

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 16th October, 2013</b>
<b>Time:</b>	<b>1.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest**

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

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

To approve the minutes of the meeting held on 18 September 2013.

**4. Public Speaking**

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **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 (Pages 15 - 30)**

To consider the above planning application.

6. **12/2552C 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 (Listed Building Consent Application) for The Bene of the Estate of J M Goodwin (Pages 31 - 38)**

To consider the above planning application.

7. **13/2613C Wedding Bliss, Old Church Hall, Vicarage Lane, Elworth, Sandbach CW11 3BW: Demolition of existing building and change of use to erect 4 no residential dwellings for C Wright, Forward Property Group (Pages 39 - 46)**

To consider the above planning application.

8. **13/3727C Gwenstan, 14 Smithfield Lane, Sandbach, Cheshire CW11 4JA: 3 bungalows in garden area for Mr Smithfield (Pages 47 - 54)**

To consider the above planning application.

9. **13/3582C Land adjacent to Upper Thurlwood Locks, Rode Heath, Cheshire: Construction of four dwellings for Mr K Shenton (Pages 55 - 66)**

To consider the above planning application.

10. **13/3680C Land At 50A, Nantwich Road, Middlewich, Cheshire CW10 9HG: Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings for P.E. Jones (Contractors) Limited (Pages 67 - 76)**

To consider the above planning application.

11. **13/3058N Land To Rear Of 11, Eastern Road, Willaston CW5 7HT: Residential Development of 40 houses for Richard Lee, Richard Lee Ltd** (Pages 77 - 98)

To consider the above planning application.

12. **13/3258N Thornton House, Emberton Place, Audlem, Crewe CW3 0HL: Construction of 10 bungalows with associated landscaping and car parking for Adele Summer, Wulvern Housing** (Pages 99 - 108)

To consider the above planning application.

13. **13/3434N Land adjacent to 9, Walthall Street, Crewe CW2 7JZ: Proposed construction of 15 apartments for Greenhouse, Greenhouse Property Management** (Pages 109 - 116)

To consider the above planning application.

14. **13/3508N Sir William Stanier Community School, Coronation Street, Crewe, Cheshire CW1 4EB: Relocate existing 2m metal palisade boundary fence together with installation of new palisade fence and vehicle access gates to match existing to new boundary line to playing fields for Mr R A Jones, Cheshire East Council** (Pages 117 - 122)

To consider the above planning application.

15. **13/2809N 158, Wistaston Road, Wistaston CW5 6QT: 2 detached dwellings (outline) for Mrs Janet Jackson** (Pages 123 - 132)

To consider the above planning application.

16. **Deed of Variation to the Section 106 Agreement for Planning Permission 10/4973C** (Pages 133 - 138)

To consider a proposed Deed of Variation to the Section 106 Agreement relating to planning permission 10/4973C.

**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, 18th September, 2013 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

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

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors I Faseyi, R Fletcher, J Hammond, M Simon and L Smetham

**OFFICERS PRESENT**

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

**Apologies**

Councillors P Butterill and S McGrory

**59 DECLARATIONS OF INTEREST**

With regard to application number 13/2529N, the Senior Lawyer reported that she had given advice to Committee Members by e mail that was subject to legal professional privilege.

With regard to application number 13/2847N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

With regard to application number 13/2847N, Councillor R Cartlidge declared that he had been appointed as a Council representative on the Board of Wulvern Housing.

With regard to application number 13/2529N, Councillor R Cartlidge declared that he had been approached by a member of the public.

With regard to application number 13/2529N, Councillors M Martin and D Newton declared that they were known to one of the public speakers.

With regard to application number 13/2841C Councillor G Merry declared that she was a member of Sandbach Town Council and that she had received correspondence regarding the application.

With regard to application number 13/2613C, Councillor G Merry declared that she was a member of Sandbach Town Council. In addition, as it may be considered that she had fettered her discretion, Councillor Merry declared that she would exercise her separate speaking rights as a Ward Councillor and would move from the Member seating area for the duration of the Committee's consideration of this item.

## **60 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 21 August 2013 be approved as a correct record and signed by the Chairman.

## **61 13/2611M - RODE HEATH WOOD, BACK LANE, EATON, CONGLETON, CW12 2NL: REMOVAL OF CONDITION 12 OF APPROVED APPLICATION 06/2254P TO ALLOW SITING OF 32 TIMBER CLAD TWIN UNIT CARAVANS, ACCESS WORK AND LANDSCAPING FOR D NOAD**

Note: Councillor L Smetham (Ward Councillor) and Ms R Whaley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Parish Councillor J Narraway (on behalf of North Rode Parish Council) 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 Parish Councillor Narraway to speak.

The Committee considered a report regarding the above planning application. The Southern Area Manager – Development Management also clarified the wording of policy GC5.

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

The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.

**62 13/2654M - RODE HEATH WOOD, BACK LANE, EATON, CONGLETON, CW12 2NL: APPLICATION TO REMOVE CONDITION 3 OF PREVIOUSLY APPROVED APPLICATION 09/3544M TO ALLOW THE HOLIDAY PARK TO OPERATE ALL YEAR ROUND FOR DAVID NOAD**

Note: Councillor L Smetham had registered her intention to address the Committee on this matter but did not speak.

Note: Ms R Whaley attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

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

The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.

**63 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**

Note: Councillor I Faseyi (Ward Councillor), Mr A Aspinall and Mr J Abraham (objectors), and Mr A Hume (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

The proposed change of use would result in the loss of an existing indoor leisure facility which is well used by the local residents, community groups and makes a positive contribution to the social and cultural life of that community. Given that it is the only such facility within the Crewe area it would have an adverse impact on the range of facilities available to local residents. No replacement facility is being proposed and in the interests of promoting healthy communities the development is considered contrary

to Crewe & Nantwich Local Plan Policy RT15 and CF3 and paragraph 69 and 70 of the NPPF.

**64 13/1573N - HUNTSBANK BUSINESS PARK, CREWE ROAD, WISTASTON, CREWE, CW2 6QT: DEMOLITION OF EXISTING WAREHOUSE / SHOWROOM AND ADJOINING SINGLE-STOREY BRICK OFFICE STRUCTURE FORMING UNIT 1. NEW BUILD EXTENSION TO ADJACENT INDUSTRIAL BUILDINGS TO PROVIDE TWO NEW UNITS TO REPLACE UNIT 1 FOR W M EWINGTON, W M EWINGTON & CO LTD**

Note: Councillor R Cartlidge left the meeting during consideration of this item.

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

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

**RESOLVED**

(a) That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a S106 agreement to secure £5,000 towards traffic management and the following conditions:

1. Standard 3 year time limit
2. Approved Plans
3. Details of Materials to be submitted and approved in writing
4. Details of any external lighting to be submitted and approved in writing
5. Details of bin storage areas to be submitted and approved in writing
6. Opening hours to be between 0700 to 2200 hours
7. Deliveries to be to between 0700 to 1900 hours
8. Restrict Food Retail Floor Space to maximum of 377 sq m
9. Restrict the Use and goods sold in Unit 1b to Non-food
10. No subdivision or amalgamation of the units
11. Access to be formed in accordance with the approved plans
12. Car parking and turning areas to be constructed and made available prior to the units being occupied
13. Contaminated Land Report
14. Pile foundations
15. Noise Control – Hours of Construction
16. Floor Floating method statement to be submitted
17. Acoustic Enclosure of fans and compressors
18. Tree Protection Condition
19. Details of Boundary Treatments to be submitted

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**65 13/1607C - SPARK LANE FARM, CONGLETON ROAD, ARCLID, CW11 2UJ: CONVERSION OF EXISTING BARN STRUCTURES, DEMOLITION OF REDUNDANT STRUCTURES AND NEW BUILD CONSTRUCTION TO FORM 8NO DWELLINGS FOR KEITH RADCLIFFE**

Note: Mr J Webster attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005, there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
  2. Visibility at the proposed access to the site from the A534 Spark Lane, is substandard and would result in an unacceptable impact in terms of road safety, contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005 and the provisions of the National Planning Policy Framework.
  3. The proposed development, by virtue of its isolated location and dangerous walking environment along Spark Lane (A534), due to the lack of pavement on both sides of this 50 and 60 miles per hour speed limit road, would be car dependant and thereby comprises unsustainable development contrary to the National Planning Policy Framework.

4. The proposed conversion of the building referred to as The Stables, would involve significant extension of the building. As a result the proposal does not comply with the requirements of Policy BH15 of the adopted Congleton Borough Local Plan First Review 2005, which, inter-alia, states that the conversion of rural buildings will only be allowed if the building is permanent and substantial and would not require extensive alteration, rebuilding or extension.
5. Insufficient information has been submitted with the application relating to changes in levels in order to assess adequately the impact of the proposed development having regard to trees to be retained on the site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to Planning and Place Shaping Manager, in consultation with the Chairman (or in her absence the Vice-Chairman of the 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.

**66 13/2553N - 285 NANTWICH ROAD, CREWE, CW2 6PF: CHANGE OF USE FROM A LARGE SIX BEDROOMED RESIDENTIAL HOME TO A RESIDENTIAL HOUSE OF MULTIPLE OCCUPANCY HOUSING 8 TENANTS FOR MISS STEPHANIE JAMES, JAMES HOLDRIDGE PROPERTIES**

Note: Mr R James attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That consideration of this matter be DEFERRED to a future meeting of the committee, to enable officers to obtain further information on the parking layout and bin storage, and to ask the applicant to consider revising the layout of the building.

**67 13/2613C - OLD CHURCH HALL, VICARAGE LANE, ELWORTH, SANDBACH, CW11 3BW: DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE TO ERECT 4 NO RESIDENTIAL DWELLINGS FOR C WRIGHT, FORWARD PROPERTY GROUP**

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

Note: The Southern Area Manager – Development Management read a statement submitted by Councillor B Moran, who was unable to attend the meeting.

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry moved from the Member seating area for the duration of the Committee's consideration of this item and Councillor J Weatherill, Vice-Chairman, took the Chair.

Note: Mr R Sproson (objector) and Mr J Shepherd (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That consideration of this matter be DEFERRED to a future meeting of the committee, to enable officers to obtain ecological information and assess the proposal against Policy E10.

68 **13/2637N - LAND NORTH EAST OF OAK FARM, HEATLEY LANE, BROOMHALL, CW5 8AH: ERECTION OF 2 NO. POULTRY BUILDINGS, LINK CONTROL ROOM, 4 NO. FEED BINS AND ASSOCIATED HARDSTANDING AND ACCESS ROAD (RESUBMISSION OF 13/0662N) FOR ANDREW HOLLINS**

Note: Mr I Pick attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

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

- 1) Standard time limit
- 2) Approved plans
- 3) Facing and roofing materials to be submitted
- 4) Landscaping scheme including hedgerow protection
- 5) Implementation of landscaping scheme
- 6) In accordance with protected species survey
- 7) Foul and surface drainage water details to be submitted
- 8) Submission of a waste management plan
- 9) Deliveries and collections from site including delivery and removal of livestock and waste only Monday- Friday 8am – 6pm
- 10) Visibility splay as approved plan; brought into use prior to construction
- 11) No external lighting

**69 13/2841C - LAND NORTH OF MOSS LANE, SANDBACH: OUTLINE APPLICATION FOR 13 NEW DWELLINGS FOR PETER RICHARDSON**

Note: Mr C Bowen attended the meeting and addressed the Committee on behalf of the applicant.

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

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

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

**70 13/2901C - LAND ADJACENT TO MEADOW VIEW, 118 DUNNOCKSFOLD ROAD, ALSAGER, ST7 2TW: DEVELOPMENT OF 8 MARKET DWELLINGS ON LAND TO THE NORTH OF CLOSE LANE, ALSAGER FOR STEPHANIE HURSTFIELD**

Note: Councillor R Fletcher (Ward Councillor) and Mr S Locke (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That the application be REFUSED for the following reason:

The proposed residential development is unsustainable because it is located within the Open Countryside on Grade 2 Agricultural Land, where according to Policies PS8 and H6 of the adopted Congleton Borough Replacement Local Plan 2005, there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy

Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**71 13/3046N - 271 NEWCASTLE ROAD, WYBUNBURY, NANTWICH, CW5 7ET: CHANGE OF USE FROM SHOT-BLASTING HEAVY GOODS VEHICLES TO CAR REPAIRS, DISMANTLING AND SALVAGE OF PARTS FOR VICTOR PICKERING**

Note: The Southern Area Manager – Development Management read a statement submitted by Councillor D Brickhill, who was unable to attend the meeting.

Note: Mr D Pickering attended the meeting and addressed the Committee on behalf of the applicant.

Note: Mr R Ellison (objector) 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 Ellison to speak.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management confirming that the Highway Engineers had no objection to the proposal.

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

1. Plan References
2. Hours of Operation

Monday – Friday 08:00hrs – 18:00hrs  
Saturday 08:00hrs – 14:00hrs  
With no Sunday or Bank Holiday working

3. No Trade Counter or Sales to Members of the General Public
4. Height of any vehicles stacked not to exceed 2m
5. All activities that have the potential to create noise must take place within the building on site with all doors and windows closed

6. Drainage
7. Details of External Lighting, to include timing of lights
8. The site, including building, to be used solely for the dismantling of vehicles and for no other purpose
9. Management plan for the removal of waste material to and from the site
10. Details of the areas for storage and staff car parking be submitted for approval
11. Drainage Details

**72 13/3223N - HOLLY BUSH INN, CREWE ROAD, WINTERLEY, CW11 4RF: OUTLINE PLANNING PERMISSION FOR THREE NEW DETACHED TWO STOREY DWELLINGS ON LAND TO THE REAR OF PUBLIC HOUSE WITH ASSOCIATED EXTERNAL WORKS INCLUDING NEW ACCESS ROAD FOR REBECCA WILLIAMS, HOLLY BUSH INN**

Note: Councillors M Martin and D Newton left the meeting during consideration of this application.

Note: Councillor J Hammond declared that he had been a member of the Save the Holly Bush campaign group in 2003 and that he would leave the room after he had addressed the Committee.

Note: Councillor J Hammond (Ward Councillor), Parish Councillor R Hovey (on behalf of Haslington Parish Council) and Mr R McGinnes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

In response to a comment by the representative of Haslington Parish Council, the Senior Lawyer confirmed that the Council's Planning Protocol of Conduct in Relation to the Determination of Planning Matters stated that Members should *try* to attend site inspections organised by the Council, and that attendance at site visits was not mandatory. In addition, plans and photographs had been displayed at the meeting, and Members had confirmed that they were familiar with the site.

