important to note that such signage would be for a temporary period (2 years) to aid the sale of the residential units that are currently being built. Given the current housing market conditions, and the phasing of the development, this time period is considered to be reasonable.

With respect to noise, the signs would not be aural and any noise from adverse weather conditions (i.e. wind) would not warrant a refusal of planning permission. Issues relating to the condition of the site and compliance with the conditions attached to the original planning permission are separate matters and cannot be considered as part of this application.

9. CONCLUSIONS

For the reasons given above, and having due regard to all other material considerations, it is considered that the proposed adverts comply with the relevant local plan policies and national guidance. The proposal will not significantly harm the visual amenity of the area and will not endanger public safety. Accordingly, the application is recommended for approval on a 2 year basis subject to the standard advertisement conditions.

10. RECOMMENDATION

APPROVE with conditions

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

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