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

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Approved Plans
5. No principal windows to side facing elevation of plot 3
6. Hours of construction and pile driving activities
7. Noise mitigation scheme
8. Maximum of 3No dwellings

9. No works within the breeding bird season
10. Nesting bird mitigation measures
11. At the reserved matters stage the developer will provide a revised access plan which takes into account the recommended revision of the 'x'-distance to the visibility splay.
12. Prior to first occupation, the proposed access will be constructed and the revised visibility splays provided – without impediment – in accordance with the revised plan required in Condition 11.
13. Retention of the boundary hedgerow along the northern boundary

**73 13/2757N - AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM, CREWE, CW3 0BA: EXTENSION TO TIME LIMIT ON APPLICATION 10/1551N (RELATING TO EXTENSIONS AND ALTERATIONS TO EXISTING CARE HOME TO PROVIDE SELF CONTAINED ACCOMMODATION FOR THE ELDERLY) FOR R C CHAWNER, KEENRICK NURSING HOMES**

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

The Committee considered a report regarding the above planning application.

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

1. Commence development within 3 years.
2. Development in accordance with approved plans.
3. Samples of materials to be submitted, approved and used in the construction of the building.
4. Use of the premises as a nursing home together with self contained units for persons needing close care and other persons who may wish to live more independently where nursing care may be available if required and for no other purpose whatsoever. Occupants of the independent living units including close care units should be aged 60 years or more, or in the case of 2 bed units at least one of the occupants should be aged 60 years or more.
5. Details of boundary treatment to be submitted, approved and implemented
6. Details of appearance of ramps, guides, rails and finishes to be submitted, approved and implemented.
7. Details of appearance of balconies and galleries to be submitted, approved and implemented
8. Details of surfacing materials to be submitted, approved and implemented.
9. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved.
10. Implementation and maintenance of landscaping and tree protection measures.

11. Archway between the reception area/ lift and unit 12 shall not be enclosed without the prior submission and approval of a separate planning application.
12. Prior to first use of the development, provision of car park as per site layout and retention.
13. Programme of archaeological work to be submitted, approved and implemented.
14. Access to the site only via School Lane between Roseleigh and The Smithy and sign to be provided at entrance to the site to confirm this in accordance with details to be submitted and approved.

**74 13/2758N - AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM, CREWE, CW3 0BA: EXTENSION TO TIME LIMIT ON APPLICATION 10/1912N (RELATING TO LISTED BUILDING CONSENT FOR EXTENSIONS AND ALTERATIONS TO EXISTING CARE HOME TO PROVIDE SELF CONTAINED ACCOMMODATION FOR THE ELDERLY) FOR R C CHAWNER, KEENRICK NURSING HOMES**

The Committee considered a report regarding the above planning application.

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

1. Commencement within 3 years
2. Plans as per P05/0710
3. Samples of materials to be submitted, approved and used in the construction of the building.
4. Detailed schedule of works and drawings together with a materials schedule for windows, doors, brickwork, stone work, plaster, roof materials, rain water goods, to be submitted approved and implemented.
5. Details of surfacing materials to be submitted, approved and implemented.
6. Details of appearance of balconies and galleries to be submitted, approved and implemented.
7. Details of boundary treatment to be submitted, approved and implemented.
8. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved.
9. Implementation and maintenance of landscaping and tree protection measures.
10. Details of appearance ramps including guides, rails and finishes to be submitted, approved and implemented.

**75 13/2847N - 89A BRADFIELD ROAD, CREWE, CW1 3RB: REMOVAL OF CONDITION 8 (RENEWABLE ENERGY) ON APPROVAL 13/0130N - DEMOLITION OF EXISTING BUNGALOW & GARAGE AND CONSTRUCTION OF 4 ONE BED APARTMENTS, 8 TWO BED HOUSES & 4 THREE BED HOUSES FOR MR N POWELL, WULVERN HOUSING**

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

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Approved Plans
  2. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
  3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
  4. External Lighting to be carried out in accordance with plan reference 009518
  5. Development to be carried out in accordance with the Phase I and Phase II Contaminated Land Report. Details of the completion of the remediation and validation works to be submitted to the LPA for approval in writing
  6. Compliance with the approved materials
  7. Implementation of landscaping shown on plan reference 009516
  8. Boundary Treatment details to be implemented in accordance with plan reference 009516
  9. Obscure glazing to side elevation of plots 3 and 11
  10. Implementation of the approved nesting bird mitigation measures
  11. Dwellings to be retained as affordable housing
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**76 FORTHCOMING APPEAL CONCERNING APPLICATION 12/3807C  
(LAND ADJ TO ROSE COTTAGES, HOLMES CHAPEL RD,  
SOMERFORD)**

Note: Mr A Lindsay (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding a forthcoming planning appeal in respect of the site at land adjacent to Rose Cottages, Somerford. At the Southern Planning Committee meeting on 13 December 2012, application 12/3807C had been refused contrary to the planning officer's recommendation for approval.

Since 13 December, the Council had published its up-to-date Strategic Housing Land Availability Assessment (SHLAA), which demonstrated that the Council could demonstrate a five year housing land supply.

**RESOLVED**

1. That authority be delegated to the Southern Area Manager – Development Management to ensure that the committee's earlier decision remains, which delegated authority has been exercised in the manner set out at paragraph 3 below.
2. That the Council contests the appeal on the basis that the proposal, due to its remote location, isolated from shops, services, employment sites, schools and other facilities, coupled with its scale, which is not considered to be "limited infilling"; does not constitute sustainable development. Given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could be accommodated elsewhere in a more sustainable location. The proposed development is therefore contrary to policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review and the National Planning Policy Framework.
3. The Council maintains the reason for refusal specified by members on 13 December 2012 irrespective of the finding or otherwise of a Housing Land Supply of 5 or more years.
4. Additionally, given the Appeal is proceeding, to ensure appropriate provision of affordable housing and play space provision on site, that the Borough Solicitor be authorised to enter into a S106 Legal Agreement/ Unilateral Undertaking negotiations with the Applicants' legal representatives.

The meeting commenced at 1.00 pm and concluded at 7.00 pm

Councillor G Merry (Chairman)

Application No: 12/2551C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: 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

Applicant: The Bene of the Estate of J M Goodwin

Expiry Date: 14-Aug-2012

**SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.**

**MAIN ISSUES:**

**Principle of the Development**

**Amenity of Neighbouring Properties**

**Highway Safety**

**Ecology**

**Landscape and Trees**

**DEFERRAL**

Members deferred the application at the Committee meeting on 24<sup>th</sup> July 2013. This was to allow officers to undertake discussions with the applicant regarding amendments to the layout of the scheme.

Members also wanted further information on the Wildlife Corridor, landscaping and the highway safety aspects of the case. The report has been updated in order to address these issues.

It should be noted that the amendments do not include a reduction in the number of dwellings.

Since the previous report 8 further objections have been received relating to this application. These re-iterate the ones that are set out in the main body of the report but also include the following points:

- The request of committee to reduce the number of dwellings has been ignored

- Loss of the Oak tree
- Turning area will cause further damage to the setting of the Listed Building
- Hedgerows have been heavily cut back before a decision has been made
- The local natural environment would be very considerably and negatively impacted by this development, which would not be mitigated by the 'tweaks' put forward by the developers

## **REASON FOR REFERRAL**

The application has been referred to the Southern Planning Committee because it is a major development of more than 10 dwellings.

## **DESCRIPTION AND SITE CONTEXT**

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has a planning application for 12 houses under appeal (12/1650C). Should this appeal be allowed, vehicular access to that site would be closed, but pedestrian access would still be available.

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

## **DETAILS OF PROPOSAL**

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of barn into one dwelling, and the construction of 11 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling. Four dwellings would be erected facing the barn to form a courtyard and two cottages would be erected to the rear of these, facing the access road. On the north western side of the access road five dwellings would be erected.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework (March 2012)

### **Congleton Local Plan 2005**

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

PS4 Towns

H1 & H2 Provision of New Housing Development

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout  
GR4 Landscaping  
GR6 Amenity and Health  
GR7 Pollution  
GR9 Accessibility, Servicing and Parking Provision  
GR22 Open Space Provision  
NR1 Trees and Woodlands  
NR2 Statutory Sites  
NR3 Habitats  
BH4 & BH5 Listed Buildings  
BH8 & BH9 Conservation Areas

SPG1 Provision of Public Open Space in New Residential Development  
SPG2 Provision of Private Open Space in New Residential Developments  
SPD6 Affordable Housing and Mixed Communities  
SPD14 Trees and Development

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

### **Environmental Protection:**

Recommend conditions relating to the hours of construction, piling, contaminated land and an Environmental Management Plan. They have recommended refusal due to lack of information relating to loss of amenity due to noise generated from Old Mill Road.

### **United Utilities:**

No objection.

### **Highways:**

The Strategic Highways Manager has assessed the application, undertaken site visits and taken into consideration the comments put forward by the objectors. Two road safety audits have also been undertaken. The full assessment is contained within the Highways section of this report.

### **Green Spaces**

#### *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 surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Whilst there is no requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community.

Given that an opportunity has been identified for enhancing the existing Amenity Greenspace at Mortimer Drive to serve the development 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;

Enhanced Provision:	£ 2,430.18
Maintenance:	£ 5,439.50

#### *Children and Young Persons Play Provision*

Following an assessment of the existing provision of Children and Young Persons Play 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.

An opportunity has been identified for enhancing the quality of an existing facility at Mortimer Drive Play Area

The upgrading of the site will not just contribute to improving the quantity of equipment on site; it will also improve accessibility to the site in terms of DDA requirements, linking the site to a wider network of open space and the sites safety, encouraging greater use of the facility.

Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, 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;

Enhanced Provision:	£4,212.22
Maintenance:	£ 13,731.00

#### **VIEWS OF TOWN COUNCIL**

Object on the following grounds:

- Sections of the Listed Building should not be demolished
- Site access is inadequate for contractor vehicles and residents
- Traffic generation
- The number and height of the proposed housing is unacceptable
- Adverse impact on the character of the Conservation Area
- Adverse impact on the wildlife corridor
- Over intensive development
- Negative impact on neighbouring properties

#### **OTHER REPRESENTATIONS**

At the time of report writing, approximately 731 representations have been received relating to this application, in the form of individual and 'standard' letters that have been distributed and signed. These can all be viewed online on the application file. 712 were opposed to the development and 19 in favour. Of those in favour; several came from outside the local area. The objections express concerns about the following issues:

#### **Land Use**

- Need to preserve the green areas of Sandbach
- Impact on local infrastructure
- 'Eating' up of green fields
- Lack of jobs in Sandbach and danger of becoming a 'dormitory' town
- The development would destroy so much and not be sustainable

- Does not enhance the landscape character of the area
- Cheshire East can demonstrate a 5 year supply of housing land without this development
- The proposal does not constitute sustainable development as required by the NPPF

### Highways

- The junction of Dingle Lane and other roads in the vicinity are already dangerous
- Traffic generation
- The traffic assessment is flawed and inaccurate and does not agree with the findings of a trips survey undertaken by residents
- The access will cause problems for other users of Dingle Lane
- Impact on a public right of way
- Increased risk to children, families and elderly people from increased traffic
- Cars would have to reverse onto Dingle Lane
- Danger to people who use the lane for recreational purposes
- Poor access for emergency vehicles
- Poor waste disposal arrangements
- Danger and disruption from construction traffic

### Design

- Inappropriate design of the dwellings
- The scale of the development is out of character with the surrounding area

### Ecology

- Adverse impact on the wildlife corridor
- Adverse impact on the significant amount of wildlife in the area

### Heritage

- Adverse impact on the Listed Building and the Conservation Area
- Approval would set a precedent for the partial demolition of other Listed buildings
- More detail is needed on the demolition of part of the Listed Building
- The loss of a reminder of the farming heritage of Sandbach
- Detrimental impact on the setting of the Listed Building

### Other

- Impact on public right of way
- The Listed Building could be sold without the need for development
- Inadequate notification of the application
- There is no demand for more housing in Sandbach
- Property ownership issues

Those in favour of the application made the following observations:

- The site would be a beautiful place to live when developed
- It is a sustainable site within walking distance of the town centre
- Development would ensure restoration of the Listed Building
- A lot of thought has gone into the design

- Lack of new good quality housing in Sandbach

## **OFFICER APPRAISAL**

### **Principle of Development**

#### National Planning Policy Framework

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"*

The National Planning Policy Framework published in March 2012, superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle.

### **Design and Layout**

The proposals have been the subject of extensive negotiations between the applicant and the Council. These have resulted in a reduction in the amount of dwellings proposed, amended layouts and design alterations.

The proposal is now for 5 two-storey dwellings in what is being called 'Paddock View'. These would be constructed of traditional materials and be of a traditional design with gable features and stone detailing. Opposite the existing barn, 4 dwellings are proposed to create the feeling of a courtyard to a traditional farm complex and to the rear of these two cottages would be erected, facing 'Paddock View'.

As previously stated, the design and layout has been the subject of extensive discussions with the Council and the resultant amended plans are considered to be acceptable and would result in a development that would be in keeping with the character of the locality and the Conservation Area.

The Listed Building would undergo partial demolition to the gable adjacent to the access road and the existing barn is to be converted to one dwelling. These issues are discussed below.

### **Listed Building and Conservation Area**

The proposal originally put forward was for the demolition of all of an extension added to the building in the 19<sup>th</sup> century; however the Conservation Officer expressed concerns about this. Amendments have now been made to allow partial demolition of this part of the building.

Dingle Farm is a Grade II Listed Building, with a shippon to the side. The farmhouse dates from the 17<sup>th</sup> century and the shippon from the 19<sup>th</sup> century. The farmhouse and barn lie within the Conservation Area and the land to the north east is outside the Conservation Area.

Dingle Farmhouse has undergone several phases in its development; evolving from a simple, single storey timber framed building to what we see today, as a consequence of being extended and adapted in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries. There have been more recent inappropriate alterations to the building including UPVC windows on the northern and eastern elevations.

The total demolition of the western extension was considered inappropriate as, although it is later than the additions to the northern and eastern sides of the building, it still contributes to the building's significance in terms of evidencing its later evolution. Therefore amendments were sought to this element of the application, resulting in a proposal for the partial demolition of the western extension.

It is considered that on balance, the partial demolition of the later extension to the Listed Building would result in some harm to a Heritage Asset. This identified harm however is not considered to be substantial. In accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. This includes securing its optimum viable use. The proposal would result in the Listed Building being restored and having inappropriate additions removed and the other land being developed for housing, with its resultant economic benefits such as employment during the construction period.

As such the alterations to the farm house are considered to be acceptable, subject to conditions relating to the final details of windows and finishes and the requirement for a method statement for the demolition and rebuild.

Certain boundary walls are proposed to be realigned and altered as part of the development. It is considered that this can be achieved whilst maintaining the setting of the principal building and the character of these curtilage structures. A specific condition should be imposed seeking full working drawings of the altered walls and details of the bond, with a requirement for the use of a lime mortar.

The realignment of the wall to the front of the property means the tree to the front of the property would be removed. However, the landscape officer is not opposed to this because of the quality of the specimen. Whilst this tree has some bearing on the building's setting, it has been severely pollarded which has affected its qualities in townscape terms. Therefore the impact of its loss in setting terms would not be significant and will allow for compensatory planting that could in the longer term be beneficial.

Farmyards are often defined by the extent of hard surfacing between buildings, and at their entrances. Consequently, enclosure of the curtilage of the farmhouse with the proposed courtyard block, provides the opportunity to create a courtyard space that also acts as a

turning facility for the street serving the development. By placing the turning facility in this location it means a less formal approach can be adopted to the street further to the north, enabling retention of hedging and a shortening and de-formalising of the street where it abuts countryside. It is considered that the revisions to the scheme to provide turning facilities within the courtyard entrance rather than further toward the end of the lane will not be detrimental to the character or the setting of the listed building, provided that the surfacing materials are contextually relevant and would achieve a better, more sensitive solution on approach to the Listed Building and the Conservation Area. Full details of the material palette should be agreed in principle prior to the application being determined, this could then be controlled by condition.

It is considered that the revised proposals will not result in substantial harm to the setting of the Conservation Area. The proposals indicate the retention of hedges associated with the western paddock with new hedging along parts of the eastern boundary. To further downplay the access, the turning head has been integrated into the entrance space for the courtyard part of the scheme. This has enabled the northern part of the lane to be further narrowed and de-formalised.

Whilst the nature of Dingle Lane will change as a consequence of the development, the revisions to the siting and scale of new buildings, the introduction of further hedging and trees to the eastern boundary, the palette of surfacing materials specified and the shared surface nature of the upgraded lane, will not cause substantial harm to the setting of the Sandbach Conservation Area.

There is also potentially scope to further narrow the access points for the 2 properties to the south of Dingle Lane. This would enable more hedging to the frontage with Dingle Lane. Furthermore, there may also be scope to provide hedging between the two drives and potentially include tree planting within the hedge line. The access points to the north of Dingle Lane could also be further narrowed.

The Draft Conservation Area Appraisal and Management Plan is obviously a draft document and has not been approved for adoption by the Council but is presently out to public consultation. In the document it seeks to extend the Conservation Area boundary to include the curtilage of the farm and the remaining land in this application is identified with the suggested zone of sensitivity with regard to setting of the Conservation Area. However, this should not be interpreted to mean no change. It is part of the management strategy to help manage and shape change in and on the periphery of the Conservation Area.

Negotiations upon amendments to the scheme have been mindful of the review and the objective of seeking to integrate new development as sensitively as possible and to maintain, as much as possible, the character of Dingle Lane, notwithstanding the presence of proposed new housing. This has influenced discussions on scale, density and siting of housing, the retention of hedging where possible along the lane, supplemented by new hedging and tree planting, securing as informal an access arrangement as possible and a sensitive materials palette. In this respect therefore, and on balance, it is considered that the proposal does not lead to substantial harm to the Conservation Area as a whole and will help to ensure the future of one of the Conservation Area's historic buildings.

Noting the amendments secured and weighing the public benefit in terms of bringing these listed buildings back into use, set against the extent of change that will occur in relation to the assets and their settings, it is considered that, on balance, the proposals are acceptable subject to conditions controlling the detail of the development.

### **Affordable Housing**

This application is for 12 additional dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

### **Amenity**

Concerns have been expressed about noise and disruption during the construction process. Whilst these concerns are understandable, the conditions recommended controlling the hours of construction, deliveries, piling and a construction method statement, will ensure that any disturbance would be limited to acceptable levels.

Having regard to the amenity of future residents, there would be adequate private amenity space and minimum separation distances would be met. In addition, a condition should be imposed requiring submission of a scheme for the protection of future residents from noise from Old Mill Road.

### **Highways**

This development proposal is situated on a piece of land off the adopted end of Dingle Lane in Sandbach.

Subsequent to the consideration of this development proposal at Southern Planning Committee in July 2013, Planning Officers have negotiated with the applicants with regard to the access arrangements for this site. This has seen an amended plan produced that offers a change in priority for vehicular traffic entering and leaving the site and there was a requirement for the production of a Stage 1 Road Safety Audit (RSA).

The RSA1 was commissioned by the applicant's highway consultant and the provider: Madhavan Design is known to the S.H.M. having worked for CEC for a number of years.

The RSA1 judged that the design would be acceptable with a small number of adjustments and the developer's highway consultant amended the design plan to comply on all counts.

The Strategic Highways Manager's response to the revised design and RSA1 was pre-empted by a resident's group objection to the RSA1 which cited that it could not be considered independent as it was commissioned by the developer.

As a result of this and liaison with local Councillors, the Strategic Highways Manager attended a site meeting with the local member and residents to field their concerns and as a result of this meeting the S.H.M. commissioned a third party consultant to attend a further residents meeting and then complete a further independent assessment of the RSA1 which would also acknowledge residents more specific concerns with regard to the site.

A copy of the report by Sawczyn Design Limited is available to view on the application file.

It can be seen from the report that whilst the original RSA1 has been endorsed by Sawczyn Design, the consideration of specific residents' concerns has led to additional scrutiny and recommendations which the Strategic Highways Manager is recommending are addressed by the developer.

These final details will in the opinion of Sawczyn Design provide a level of detailed access strategy for the site which will be acceptable and which subject to detailed design and subsequent procedural RSA work will be satisfactory.

Recent guidance from Central Government requires developers to ensure that refuse collection access and provision for bin storage is at a certain standard for development sites. To this end the developer has added a turning facility within the site for a refuse vehicle and this is acknowledged by the Strategic Highways Manager.

The highway has a legible adoptable boundary and parking provision is acceptable.

The SHM therefore concludes that the proposal is acceptable in terms of highway safety. This is subject to an amended plan being submitted in accordance with the recommendations in the Road Safety Audit by Sawczyn. This can be controlled by condition. In addition conditions are recommended relating to access being completed prior to occupation of the dwellings and a construction management plan. A contribution of £10,000 is required for local traffic management orders and junction marking.

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

### *Sandbach Wildlife Corridor*

Dingle Farm is located immediately adjacent to, but outside, the boundary of the Sandbach Wildlife Corridor. The application site supports a number of habitats including improved grassland, hedgerows and semi-improved grassland. The hedgerows on site are of nature conservation value, particularly as they support native bluebells, but for the most part the hedgerows appear to be retained as part of the development. The site also supports foraging habitat that is utilised by badgers. In addition there is a bat roost on site which is dealt with separately in below. As an area of open undeveloped land the application site does currently compliment the adjacent wildlife corridor.

In terms of its impacts of the development, the habitats on site with the exception of the hedgerows are not of particularly high nature conservation value. The hedgerows will be retained on site and new hedgerows planted. There may be some disturbance of wildlife during the construction phase and some loss of badger foraging habitat.

It is considered that whilst there may be some short term disturbance of the adjacent wildlife corridor during the construction phase of this development this would be short lived and not significant in the context of policy NR4 which protects the wildlife corridor.

### *Bats*

Evidence of bat activity in the form of a minor roost of two relatively common bat species has been recorded within the buildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals and there is no evidence to suggest a significant

maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a negligible impact upon the conservation status of the species concerned as a whole.

The submitted mitigation proposals recommends the provision of a bat loft above the proposed garage block as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It is considered that if planning consent is granted proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. The provision of the bat loft should be carried out in accordance with the submitted plans in terms of special features for bats.

#### *Bluebells*

Native bluebells are a Local Biodiversity Action Plan and hence a material consideration. This species was recorded around the field boundary of the northern block of the proposed development. The proposed development may have a localised adverse impact upon this species however the proposed boundary hedgerows potentially provide a suitable edge habitat for this species which may assist it to persist on the site.

#### *Breeding Birds*

The site has the potential to support breeding birds and evidence of house sparrow a BAP priority species was recorded in association with the barn on site. If planning consent is granted it is recommended that conditions be attached to safeguard breeding birds:

#### *Badgers*

Evidence of badgers foraging across the site has been recorded. The proposed development is therefore likely to lead to a localised loss of badger foraging habitat. It is considered that fruit trees should be incorporated in the boundary hedgerows to provide an additional seasonal food source for badgers to compensate for the loss of available foraging habitat.

#### *Reptiles*

Potential habitat for grass snake was identified on site. Whilst the presence of grass snake cannot be ruled out it is considered that this species is not reasonable likely to be present or affected by the proposed development and so no further survey effort is therefore required.

#### **EC Habitats Directive**

#### **Conservation of Habitats and Species Regulations 2010**

#### **ODPM Circular 06/2005**

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 NR2 (Wildlife and Nature Conservation Statutory Sites) states that development will not be permitted which would result in the loss or damage of any site or habitat supporting species that are protected by law.

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 assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of bats, the proposed mitigation measures have been assessed and are acceptable to ensure the protection of this species.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan Policy NR2 (Wildlife and Nature Conservation Statutory Sites) and the Framework.

### **Open Space Provision**

Greenspaces have requested a contribution of £25,812.90 towards enhanced provision and maintenance of the Mortimer Drive play area. This is considered to be reasonable and is discussed in the section on the CIL Regulations.

### **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 contributions to public open space, traffic management and junction marking are 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 in compliance with the CIL Regulations 2010 and should be required to be provided.

### **Other Matters**

Objectors have cited adverse impacts on the Public Right of Way; however this footpath does not pass through the site as defined on the definitive map.

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

Having regard to the fact that the site is in a sustainable location, in close proximity to the town centre and all its available facilities and services, it is considered to be in accordance with the NPPF's direction that the development can be approved without delay.

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area are acceptable.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology, and landscape and accordingly is recommended for approval.

**RECOMMENDATION:** Approve subject to the completion of a Section 106 Agreement securing contributions of £25,812.90 for enhanced provision and maintenance of public open space on the Mortimer Drive play area and £10,000.00 for highway works.

1. Standard time limit.
1. Compliance with the approved plans.
2. Submission of materials.
3. Contaminated land Phase 2 investigation.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of drainage scheme.
6. Submission of an amended landscaping scheme.
7. Implementation of landscaping scheme
8. Submission and implementation of boundary treatment scheme.
9. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
10. Submission of details of the method, timing and duration of any pile driving operations.
11. Protection measures for breeding birds.
12. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
13. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.

14. Submission of details ground levels and floor levels.
15. Submission of a method statement for the demolition and re-building of the wall of Dingle Farm.
16. Working details of the re-built wall to be submitted.
17. Working drawing of windows to the farmhouse to be submitted.
18. A full schedule of internal works to the farmhouse and barn to be provided.
19. Full photographic survey of the farmhouse and barn to be submitted.
20. All fascias, barge and verge boards to be in timber.
21. Details of dormer windows including materials for faces and cheeks.
22. Details of conservation rooflights.
23. Full details of new internal doors, surrounds, flooring and skirting boards.
24. Full landscape/public realm scheme to be submitted.
25. All rainwater goods (farmhouse and barn) to be in cast metal and painted black.
26. Removal of permitted development rights for alterations to roofs, changes to windows, porches and outbuildings.
27. All internal and access roads shall be completed prior to first occupation of any of the new dwellings.
28. Submission of a construction management plan
29. Submission of detailed plan to comply with the recommendations in the safety audit report provided by Sawczn Design.

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Application No: 12/2552C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: 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

Applicant: The Bene of the Estate of J M Goodwin

Expiry Date: 14-Aug-2012

**SUMMARY RECOMMENDATION: Grant Listed Building Consent****MAIN ISSUES:****Impact on the Listed Building****DEFERRAL**

Members deferred the concurrent planning application at the Committee meeting on 24<sup>th</sup> July 2013. This was to allow officers to undertake discussions with the applicant regarding amendments to the layout of the scheme.

Members also wanted further information on the Wildlife Corridor, landscaping and the highway safety aspects of the case. The report has been updated in order to address these issues. As a result, the Listed Building Consent applications was also deferred.

It should be noted that the amendments do not include a reduction in the number of dwellings.

Since the previous report 8 further objections have been received relating to this application. These re-iterate the ones that are set out in the main body of the report but also include the following points:

- The request of committee to reduce the number of dwellings has been ignored
- Loss of the Oak tree
- Turning area will cause further damage to the setting of the Listed Building
- Hedgerows have been heavily cut back before a decision has been made
- The local natural environment would be very considerably and negatively impacted by this development, which would not be mitigated by the 'tweaks' put forward by the developers

## **REASON FOR REFERRAL**

The application has been referred to the Southern Planning Committee as it is the accompanying Listed Building Consent application to a development of more than 10 dwellings (12/2551C).

## **DESCRIPTION AND SITE CONTEXT**

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has a planning application for 12 houses under appeal (12/1650C). Should this appeal be allowed, vehicular access to that site would be closed, but pedestrian access would still be available.

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

## **DETAILS OF PROPOSAL**

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework (March 2012)

### **Congleton Local Plan 2005**

BH4 & BH5 Listed Buildings

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

### **English Heritage:**

Recommend that the application be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

## **VIEWS OF TOWN COUNCIL**

Object on the following grounds:

- Sections of the Listed Building should not be demolished
- Site access is inadequate for contractor vehicles and residents
- Traffic generation

- The number and height of the proposed housing is unacceptable
- Adverse impact on the character of the Conservation Area
- Adverse impact on the wildlife corridor
- Over intensive development
- Negative impact on neighbouring properties

### **OTHER REPRESENTATIONS**

At the time of report writing, 6 representations have been received relating to this application, 2 objections and 2 in support of the application. The objections express concerns about the following issues:

- Adverse impact on the Listed Building
- Adverse impact on the Conservation Area
- Highway Safety
- Loss of green space
- Adverse impact on ecology

### **OFFICER APPRAISAL**

It should be noted that this application relates only to the alterations to the Listed Building and the barn conversion which is a curtilage building and therefore subject to the listing.

#### **Impact on the Listed Building**

The proposal originally put forward was for the demolition of all of an extension added to the building in the 19<sup>th</sup> century; however the Conservation Officer expressed concerns about this. Amendments have now been made to allow partial demolition of this part of the building.

Dingle Farm is a Grade II Listed Building, with a shippon to the side. The farmhouse dates from the 17<sup>th</sup> century and the shippon from the 19<sup>th</sup> century. The farmhouse and barn lie within the Conservation Area and the land to the north east is outside the Conservation Area.

Dingle Farmhouse has undergone several phases in its development; evolving from a simple, single storey timber framed building to what we see today, as a consequence of being extended and adapted in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries. There have been more recent inappropriate alterations to the building including UPVC windows on the northern and eastern elevations.

The total demolition of the western extension was considered inappropriate as, although it is later than the additions to the northern and eastern sides of the building, it still contributes to the building's significance in terms of evidencing its later evolution. Therefore amendments were sought to this element of the application, resulting in a proposal for the partial demolition of the western extension.

It is considered that on balance, the partial demolition of the later extension to the Listed Building would result in some harm to a Heritage Asset. This identified harm however is not considered to be substantial. In accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. This includes securing its optimum viable use. The proposal would result in the Listed Building being restored and having

inappropriate additions removed and the other land being developed for housing, with its resultant economic benefits such as employment during the construction period.

As such the alterations to the farm house are considered to be acceptable, subject to conditions relating to the final details of windows and finishes and the requirement for a method statement for the demolition and rebuild.

Certain boundary walls are proposed to be realigned and altered as part of the development. It is considered that this can be achieved whilst maintaining the setting of the principal building and the character of these curtilage structures. A specific condition should be imposed seeking full working drawings of the altered walls and details of the bond, with a requirement for the use of a lime mortar.

The realignment of the wall to the front of the property means the tree to the front of the property would be removed. However, the landscape officer is not opposed to this because of the quality of the specimen. Whilst this tree has some bearing on the building's setting, it has been severely pollarded which has affected its qualities in townscape terms. Therefore the impact of its loss in setting terms would not be significant and will allow for compensatory planting that could in the longer term be beneficial.

Farmyards are often defined by the extent of hard surfacing between buildings, and at their entrances. Consequently, enclosure of the curtilage of the farmhouse with the proposed courtyard block, provides the opportunity to create a courtyard space that also acts as a turning facility for the street serving the development. By placing the turning facility in this location it means a less formal approach can be adopted to the street further to the north, enabling retention of hedging and a shortening and de-formalising of the street where it abuts countryside. It is considered that the revisions to the scheme to provide turning facilities within the courtyard entrance rather than further toward the end of the lane will not be detrimental to the character or the setting of the listed building, provided that the surfacing materials are contextually relevant and would achieve a better, more sensitive solution on approach to the Listed Building. Full details of the material palette should be agreed in principle prior to the application being determined, this could then be controlled by condition.

It is considered that the revised proposals will not result in substantial harm to the setting of the Listed Building. The proposals indicate the retention of hedges associated with the western paddock with new hedging along parts of the eastern boundary. To further downplay the access, the turning head has been integrated into the entrance space for the courtyard part of the scheme. This has enabled the northern part of the lane to be further narrowed and de-formalised.

Whilst the nature of Dingle Lane will change as a consequence of the development, the revisions to the siting and scale of new buildings, the introduction of further hedging and trees to the eastern boundary, the palette of surfacing materials specified and the shared surface nature of the upgraded lane, will not cause substantial harm to the setting of the Listed Building.

There is also potentially scope to further narrow the access points for the 2 properties to the south of Dingle Lane. This would enable more hedging to the frontage with Dingle Lane. Furthermore, there may also be scope to provide hedging between the two drives and

potentially include tree planting within the hedge line. The access points to the north of Dingle Lane could also be further narrowed.

The Draft Conservation Area Appraisal and Management Plan is obviously a draft document and has not been approved for adoption by the Council but is presently out to public consultation. In the document it seeks to extend the Conservation Area boundary to include the curtilage of the farm and the remaining land in this application is identified with the suggested zone of sensitivity with regard to setting of the Conservation Area. However, this should not be interpreted to mean no change. It is part of the management strategy to help manage and shape change in and on the periphery of the Conservation Area.

Negotiations upon amendments to the scheme have been mindful of the review and the objective of seeking to integrate new development as sensitively as possible and to maintain, as much as possible, the character of Dingle Lane, notwithstanding the presence of proposed new housing. This has influenced discussions on scale, density and siting of housing, the retention of hedging where possible along the lane, supplemented by new hedging and tree planting, securing as informal an access arrangement as possible and a sensitive materials palette. In this respect therefore, and on balance, it is considered that the proposal does not lead to substantial harm to the Conservation Area as a whole and will help to ensure the future of one of the Conservation Area's historic buildings.

Noting the amendments secured and weighing the public benefit in terms of bringing these listed buildings back into use, set against the extent of change that will occur in relation to the assets and their settings, it is considered that, on balance, the proposals are acceptable subject to conditions controlling the detail of the development.

## CONCLUSIONS

On balance it is considered that the impacts on the Listed Building are acceptable and a recommendation of approval is therefore made.

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

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials.
4. Submission and implementation of a tree protection scheme.
5. Submission of an amended landscaping scheme.
6. Implementation of landscaping scheme
7. Submission and implementation of boundary treatment scheme.
8. Submission of a method statement for the demolition and re-building of the wall of Dingle Farm.
9. Working details of the re-built wall to be submitted.
10. Working drawing of windows to the farmhouse to be submitted.
11. A full schedule of internal works to the farmhouse and barn to be provided.
12. Full photographic survey of the farmhouse and barn to be submitted.
13. All fascias, barge and verge boards to be in timber.
14. Details of dormer windows including materials for faces and cheeks.

- 15 Details of conservation rooflights.
- 16 Full details of new internal doors, surrounds, flooring and skirting boards.
- 17 Full landscape/public realm scheme to be submitted.
- 18 All rainwater goods (farmhouse and barn) to be in cast metal and painted black.

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The map displays the following features:

- THE SITE:** A large area outlined in red, situated between Dingle Lane and Dunham Close.
- Residential:** Numerous numbered houses and buildings, including 'Belvedere Cottages' and 'Dingle Farm'.
- Recreational:** Sandbach Park, Bowling Green, and Tennis Courts.
- Water:** Dingle Lake, a Pond, and a stream flowing through the area.
- Infrastructure:** Roads including Church Street, Bath Street, Dunham Close, and Old Mill Road. A foot bridge crosses the stream.
- Other:** A 'Path (un)' and a 'Pond' are also marked.

A scale bar at the bottom right indicates distances of 0, 20, and 40 meters. A north arrow is located in the bottom left corner.

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Application No: 13/2613C

Location: Wedding Bliss, Old Church Hall, Vicarage Lane, Elworth, Sandbach, CW11 3BW

Proposal: Demolition of existing building and change of use to erect 4 no residential dwellings

Applicant: C Wright, Forward Property Group

Expiry Date: 19-Aug-2013

**SUMMARY RECOMMENDATION**

Approve; subject to conditions

**MAIN ISSUES**

- Principle of development
- Design, layout, form & character
- Residential Amenity
- Highway implications
- Landscape and forestry issues

**REASON FOR REFERRAL**

This application was originally called in to committee by Cllr Merry for assessment by Members of the Sothorn Planning committee due to the loss of the existing business unit on site. The item was heard at the 18 September meeting, however the item was deferred in order to provide additional information with regards to employment land and in order for a protected species survey to be carried out.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is comprised of a former church hall that is currently used as a retail unit for 'Wedding Bliss' with associated hard standing for a parking area. The application site is situated within the Sandbach Settlement Zone Line as identified within the proposals map.

**DETAILS OF PROPOSAL**

This is a full planning application that seeks to remove the existing building on site and to replace with four residential properties.

**RELEVANT HISTORY**

None relevant

## **POLICIES**

### **Local Plan Policy**

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity and Health
GR9	Accessibility, Servicing & Parking Provision
GR17	Car Parking
H1	Provision of new housing development
H2	Provision of new housing development
H4	Residential development in towns

### **Other Material Considerations**

Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Developments

National Planning Policy Framework

Pre-application advice letter regarding the development issued on the 27 March 2013.

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

**United Utilities:** No objections, advice letter issued

**Highways:** No objections to the proposal

**Environmental Health:** No objections subject to conditions relating to pile driving and dust control. A contaminated land investigation and risk assessment should also be submitted to and approved by the LPA.

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

Sandbach Town Council: No objections to the proposal, however recognise that the proposal would result in the loss of a business which is regrettable.

## **OTHER REPRESENTATIONS**

14 letters of objection have been received to date. The objections have been summarised below, however can be viewed on file.

- Loss of a business
- Loss of employment
- Out of character with the area in terms of layout, scale, design and form

- 2 storey properties would be better than 2.5 storey
- Bungalows would be more in keeping with the area
- Loss of light, privacy and overbearing impact of the development
- Insufficient parking provided for development and during the construction phase
- Impact upon the amenities of neighbours, specifically No.36 and the neighbouring nursery

A petition was also submitted objecting to the proposal.

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement was submitted as part of the application

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is comprised of a former church hall building located within the Settlement Zone of Sandbach. The proposal seeks to remove the existing building on site and to replace it with 4 two storey dwellings.

As the site is located within the Settlement Zone of Sandbach, the principle of residential development is acceptable, subject to other considerations such as highways, visual impact and impact upon the amenity of nearby residents.

Policy H4 permits residential development on land not allocated for such purposes provided that the site is not allocated or committed for any other purpose.

In general, the principle of residential dwellings on the site is acceptable.

### **Policy E10**

At the previous meeting, Members requested that the proposal be assessed against policy E10 within the Local Plan which relates to the redevelopment of employment sites. The site in question is a single retail unit, and is not an employment site. To assess the application against policy E10 would not be the correct interpretation of the policy.

Even so, the applicant has submitted an additional Planning Statement with regards to policy E10. They put forward that the site is not suitable for employment use as it falls within a residential area, with narrow streets.

The Planning Statement also states that the site requires redevelopment. The building in question is of poor quality and has degraded in recent years.

### **Design, Layout, Character of the Area**

The character of the area is considered to be mixed, properties on Vicarage Lane are comprised of both modern and traditional properties, detached, semi-detached and dormer

bungalow style. A modern housing estate lies to the north west of the site on Vicarage Gardens.

The application site forms a prominent corner location within the area with clear views provided from Vicarage Lane. The layout of the proposed dwellings respects the linear form of Vicarage Lane, mirroring the building line of the existing properties in the area, and is therefore considered to be in keeping with the character of the area.

House type E would be positioned facing onto Vicarage Gardens, with gable feature and bay windows. The side gable elevation facing on to Vicarage Lane would also provide a bay window, and lintel detailing to ground and first floor. The property would stand at 8.3m in height which is considered to be in keeping with the adjacent dwellings to the north of the site on Vicarage Lane that are approximately 8m in height.

House types D and C are of similar design, with gable frontages onto Vicarage Lane. Properties C differ in form due to a large footprint providing a lean-to single storey extension to the rear. Each dwelling would provide accommodation over three floors, and would measure 8.9m in height. The proposal includes the reduction of ground levels within the site by approximately 0.3m, acting to reduce the visual impact of the properties within the streetscene.

Each property proposes parking and access off Vicarage Lane. The existing mature hedge that surrounds the site would be removed in order to accommodate the development. Whilst the loss of the hedge is regrettable, it is considered that a good quality landscape scheme could improve the appearance of the site in the context of the area.

All of the proposed properties would be fabricated in brick with clay tiles and UPVc doors and windows, which is considered to be acceptable.

Whilst it is recognised that the proposed dwellings would replace a single storey structure on site, it is not considered that the scale of the proposed development would be out of keeping with the mixed character of the area.

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

## **Amenity**

According to SPG2: '*Provision of Open Space in New Residential Developments*' a separation distance of 21.3m between principal elevations, 10.7m between rear elevations and plot boundaries, and 4.6m between habitable windows and side boundaries of plots is required in order to achieve an adequate standard of privacy and amenity between dwellings. The siting of the proposed dwellings ensures that a minimum distance of 27m is retained between the properties and dwellings opposite on Vicarage Lane.

Objections have been received from No.36 Vicarage Gardens to the west of the site, however each property is set in excess of the 10.7m required by the SPD. The proposed development would not cause a loss of privacy to this property, or its rear amenity space. The adequate

privacy distance in place would prevent the development from being overbearing when viewed from No.36.

The dwelling to the north of the site is positioned 20.5m from the site, with side gable facing on to the development. It is considered that the proposal would not adversely affect the amenity of this property.

Nyehome Nursery lies adjacent to the site and is currently in use. The proposed development should not adversely affect the amenities of this business, and the use is compatible in a residential area.

It is considered necessary to remove Permitted Development rights for extensions to the properties in order to retain adequate privacy distances between the properties and existing dwellings.

Each property would have adequate rear gardens ranging from between 87sqm to 116sqm, therefore complying with the guidance of SPG2.

Whilst a number of objections have been received regarding the development it is considered that the layout would prevent any impact to the amenities of neighbours. Environmental Health has not raised any objections with regards to the development.

### **Highways**

Access points to each property would be created off Vicarage Lane, with parking provided for two vehicles on site. A number of letters of objection received relate to insufficient parking being provided on site. The Strategic Highways Manager has viewed the proposal and considers the scheme to be acceptable, subject to the applicant entering into a Section 184 Agreement with the Highways Authority for the accesses crossing an existing highway verge.

The proposed development is not considered to result in any adverse impact upon the existing highway network.

### **Protected Species**

At the request of Members a bat survey has been conducted on the site. The survey submitted to the Council was conducted by a reputable ecologist and has been viewed by the Council's own ecologist. The building does not house roosting bats and the building and surrounding area offer only limited opportunity for bats. It is recommended that a condition is attached to the decision notice ensuring that the site is checked for breeding birds during the months of March and August.

### **Other Matters**

A large number of objections to the development relate to the loss of the existing business use on site. The application site is situated within the Sandbach Settlement Zone Line as defined within the proposals map, and is not allocated as employment land. The agent has provided details that the existing tenant (Wedding Bliss) does not benefit from a lease, and as such could be asked to leave the premises at any time. Whilst it is understandable that the

tenant and their employees would like to see the premises remain open, it is not within the remit of the Local Planning Authority to dictate how the landlord chooses to run the site. The principle of residential development within a residential area is acceptable.

The Planning Statement submitted on the 3 October by the applicant states that the applicant would be willing to give the existing tenant a 12 month period in order to relocate. They have listed an alternative site, The Counting House on Sandy Lane that is within 1 mile of the existing location.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed residential development is considered to be acceptable in principle, of suitable layout and design, would not adversely impact upon the amenities of neighbouring residents or the wider highway network. The proposal would comply with all relevant policies within the Local Plan, and the wider guidance within the National Planning Policy Framework. As such, the application is recommended for approval, subject to conditions.

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

- 1) Standard time limit**
- 2) In accordance with approved plans**
- 3) Facing and roofing materials to be submitted to and approved by the LPA**
- 4) Details of ground levels to be submitted**
- 5) Landscaping scheme including boundary treatment to be submitted and approved**
- 6) Implementation of landscaping scheme**
- 7) Removal of Permitted Development Rights, Part 1 Classes A-C**
- 8) Pile driving operations restricted to Monday – Friday 9am to 5.30pm, Saturday 9am – 1pm and not at all on Sundays & Bank Holidays**
- 9) Submission of a construction method statement for pile driving**
- 10) Dust emissions scheme submitted to and approved by the LPA**
- 11) Contamination investigation and risk assessment to be submitted to and approved by the LPA.**
- 12) Standard breeding birds condition**

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Application No: 13/3727C

Location: Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: 3 bungalows in garden area

Applicant: Smithfield

Expiry Date: 30-Oct-2013

**SUMMARY RECOMMENDATION:** Approve with conditions.

**MAIN ISSUES:**

- Principle of the development
- Highways
- Design, layout and scale
- Impact on the amenities of neighbouring properties
- Amenities of future occupiers
- Landscaping

**REASON FOR REFERRAL**

Called in by Councillor S Corcoran on the following grounds:

*"The proposed development is out of keeping with the surrounding area and will disturb the amenity of the neighbourhood. The proposed development would harm the character and appearance of the area. I am also concerned about the access, which I believe should be constructed to adoptable standards and adopted. I look forward to reading the Highways report.*

*The Inspector in rejecting the appeal on the previous planning application on this site (11/1722C) said:*

*"The access, which is relatively narrow and does not provide for a separate footway, would be shared by the four proposed semi-detached dwellings, for which five parking spaces would be provided. This would effectively create a courtyard between the rear of the proposed detached dwelling and No.12, and the front of the four proposed dwellings. The urbanising effect would be significant – transforming a garden setting into a high density, relative to the surrounding area, urban courtyard."*

*"The proposed development would contrast sharply to the existing open and green character of the garden land to the rear of Smithfield Lane and to a lesser extent, behind Hawthorne Drive to the northeast. This would lead to significant harm to the garden suburb*

*characteristics that help to define the pleasant character and appearance of the area."*

*The plans are an improvement on the previous application, but although described as 'bungalows', the proposed dwellings are in reality 2 storey 3 bedroom houses."*

## **DESCRIPTION AND SITE CONTEXT**

The application site is currently occupied by a bungalow with a large rear garden and is situated on the eastern side of Smithfield Lane. It is located within the Settlement Zone Line of Sandbach. The surrounding development comprises a mixture of styles of residential dwellings.

## **DETAILS OF PROPOSAL**

The proposal is for three dormer bungalows and the existing bungalow would also be retained and renovated.

All the dwellings would be sited in the rear garden and served off a private drive between numbers 14 and 16 Smithfield Lane. The proposed dwellings would be dormer bungalows with one dormer window on the front roof slope and two on the rear roof slope.

Parking provision is proposed for number 14 to the rear.

## **RELEVANT HISTORY**

09/3069C	2009	Refusal for the erection of 7 dwellings
10/1179C	2010	Refusal for the erection of 7 dwellings (Appeal dismissed)
11/1722C	2011	Refusal for the erection of 5 dwellings (Appeal dismissed)

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Congleton Local Plan 2005**

PS4 – Plan strategy  
GR1 - General criteria for new development  
GR2 - Design  
GR6 – Amenity & health  
GR9 - Highways safety & car parking  
H1 – Provision of new housing development  
H2 – Housing supply  
H4 – Residential development in towns

SPG2 –Private Open Space

## **Other Material Considerations**

National Planning Policy Framework.

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

### **Environmental Health:**

Recommend conditions relating to contaminated land and hours of construction and piling.

### **Highways:**

The Strategic Highways Manager has assessed this application and notes that the development can only provide private drive status in terms of a private access road. The junction detail provides visibility in accordance with Manual for Streets and offers 4.2m radii kerbs and a carriageway width of 4.5 metres which is acceptable for a private drive arrangement. Parking provision is at a minimum of 200% and some units have 300% parking. This is in line with the new draft parking standards.

This proposal would not offer sufficient public utility to warrant formal adoption as public highway.

The Strategic Highways Manager recommends conditions related to detailed junction design drawings and access formation prior to construction and occupation of the dwellings.

### **United Utilities:**

None received at the time of report writing; however they had no objection to the previous proposal for 7 and 5 dwellings respectively.

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

Object on the grounds that this 'garden grabbing' development is over intensive for the site area, thus contravening local plan policy GR2.

## **OTHER REPRESENTATIONS**

At the time of report writing 5 representations have been received expressing the following concerns:

- The properties are 2 storey and not bungalows
- Loss of privacy
- Loss of Daylight
- Visual intrusion
- 'Garden grabbing'
- Opportunity for future extensions would affect the outlook of properties on Booth Avenue
- Single track road not adequate
- Difficult access for service vehicles

- Bins left on the road
- Lack of sufficient detail
- Proximity of the access road and driveway to number 14 to number 12 Smithfield Lane

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".*

Given that the site is contained within the settlement zone line of Sandbach, the proposal is considered to be acceptable in principle.

### **Highways**

Some of the objectors have expressed concerns about the access road. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. In addition the Inspector that determined the previous appeal for 7 dwellings concluded that a development of seven houses would not have an adverse impact on highway safety. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

### **Design, Layout and Scale**

Following the refusal and dismissal at appeal of the previous applications, the amount of dwellings has been reduced to 3 dormer bungalows. These would be constructed of traditional materials to match the existing bungalow.

Having regard to design, there are a variety of property types within the vicinity of the site including two new dwellings at the end of Mill Row, that are situated on the southern

boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains semi-detached 2 storey properties and Smithfield Lane comprises a mixture of bungalows and two storey properties. As such it is not considered that the design of the dormer bungalows would appear incongruous in this location.

The existing dwelling is to be renovated to help maintain the existing street scene and no plans to extend it have been submitted.

It is considered that subject to a condition requiring the submission of external materials for written approval, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan.

### **Impact on Existing Amenity Levels**

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. All of these dwellings would be in excess of the required 21.3 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPG2 (Private Open Space). There would be no significant adverse impact on the amenities of the dwellings on the side boundaries of the site.

The parking provision for number 14 Smithfield Lane was originally adjacent to the boundary with 12 Smithfield Lane, this has now been moved to the other side of the rear of the property in order to address the concerns of neighbours.

### **Amenity Levels of Future Occupiers**

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space provided for each dwelling would be in compliance with SPD2 and would be acceptable.

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2.

### **Landscaping**

The site is currently a large suburban garden containing a number of trees and some lengths of hedge. The plans do show basic landscaping details, however it is considered necessary to require submission of detailed landscaping and tree/hedge protection details by means of condition.

### **Previous Appeal Decision**

The previous proposal for 5 dwellings at the site (11/1722C), was refused by Southern Planning Committee and a subsequent appeal was dismissed.

The Inspector highlighted the fact that the proposed dwellings would be higher than is typical on Smithfield Lane, where bungalows and dormer bungalows predominate. He concluded that the impact would be intensified by the five dwellings being grouped together in small plots and

when seen in the context of the low density of development on Smithfield Lane, the development would be out of character.

The proposal put forward with this application has sought to address the issues raised by the Inspector by reducing the number of dwellings from five to three, changing the dwellings to dormer bungalows and retaining and renovating the existing bungalow at the front of the site to help retain the continuity of the street scene.

It is considered that this proposal has addressed the issues highlighted by the Inspector on the previous application when he dismissed the appeal. As such this proposal for three dormer bungalows on the site is recommended for approval.

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

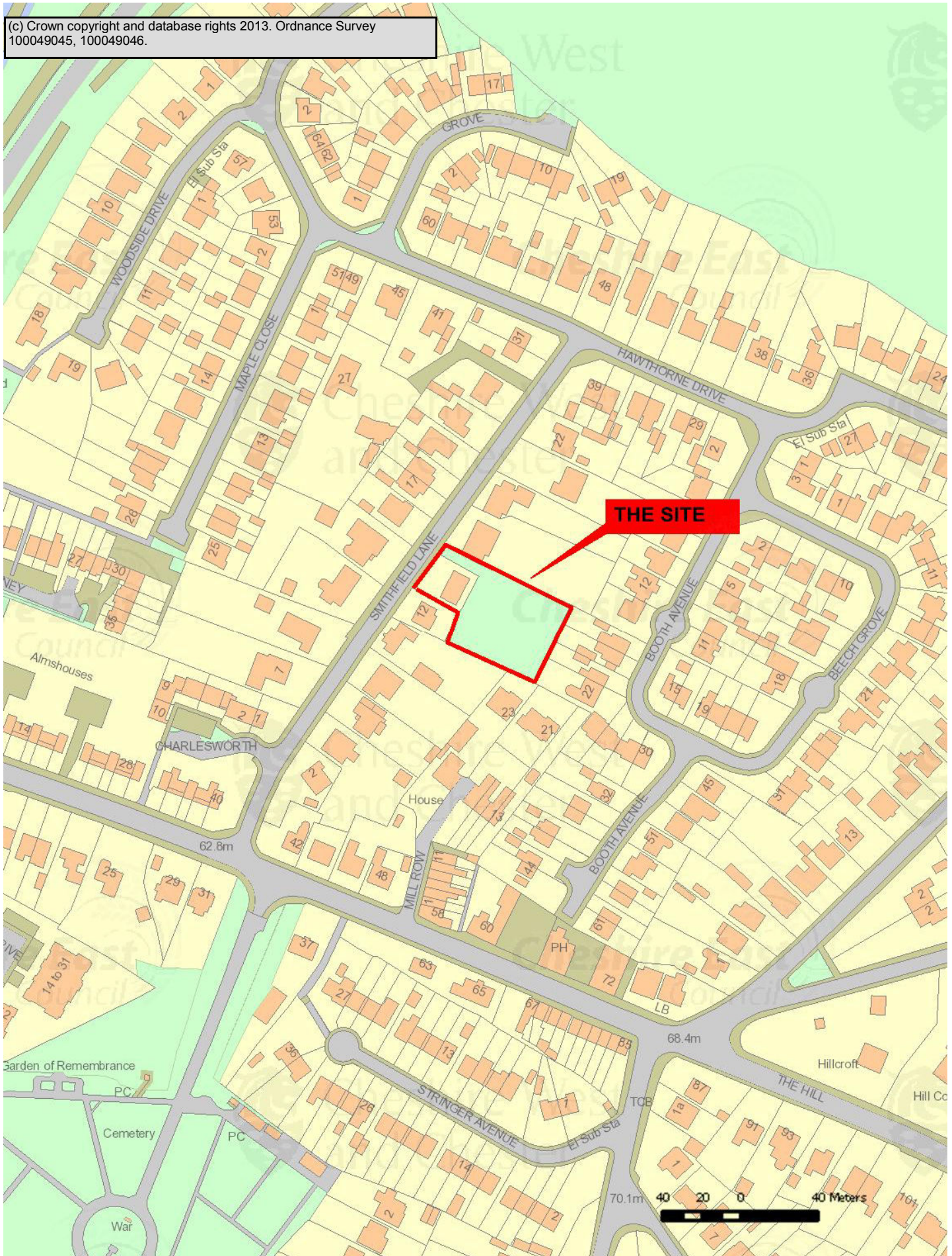
In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

#### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of detailed drainage scheme**
- 5. Submission of a Phase 1 contaminated land survey**
- 6. Limits on hours of construction**
- 7. Limits on hours of piling**
- 8. Submission of detailed access and junction plans**
- 9. Access substantially completed prior to commencement of construction of the dwellings**
- 10. Access fully completed prior to occupation of the dwellings**
- 11. Submission of landscaping scheme**
- 12. Implementation of landscaping scheme**
- 13. Submission of details of boundary treatments**
- 14. Tree protection scheme**

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Application No: 13/3582C

Location: Land adjacent to, Upper Thurlwood Locks, Rode Heath, Cheshire

Proposal: Construction of four dwellings

Applicant: MR K SHENTON

Expiry Date: 16-Oct-2013

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

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon a Public Right of Way
- The impact upon protected species
- Affordable housing
- Impact upon drainage / flooding

**REASON FOR REFERRAL**

This application has been referred to Southern Planning Committee by Councillor A J Barratt for the following reasons:

*'The piece of land that is proposed to be built on, is a Brownfield site situated in a greenbelt zone. Two of the houses will replace an existing old farm building and the other two will sit on the footings of the old farm house and piggeries.'*

*There seems to be a 50/50 split on whether the locals like the idea, even the local parish Council was split decision.*

*The land at present is a eyesore, of no agricultural value, the buildings are of no value or use and are slowly going into disrepair. This land is adj to the Canal and accessed via an unadopted road from the A533 the main road through the village. The developer is proposing improvements to both the Canal and road.'*

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a parcel of land on the southern side of the Trent and Mersey Canal adjacent to Thurlwood Upper Locks, Farams Road, Rode Heath. The site lies within the Green Belt and adjacent to the Trent and Mersey Canal Conservation Area. Currently on site are 2 dilapidated brick structures.

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the erection of 4 detached dwellings.

The proposed units would lie adjacent to each other fronting the Trent and Mersey Canal facing in a north-easterly direction. The dwellings would each be of a different design and would comprise of x3 2-bedroomed properties and x1 1-bedroomed property.

The proposal is a re-submission of 13/1885C which was withdrawn. Although the application was to be recommended for refusal in principle, the applicant wanted to address all other concerns in readiness for an appeal. In this instance, the other concern was the amount of useable amenity space which has subsequently been addressed following pre-application discussions.

## **RELEVANT HISTORY**

**13/1885C**- Construction of 4 New Dwellings – Withdrawn 15<sup>th</sup> July 2013

**13/0146C** - Construction of 4 New Dwellings – Withdrawn 18<sup>th</sup> February 2013

**22369/1** - Demolition of ruinous outbuildings and garage workshop in former orchard to provide site for single dwelling – Refused 10<sup>th</sup> July 1990

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS7 - Green Belt

H6 - Residential Development in the Open Countryside and the Green Belt

GR1 - New Development – General Criteria

GR2 - Design

GR6 - Amenity

GR9 - Accessibility, Servicing and Parking Provision

GR20 - Public Services

GR21 - Flooding

NR2 - Protected Species

BH9 - Conservation Areas

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments.

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

**Strategic Highways Manager** – No comments received at time of report

Comments to previous submission:

*'Although Farams Lane is narrow and lacking footways, it is un-adopted and even with the proposed development the total volume of traffic will still be very low. There will of necessity be construction traffic, but this will be controlled in some degree by the owners of the bridge. Therefore I do not consider there are sufficient highway grounds for objection' (28/06/2013)*

**Environmental Health** – No objections, subject to conditions restricting the hours of development, piling and the prior submission of a piling method statement. Furthermore, a land contamination condition is sought.

**United Utilities** – No comments received at time of report

**Environment Agency** – No objections

**Public Rights of Way** – Request that an advisory note be added to the decision notice advising the applicant of their legal responsibilities.

**Canal & River Trust** – No objections, subject to a condition regarding the prior submission of the works to the canal bank and a condition requesting the prior commencement of measures to protect Thurlwood Bridge from damage during construction and occupation of the dwellings proposed.

In addition, an informative requesting the contact details of the Canal & River Trust's third party works team and estates team are obtained to ensure that the developments comply with the trusts code of practice.

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

**Odd Rode Parish Council** – Object to the proposal on the grounds that it is unacceptable development in the Green Belt and there are no very special circumstances for the development.

## **OTHER REPRESENTATIONS:**

22 letters of support have been received. The main reasons for their support include;

- The current site is an eyesore / untidy
- Fly-tipping takes place
- Drug taking takes place
- Dangerous site

- Brownfield site
- Increase the value of neighbouring properties
- Hub for Anti-Social behaviour
- Dog fouling
- Proposal would result in road improvements

10 letters of objection have been received. The main reasons for the objections include;

- Loss of Green Belt & no mitigating circumstances, therefore contrary to policy
- No evidence that an alternative use has been explored
- No affordable housing
- Highway safety – Impact upon the bridge and existing road, and safety concerns due to extra traffic
- Subsidence concerns
- Proposals would not replace agricultural buildings with like replacements
- Precedent for further development
- Overdevelopment of site
- No affordable housing proposed
- No fly tipping or anti-social behaviour

#### **SUPPORTING INFORMATION:**

Design and Access Statement  
Photographs  
Protected Species Survey  
Secondary bat survey  
Landscaping Plan  
Levels information

#### **OFFICER APPRAISAL**

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

The NPPF requires a degree of consistency between the Local Plan and those policies within the framework. Where Local Plan policies are not consistent with the framework, greater weight should be given to the NPPF.

Policy H6 of the Local Plan advises that residential development will not be permitted in the Green Belt unless it falls within a number of categories including:

- A dwelling required for a person engaged full-time in agriculture or forestry or, in areas outside the green belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- The replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- The conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;

- The change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- Limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- Affordable housing in accordance with rural exceptions policy H14;

The proposed development does not fall into any of the above categories and as such, is deemed to be contrary to the Policy H6 and therefore PS7 of the Local Plan.

Paragraph 89 of the NPPF advises that one of the exceptions with regards to new buildings in the Green Belt is;

*'Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

This policy is not referred to within the Local Plan policy and as such, takes precedence over the Local Plan.

Within the applicant's Design and Access Statement it is advised that *'Historically the land has formed part of the Upper Thurlwood community, centred on activity around canal locks, and has accommodated both residential and commercial properties (including a smithy, the Bull Barn, a commercial garage and public house...).* At present time there are two buildings on the site and the remains of two others can be clearly identified.'

To support this claim, the applicant has submitted historic photographs.

The definition of brownfield land within Annex B of PPS3: Housing, states;

***'Previously-developed land (often referred to as brownfield land)***

*'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'*

*The definition includes defence buildings, but excludes:*

- *Land that is or has been occupied by agricultural or forestry buildings.*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).'*

As it is accepted that the application site is a brownfield site, the next test is whether the proposal as a whole would *'have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

It is considered that the 2 existing brick structures on site could be replaced with residential dwellings without any greater impact upon the openness of the Green Belt. However, given that the other 2 structures referenced are no longer in situ, it is considered that 2 of the proposed units would have a greater impact upon the openness of the Green Belt is developed.

As a result of these additional 2 dwellings, it is considered that the proposed development would have a detrimental impact upon the openness of the Green Belt and would therefore be contrary to the NPPF and be unacceptable in principal.

### **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

With regards to neighbouring properties, the closest neighbours to the proposed new dwellings would be those on the opposite side of the Trent and Mersey Canal over 150 metres away. Given this large separation distance, it is not considered that the development would have a detrimental impact upon the amenities of these neighbours.

Between the proposed dwellings themselves, all 4 would be largely constructed adjacent to each other and would front onto the canal.

The Bull Barn, the proposed dwelling to the far south-eastern end of the row includes no windows in its relevant side elevation fronting onto The Smithy. The Smithy includes no side windows in either of its side elevations. The Cricketer's includes 2 secondary dining / living room windows on its side elevation fronting the side of The Smithy. On the other side of the Cricketer's, side onto the final proposal, Thurlwood Lock Stables, includes 3 openings. These all serve an open plan kitchen / breakfast room. Thurlwood Lock Stables includes no openings on its relevant side elevation facing The Cricketer's. As a result of these side-on relationships either being blank or including secondary windows, it is not considered that the proposed developments would have a detrimental impact upon each other from an amenity perspective.

The proposed gardens are considered to be of a sufficient size and design for the future occupiers to be able to contain basic requirements such as a clothes drying line, a garden shed, a family sitting out area and a multi-purpose area. The revised landscape plan has allowed space for such functions with the introduction of terracing.

Environmental Health have proposed a number of conditions including; hours of construction, pile foundation hours and piling method statement and a contaminated land condition. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

## Conservation Area / Design

The proposal would consist of 4 detached dwellings in a linear pattern fronting the Trent and Mersey Canal.

Although the site lies outside of the Trent and Mersey Canal Conservation Area, the impact of the development upon the Conservation Area is a material consideration.

It is advised within the submitted Design and Access Statement that the dwellings have been *'...designed to reflect the traditional local building style and layout of Upper Thurlwood. The footprint of the new buildings will be no greater than that of the previous buildings on the site.'*

There will be a mixture of 1 and 2 storey and 1 and 2 bedroom properties.

'The Bull Barn' to the south-east of the site would have a 'T-shaped' design, be 2-storey in nature and be a 2-bedroomed property. It would measure approximately 5.8 metres in height and have a footprint of approximately 67 square metres.

'The Smithy' to the northwest of the above, would also have a 'T-shaped' design, be single-storey in nature and be a 1-bedroomed property. It would also benefit from an integral garage. It would measure approximately 7.4 metres in height (at its maximum point) and have a footprint of approximately 133 square metres (including the garage).

'The Cricketer's House' to the northwest of the above, would also have a square footprint, be 2-storey in nature and represent a 2-bedroomed property. It would measure approximately 8 metres in height and have a footprint of approximately 67 square metres.

'Thurlwood Lock Stables' to the northwest of the above, would also have an 'L-shaped' footprint, be 2-storey in nature and represent a 2-bedroomed property. It would measure approximately 6.5 metres in height and have a footprint of approximately 74 square metres.

As such, the proposed dwellings would vary between design, height and footprint.

It is advised on each of the proposed plans of the above dwellings that they would all consist of *'selected Red Cheshire reclaimed brick' walls with 'traditional lime mortar', a 'traditional reclaimed tile' dual pitched roof, timber fenestration and cast iron rainwater goods.*

The Council's Conservation Officer has advised that he has no objections to the proposed development. However, it is advised that the detailing of the eaves and windows will need to be agreed prior to commencement of development. Furthermore, additional detail of the materials and finishes should be sought, should the application be approved given its sensitive location adjacent to a Conservation Area and within the Green Belt.

It is also recommended that a condition requesting details of both hard and soft landscaping be secured. It is advised that Permitted Development Rights should also be removed for alterations to the exterior of the buildings, outbuildings and boundary treatments.

As such, subject to the conditioning of the above, it is considered that the proposed development would adhere with Policies GR2 and BH9 of the Local Plan.

## **Highways and Parking**

The Strategic Highway's Manager was consulted as part of the pre-application process and advised that they would have no issues with the scheme in principal. When questioned about the bridge, it was advised that because the access road and the bridge are unadopted, any issues in relation to these features would be a private matter.

The Strategic Highways Manager advised that *'As part of the development, the section of roadway at the western side of the bridge would be surfaced and slightly reprofiled. Each of the properties would have three parking spaces, which should ensure access for others is not obstructed.'* It is further advised that *'Although Farams Lane is narrow and lacking footways, it is unadopted and even with the proposed development the total volume of traffic will still be very low. There will of necessity be construction traffic, but this will be controlled in some degree by the owners of the bridge. Therefore I do not consider there are sufficient highway grounds for objection.'*

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

## **Ecology**

The applicant has submitted an ecology report and a bat activity survey as part of the application. No evidence of bats was identified.

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

As such, subject to conditions, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

## **Landscape**

The Council's Landscape Officer has advised that insufficient detail had been received in relation to the proposed retaining structures used to support the infilling within the rear gardens. However, subject to a comprehensive hard and soft landscaping scheme being secured by condition, there would be no objections to the development in principle.

In terms of trees, the submission indicates ground works in the vicinity of the existing mature willow trees located outside of the site edged red. However, as the site currently comprises of scrub land only and because there are no protected trees on or around the site, any impact upon trees is not considered to be significant in this instance.

As such, the proposed development, subject to conditions, would adhere with Policy NR1 of the Local Plan.

## **Right of Way**

The application site would be adjacent to public footpath Odd Rode 45 as recorded on the definitive map held at the Council offices.

The Council's Public Rights of Way Officer has advised that it is recommended that the applicant be made aware of their responsibilities in relation to a nearby public footpath by means of an informative. As such, subject to this informative, it is considered that the development would adhere with Policy GR16 of the Local Plan.

### **Affordable Housing**

The Council's Housing Officer has advised that because the site lies adjacent to the Rode Heath Settlement Boundary (which has a population of less than 3,000 people), 30% of the dwellings should be allocated as affordable in accordance with the Council's Interim Planning Statement on Affordable Housing.

However, closer inspection of the site shows that the site falls within Odd Rode which has a population well in excess of 3000. As such, it is considered that due to the location of the proposed development, the scheme does not trigger an affordable housing requirement.

### **Drainage / Flooding**

As the development site lies at a lower ground level to the adjacent Trent and Mersey Canal, the Environment Agency were consulted with regards to flooding.

In response to this consultation request, the Environment Agency have advised that the site is shown as falling within Flood Zone 1, which has a low probability of flooding and they have '*...no objection in principle to the proposed development*'.

It is advised that due to the difference in levels between the site and the canal, there could be a risk to the proposed development should there be a breach or overtopping of the canal bank. However, the proposals include a note that the floor slab levels of the proposed dwellings are raised 500mm above existing slab levels. '*This would provide some protection from any such flooding from the canal*'.

As such, it is considered that the proposed development would adhere with Policy GR21 of the Local Plan.

United Utilities have not provided any comments at the time of this report in respect of drainage. However, given that little drainage information has been submitted with the application, it is considered that should the application be approved, a condition requiring the prior submission of a drainage scheme to be approved by the Local Planning Authority should be imposed. Subject to this condition, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

### **CONCLUSIONS**

In conclusion, the development is contrary to the Congleton Borough Local Plan First Review 2005 Green Belt policy. However, the NPPF allows scope for such development so long as it

would not have a greater impact upon the openness of the Green Belt than the existing situation. This policy has greater weight than the Local Plan Green Belt policies PS7 and H6.

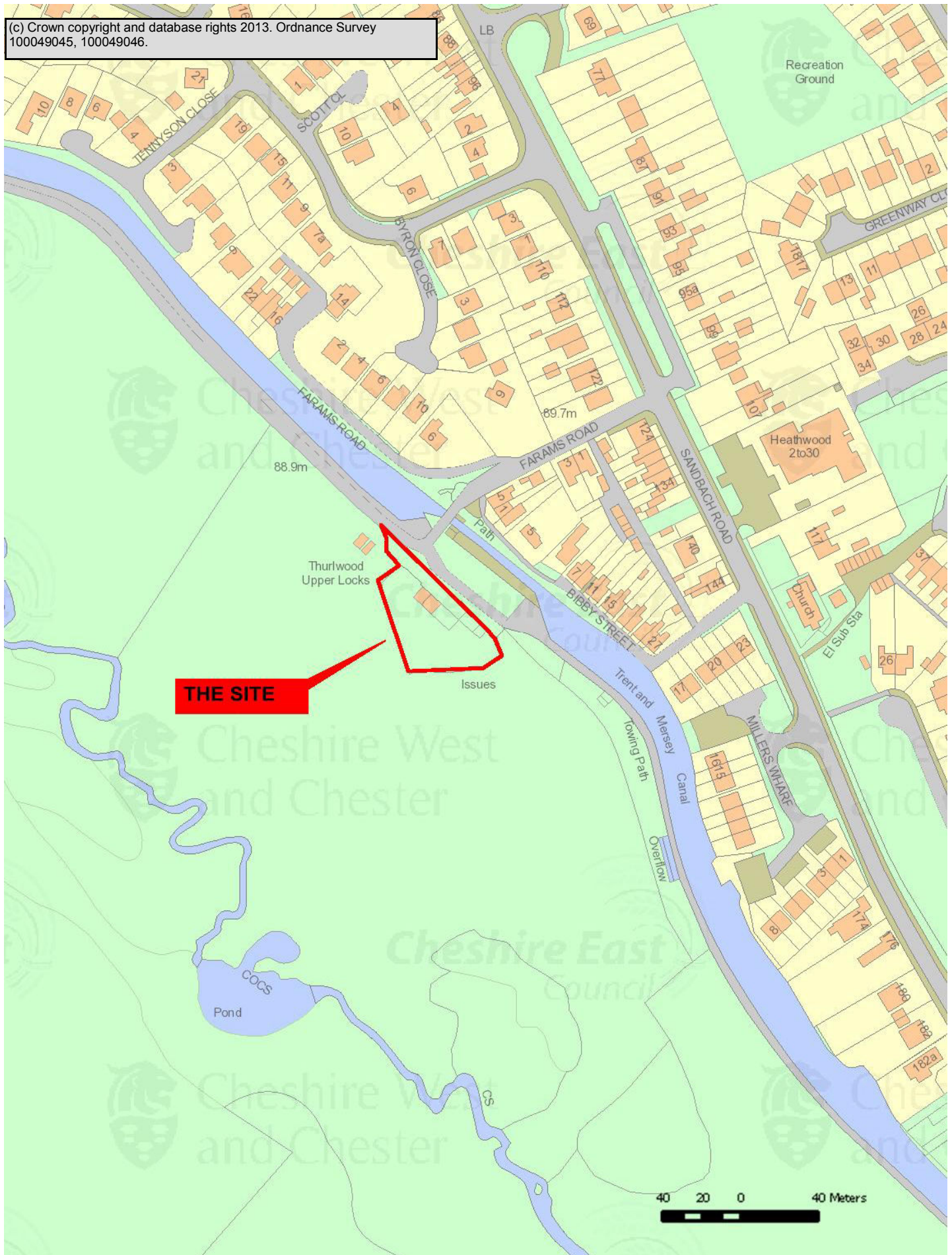
The replacement of the 2 existing structures on site would adhere to this policy, however, it is considered that the further 2 units proposed would have a greater impact upon the Green Belt than the existing situation given that they are no longer in situ. As such, it is considered that the proposed development would be contrary to Policy PS7 (Green Belt) and the NPPF.

#### **RECOMMENDATION**

#### **REFUSE**

1. The erection of 4 detached, residential properties on this site is considered to have a greater impact upon the openness of the Green Belt than the existing derelict buildings, of which there are 2. As such, it is considered that the proposed development would be contrary to Policy H6 (Residential Development in the Open Countryside and the Green Belt) and Policy PS7 (Green Belt) of the Congleton Borough Local Plan First Review 2005 and the Green Belt policies within the NPPF.

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Application No: 13/3680C

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

Proposal: Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 27-Nov-2013

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions and a Deed of Variation to the S106 Agreement**

**MAIN ISSUES:**

**Appropriateness of the proposed changes to the approved design having regard to:**

- **Trees**
- **Site Layout and Design**
- **Neighbours Amenity**

**REASON FOR REFERRAL**

Members will recall that they approved the residential development of this site subject to the satisfactory completion of a Section 106 Agreement earlier in the year. The permission was issued on 16 May 2013. The proposal seeks to vary the approved plans condition.

The proposal is a major application which, in terms of the Council's constitution, requires determination by the Southern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

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

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

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

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

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

## **DETAILS OF PROPOSAL**

This application seeks a variation to the approved plans condition attached to the original approval (13/0100C) to change the position of the footpath into the site via Tewkesbury Close from being a continuation of the footpath in front of no 26 to being a continuation of the footpath outside no 25 Tewksbury Close.

The proposal also seeks permission to alter the house design within the approved plot 2 from the 'Newark' to the 'Newark Special', which is proposed to incorporate a two storey side extension with an integrated garage with enlarged bedroom accommodation above. The previously approved free- standing garage within the garden of plot 2 is removed from the layout entirely.

Additionally, the revisions also include changes to the garage within plot 1, which becomes attached rather than freestanding , as per the original approved layout.

The residential mix is unchanged and still comprises :

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

The road layout of the estate and traffic management arrangements, for the periods during and after construction remains unchanged.

## **RELEVANT HISTORY**

13/0100C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works –

Permission granted 15 May 2013 subject to S106 Agreement.

## **POLICIES**

### **Local Plan Policy**

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

### **Other Material Considerations**

The National Planning Policy Framework (NPPF)

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in Residential Developments
SPD4	Sustainable Development

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

Middlewich Town Strategy  
2013 SHLAA  
Emerging Development Strategy

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

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

**Forestry Officer** - Raises no objection subject to conditions originally imposed upon 13/0100C being updated to reflect changes in the British Standard

### **VIEWS OF THE TOWN COUNCIL:**

Middlewich Town Council: No reply at time of report preparation

#### **OTHER REPRESENTATIONS:**

Two objections have been received from neighbouring residents on grounds:

- What contribution has developer made to local services?
- Original approval shows Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road. Proposal only shows access from Tewksbury Close.
- Glastonbury Drive is already extremely congested. Access should be via Nantwich Road

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

All documents are available in full on the planning file, and on the Council's website. As this is an application which seeks minor amendment to an extant permission, the technical and supporting information contained upon the previously approved development (ref 13/0100C) is still up to date and relevant. These are -

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

#### **OFFICER APPRAISAL**

##### **Principal of Development**

The principle of this development has already been established by virtue of the permission 13/0100C. Therefore the main issues for consideration are the highways or tree impact of the alterations to the design and position of the continuation of the pavement to the main vehicular access point in Tewkesbury Close and any design impact of the variation to the house type at plot 2.

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

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment. Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be

sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposed variation of the house type incorporates a 2-storey side extension to comprise a integral garage and extended bedroom space above, although no change to the number of bedrooms are proposed within this variant. The other minor alteration involves the re-siting of the garage within plot 1 by making it an integral garage.

These design changes are considered to be in keeping with the modern estate layout and will retain adequate driveway capacity for off street parking within the plots involved.

The proposed development would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environmental and would comply with policies GR1, GR2 and GR3 of the Local Plan.

### **Highways – safety, access and congestion**

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

Matters pertaining to the access through the estate were debated widely by the Committee when they resolved to approve 13/0100C.

The continuation of the pavement into the site from Tewkesbury Close is proposed to be on the opposite side of the street than previously approved. This has been done for the betterment of the trees in the vicinity of the access.

### **Trees**

The site access is still proposed to be at the end of Tewkesbury Close, as originally approved. This will require the removal of an unprotected group comprising of a Red Oak, 2 London Plane and a Yew tree. These trees are considered to be an amenity within the street scene for a limited number of residents in the immediate vicinity and some residents within the estate have suggested that these trees should be retained whilst the Protected Lime trees on the Nantwich Road frontage be removed to facilitate the access. This suggestion is not supported by the Tree Officer.

The trees to be removed as part of the proposal were considered during the assessment of 13/0100C to the more favourable option as any access off Nantwich Road would have highway safety implications and require the removal of at least two protected Lime trees to the main road, more public frontage.

The re-positioning of the pavement on the northern side of the street as the continuation of Tewksbury Close has been done in the interests of safeguarding the root protection areas of

the existing trees in this area. The Tree Officer has considered the proposals and raises no objection to the scheme.

**Conclusion**

This site is within the existing urban area and is considered a highly sustainable location. In the light of the advice contained in the newly adopted National Planning Policy Framework planning permission should be granted for sustainable development unless

*“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

Or

*“specific policies in this Framework indicate development should be restricted.”*

The Development plan is not absent or silent with regard to this application. Given the sustainable, urban location of the site, there is a strong presumption in favour of the development in terms of the adopted policy unless there adverse impacts to amenity or highway safety that would justify refusal.

The proposed changes to the approved footpath position and house style at plot 2 is considered to be acceptable in terms of its impact upon the design and layout of this development site.

The Section 106 attached to 13/0100C which accords with the CIL Regulations requires a deed of variation to enable the proposed changes to the scheme to be linked to the existing approval.

The Section 106 provides adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, monies towards highways mitigation to be utilised to improve the pedestrian environment to allow for future residents to walk into the town centre.

**Community Infrastructure Levy (CIL) Regulations**

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

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

The commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 24 family sized dwellings, the occupiers of which will use local facilities as there are no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The highways contribution will be utilised to mitigate for the additional traffic and to assist in improving the pedestrian environment in the vicinity to encourage sustainable modes of transport.

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

## **RECOMMENDATION**

**APPROVE subject to a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C to Secure:**

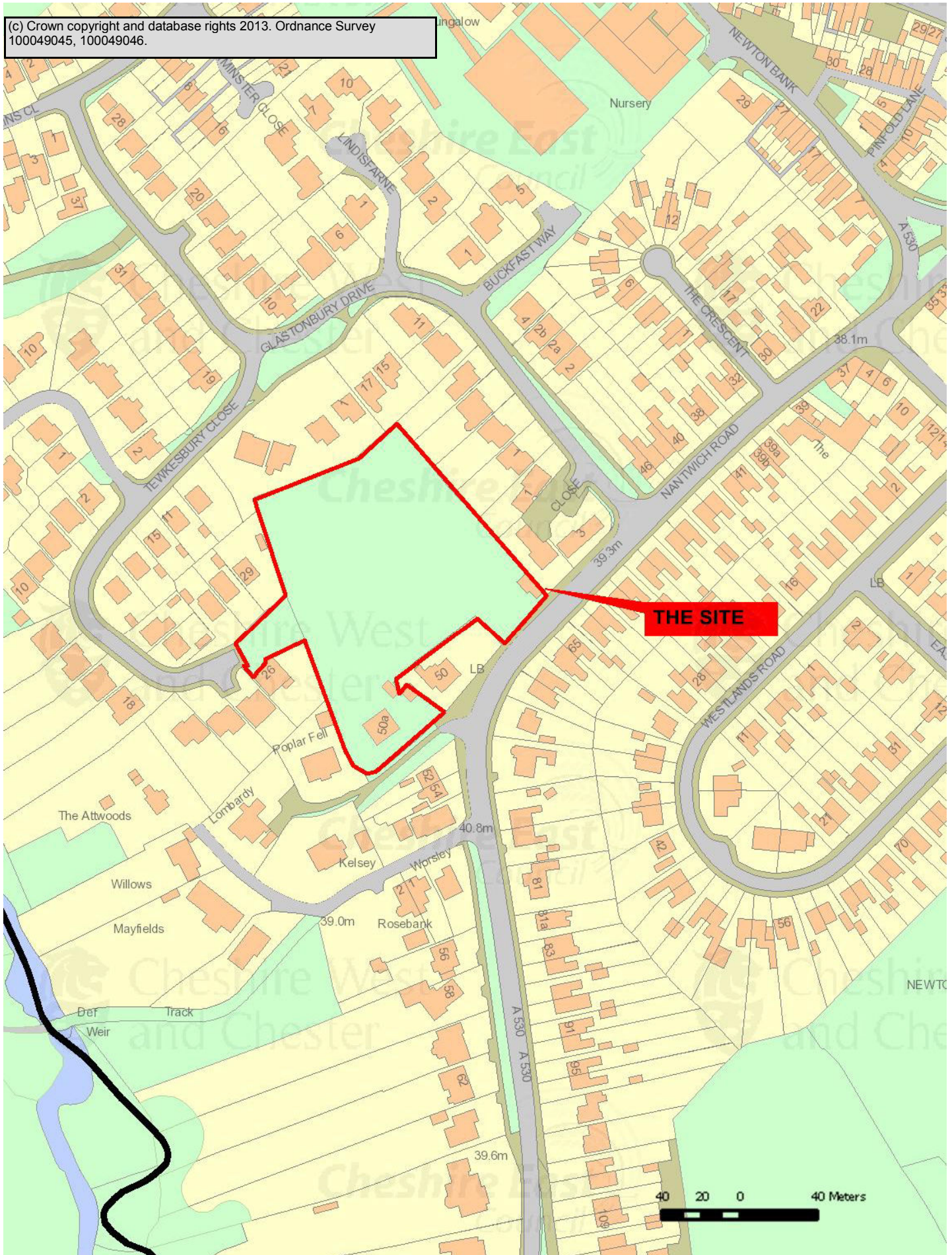
- Incorporation of the layout detailed within 13/3680C

### **And the following conditions**

1. Time limit – 3 years
1. Plans
2. Materials – samples to be agreed
3. Access to be constructed, formed and graded to satisfaction of highways authority
4. Protection of highway from mud and detritus during construction
5. Tree and hedgerow protection measures
6. Arboricultural Specification/Method statement
7. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
8. Implementation of landscaping scheme, including replacement hedgerows
9. Submission of updated ecological survey (badger)
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
13. Site drainage on separate system - details to be submitted
14. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
15. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
16. Submission of mitigation measures to minimise any impact on air quality from construction dust
17. Submission of a Contaminated Land Phase II investigation.
18. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
19. Construction specification/method statement
20. No new windows – gable elevations plot 12 and 15

21. Details of design / surfacing of proposed footpath links to site frontage
22. Open plan estate layout – removal of permitted development rights for fences in front gardens
23. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
24. Details of ground levels to be submitted
25. Details of bin/bike store to be submitted and implemented for plots 12-15
26. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
27. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
28. The parking provision to plots 12 to 15 shall be a maximum of 150%

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Application No: 13/3058N  
Location: LAND TO REAR OF, 11, EASTERN ROAD, WILLASTON, CW5 7HT  
Proposal: Residential Development of 40 houses  
Applicant: Richard Lee, Richard Lee Ltd  
Expiry Date: 31-Oct-2013

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

- Principle of the development
- Housing land supply
- The acceptability of the Access
- The acceptability of the design
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- Impact upon education
- The impact upon the Public Right of Way
- The impact upon the landscape considerations
- The impact upon hedgerows and trees
- The impact upon the railway

**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 located between the settlements of Crewe and Nantwich. It measures approx 1.67 hectares and comprises of the residential curtilage of 11 Eastern Road and pony fields to the rear of residential properties fronting Eastern Road on the south eastern edge of Willaston.

The main body of the site is roughly triangular in shape and is generally low lying, rough grazing land, subdivided into three fields with boundaries delineated by hedgerows and

fencing. The existing vehicular access to the main body of the site is currently via a field access off Eastern Road to the west of No.57.

The site is bounded to the south and west by the rear gardens of residential properties fronting onto Eastern Road. The northern boundary is marked by the Crewe to Nantwich rail line. The eastern boundary is delineated by an established hedgerow buffer with open fields beyond. The house within the site's Eastern Road frontage (No.11) comprises a two storey detached house and extensive curtilage containing numerous outbuildings. The application site lies within the Green Gap.

## **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of 40 new dwellings. Approval is also sought for Access with matters of Appearance, Landscaping, Layout and Scale reserved for subsequent approval.

As such, the application seeks permission for the principle of the erection of 40 dwellings on this site and the acceptability of the proposed access only.

The original submission was for 45 units. This was reduced following negotiations with the applicant.

## **RELEVANT HISTORY**

**7/13384** – Extension to dwelling (11 Eastern Road) – Approved 18<sup>th</sup> August 1986

**7/07269** – Two detached houses (Rear of 45/55 Eastern Road) – Refused 30<sup>th</sup> October 1980

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

NE.2 (Open Countryside)

NE.4 (Green Gap)

NE.5 (Nature Conservation & Habitats)

NE.9 (Protected Species)

NE.12 (Agricultural Land Quality)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage)

BE.5 (Infrastructure)

BE.6 (Development on potentially contaminated land)

RES.3 (Housing densities)

RES.5 (Housing in the Open Countryside)

TRAN.1 (Public Transport)

TRAN.5 (Provision for cyclists)

TRAN.9 (Car Parking Standards)

RT.3 (Provision of recreational open space and children's play space in new housing developments)

### **Other Material Planning Considerations**

Interim Planning Statement: Affordable Housing

Strategic Market Housing Assessment (SHMA)

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

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

**Strategic Highways Manager** – No objections, subject to a condition regarding; the prior submission of a suite of detailed design plans for the development highway proposals which will inform the S38 Agreement.

A condition advising that the applicant should enter into a Section 38 Agreement under the Highways Act 1980, prior to commencement of development with regards to the adoption of the highways within the development.

A financial contribution for £83,000 to the IDP Scheme of Improvement for the Peacock Roundabout against a ceiling of 50 units to be secured via a Section 106 Agreement. This sum shall be provided upon occupation of the 10<sup>th</sup> dwelling within the site.

**Environmental Health** – No objections, subject to the addition of the following conditions; Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details, the developer shall provide Electric Vehicle infrastructure into at least 10% of parking spaces proposed, the prior submission of a scheme to minimise dust emissions from demolition/construction and a contaminated land informative.

**United Utilities** – No objections, subject to a condition requesting that the site must be drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

**Environment Agency** - No objections, subject to a number of conditions including: The prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flow of surface water.

**Network Rail** – No objections, subject to a condition that prior to commencement of development the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail.

**Greenspace (Cheshire East Council)** – *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters*

*have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen...'*

As such, a sum of approximately £60,000 is sought to fund a facility that is wanted in the local area.

**Education (Cheshire East Council)** – Advise that Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.

**Housing (Cheshire East Council)** – Advise that the 2010 SHMA shows a need in the sub area of Crewe of 256 new affordable homes per year. To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable. The 15 units proposed by the applicant would meet this 30% requirement.

It is advised that should the application be approved, the type of dwelling to be provided as affordable housing should be secured at this stage as the 2010 SHMA is nearing the end of the period it is valid for.

*'My preference is for the affordable housing to be secured via s106 agreement with a requirement that an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are –*

- 30% of the total dwellings to be provided as affordable housing*
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- The affordable dwellings to be pepper-potted across the site*
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

**Public Rights of Way (Cheshire East Council)** – *'The proposed site plan indicates a pedestrian 'footpath link' access onto Eastern Road from the eastern end of the development site. It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council.*

*The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'*

**Sustrans** – Would like to see the proposed 'footpath link' shown to Eastern Road be a shared footway / cycleway. Have concerns regarding the cumulative traffic impact, the design of the

estate should restrict vehicle speeds to 20mph, the design of the smaller units should include storage for buggies and bikes, would like to see a travel plan for the site.

**VIEWS OF THE PARISH COUNCIL:**

**Rope Parish Council** – Object to the proposal on the following grounds:

- Site lies within the Green Gap

**Willaston Parish Council** - Object to the proposal on the following grounds:

- Site lies within the Green Gap – Contrary to the Local Plan
- Impact upon the visual character
- Not a sustainable site
- Contrary to Willaston SPD
- Highway safety – Traffic, parking, safety
- Local Primary school oversubscribed
- Design – Loss of local character
- Amenity – Loss of privacy
- Drainage
- Flooding
- Secondary schools not within safe walking distance
- Closest medical centre not within safe walking distance
- Lack of infrastructure
- Noise and vibration concerns
- Inaccuracies within submitted reports

**OTHER REPRESENTATIONS:**

52 letters of objection have been received. The main areas of objection relate to;

- Site lies within the Green Gap
- Highway safety – Traffic volume, parking, pedestrian safety, knock-on impact at level crossing, width of road
- Local schools already oversubscribed
- Pressure of local doctors & hospital
- Drainage
- Flooding
- Loss of wildlife / habitat
- Design – Amount of development
- Amenity – Noise, privacy, air pollution
- Local services not within safe walking distance - Secondary schools & medical centre
- Lack of infrastructure e.g. footpaths
- Inaccuracies within submitted reports
- Habitat survey too old

**SUPPORTING INFORMATION:**

Statement of consultation  
Design and Access Statement  
Planning Statement  
Ecology note  
Updated Tree Survey  
Topographical Survey  
Landscape and Visual Impact Appraisal  
Transport Statement  
Roost Assessment  
Flood Risk Assessment  
Extended Phase 1 Habitat Survey  
Geo-Environmental Assessment  
Phase 1 Desk Study  
Noise & vibration survey  
Addendum to noise assessment  
Revised indicative layout  
Hedgerow information  
Reptile Survey  
Grasslands information  
Agricultural Land Classification

## **OFFICER APPRAISAL**

### **Principle of Development**

#### Green Gap

Policy NE.4 of the Local Plan states that there are 4 areas in the former Crewe and Nantwich Borough which are designated as Green Gap. One of which is the Willaston/Rope Green Gap which the development site almost exclusively lies within.

Policy NE.4 of the Local Plan advises that within these areas, which are also subject to Policy NE.2 (Open Countryside), approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would;

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

It is advised that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available.

In response to this policy, because the development would extend between the built form between Willaston and Rope, it is considered that it would represent the erosion of the physical gap between the built up areas. Furthermore, it would detrimentally affect the visual landscape of the area which is currently characterised by open paddock.

As such, it is considered that the development would be contrary to Policy NE.4 of the Local Plan.

### Open Countryside

As advised, because the site lies within the Green Gap, it is also subject to Policy NE.2. Policy NE.2 advises that development will only be permitted if it falls within one of a number of categories including:

- Agriculture
- Forestry
- Outdoor recreation
- Essential works undertaken by public service authorities or statutory undertakers
- Other uses appropriate to a rural area
- Infilling of a small gap in an otherwise built up frontage.

As the proposed development is for the erection of 40 new dwellings in the Green Gap, it is subject to Policy RES.5.

Policy RES.5 considers housing in the Open Countryside. It is advised that in the Open Countryside, new dwellings will be restricted to those that;

- A) Meet the criteria for infilling contained in Policy NE.2; or
- B) Are required for a person engaged full time in agriculture or forestry.

As the proposed development does not meet the criteria for infilling contained in Policy NE.2 and is not required for a person engaged full time in agriculture, it is considered that the proposal would also be contrary to Policies NE.2 and RES.5 of the Local Plan.

### Housing land supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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. This document was considered by the Strategic Planning Board on 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30<sup>th</sup> May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, Cheshire East can demonstrate a five year supply of housing land and it is considered that Policies NE.2, NE.4 and RES.6, which protect Open Countryside, are not out of date.

### Emerging Policy

The current application site was considered within the SHLAA as sustainable with policy change, achievable and developable. However, the site was not deemed to be achievable within the next 5 years. It would be developable between years 6-10.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decision's in Doncaster MBC it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing it is considered that a pre-maturity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF "*should be seen as a golden thread running through both plan-making and decision-taking*", it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

### Conclusion

- The site is located within the Green Gap under Policy NE.4 and subsequently the Open Countryside under Policy NE.2. Policy NE.2 has a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

## **Location of the site**

The SHLAA advises that there is a bus route on Eastern Road but does not specifically detail if the site is considered to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 170m
- Amenity Open Space (500m) – 305m
- Children’s Play Space (500m) – 305m
- Convenience Store (500m) – 297m
- Primary School (1000m) – 820m
- Outdoor Sports Facility (500m) – 250m
- Local meeting place (1000m) – 125m
- Public House (1000m) – 240m
- Child Care Facility (nursery or crèche) (1000m) - 825m
- Bus Stop (500m) – 379m
- Public Right of Way (500m) – 217m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Secondary School (1000m) – 1200m
- Medical Centre (1000m) – 1340m
- Pharmacy (1000m) – 1340m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1200m
- Bank or cash machine (1000m) – 1448m
- Post Office (1000m) – 1448m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3701m
- Railway station (2000m where geographically possible) – 4506m
- Any transport node – 4023m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, within the recommended standards for the majority of the amenities listed, it is considered that this site is a sustainable site.

## **Access**

Eastern Road is subject to a 30 mph speed limit and is fronted by residential development. There is on street parking along this section. Further to the east of its junction with Green Lane, Eastern Road becomes rural in character and does not have any footways. It is also derestricted.

The indicative layout plan shows that the proposed dwellings would be served by a new access point that would be created on the land currently occupied by No.11 Eastern Road, Willaston.

It is advised within paragraph 3.5 of the submitted Transport Statement that *'This site access provides visibility splays that have an 'x' (minor arm set back distance) of 2.4m and a 'y' (major road visibility) distance of 31m in both directions.'*

In relation to parking, it is advised within paragraph 3.11 of the transport statement that *'...as the application is for outline permission, the level of parking has not been developed in detail. However, parking will be provided in accordance with CEC's standards which require family houses to provide two spaces per dwelling.'*

The Council's Strategic Highways Manager has advised that traffic generation from the development would be low and will have a limited impact on the local highway infrastructure. However, despite this, it is advised that there are many evolving development proposals in the area of Crewe and the Strategic Highways Manager *'...recognises that the cumulative impact on the strategic highways network demands a contribution from development towards costed schemes in the Infrastructure Delivery Plan which are CIL compliant.'*

It is advised that in this instance, the improvement scheme for the Peacock Roundabout is the nearest strategic junction which will take traffic from this development and it is considered that *'...a funding contribution of £83,000 against a likely ceiling of 50 units on this site is reasonable and matches pro-rata local contributions recently agreed.'*

As such, subject to this contribution being agreed by legal agreement, in addition to a condition seeking the prior submission of detailed drawings of the proposed road improvements, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

## **Design**

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

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

*"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people*

*and places and the integration of new development into the natural, built and historic environment.”*

The proposed development is for 40 new dwellings. This was reduced from 45 dwellings due to concerns about the layout / density of the scheme. Specifically, issues regarding the presence of dwellings at the access point and the dwellings proposed that would back onto the rail line were of a particular concern. By reducing the figure to 40, these properties could theoretically be removed from the layout.

Policy RES.3 refers to housing densities. It advises that new residential development should be built at densities between 30-50 dwellings per hectare. The application site is 1.67 hectares. As such, in this case, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout plan shows that the development would be erected in a tilted ‘T-shape’ to the rear of the properties on Eastern Road, following the shape of the proposed new access road. The indicative layout shows that the properties on the site would overlook the highway and parking areas. The properties would respect the pattern of development within the nearby area which includes singular roads to the rear of main roads that provide housing (e.g. Circle Avenue off Eastern Road and Ashlea Drive off Green Lane). To the countryside to the east, a boundary hedgerow could be provided / retained to act as a green buffer to the open countryside.

Although there are some weaknesses with the indicative design, it has demonstrated that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Landscape**

### Visual

The application site is an irregular shaped area covering two fields, bound to the north by the Crewe-Nantwich rail line and to the south by the rear gardens along Eastern Road. To the east of the site is agricultural land. The site is relatively flat grazing land with both hedgerow and fenced boundaries.

In response to the submitted Landscape and Visual Impact Assessment, it has been concluded that there are no landscape designations affecting the site. Furthermore, the Council’s Principal Landscape Architect has advised that he generally agrees with the 6 ‘key viewpoints’ identified within the study.

However, The Council’s Landscape Architect concludes that since the proposals involve development on agricultural land within the Green Gap, the scheme would be contrary to Policy NE.4 of the Local Plan.

### Trees

With regards to Trees and Hedgerows, the Council's Principal Forestry and Arboricultural Officer has advised that the tree survey submitted refers to the old British Standard BS5837:2005 *Trees in Relation to Construction – Recommendations*.

This standard has been superseded by BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* which took effect from 30<sup>th</sup> April 2012. As such, for the purposes of determining tree related issues, the submitted survey was not accepted.

The applicant has now submitted an updated survey and assessed the site using the correct 2012 British Standards.

In response to this updated submission, the Council's Tree Officer has advised that the survey still makes references to the 2005 standards. Notwithstanding this, it is advised that no trees within the site are TPO protected. It is advised that the survey identifies 20 individual trees, 5 groups and 1 hedgerow within the application site. Of the trees surveyed only 5 have been given 'B' Moderate quality which would be considered worthy of retention. The remaining trees are deemed as low 'C'; category trees of limited arboricultural, landscape or cultural values or are in decline.

The Tree Officer has advised that the indicative layout would result in 3 of the 5 'B' category trees being removed. It is advised that given the small number of moderate category trees within the site, *'...it should be possible to ensure their retention within the framework of the development.'*

It is concluded that *'Any reserved matters application must be supported by an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan in accordance with the revised British Standard BS5837:2012.'*

As a result, subject to conditions, it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

### Hedgerows

Where it is proposed that hedgerow be removed, it should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'important' under and of the criteria in the regulations, this would be a significant material consideration in the determination of the application.

Paragraph 1.1.2 of the submitted Supplementary Ecology note advises that *'The hedges would not be regarded as important under the Hedgerow Regulations 1997 on the basis of their ecological features (woody species and hedge-bank diversity).'*

In response to these comments, the Council's Nature Conservation Officer has advised that the development of this site will be likely to result in a significant loss of hedgerow. As such, if planning consent is granted, a suitable mechanism should be put in place to ensure any finalised landscaping scheme for the site includes suitable replacement hedgerows.

The 'Cheshire Archaeology Planning Advisory Service' have advised that their assessment concludes that these hedgerows may not be 'important'. However, further assessment on the status of the hedgerows against these criteria is required from the Records Office.

The 'Cheshire Archive and Local Studies Service' have advised that the hedges on the site meet the 3 criterion which indicate that there are no protected hedgerows.

As such, it is considered that the proposal adheres with this aspect of Policy NE.5 of the Local Plan.

### Loss of Agricultural land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

*"where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".*

It is advised within the submitted Agricultural Land Classification (ACL) technical note that *'...the land at Eastern Road is typical of ACL 3b land and below. It is therefore considered that the development of the Eastern Road site will not lead to the loss of "best and most versatile" farmland.'*

As such, it is considered that the proposed development would adhere with Policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

### **Amenity**

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

The proposed dwellings will need to conform to the separation standards detailed within paragraph 3.9 of the The Development on Backland and Gardens SPD. These standards include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Paragraph 3.35 of this SPD advises that each garden should have no less than 50 metres squared of private amenity space

In terms of the relationship between the proposed development and existing neighbouring properties, the indicative layout plan shows that the development would be accessed via a sole vehicular access through the plot of land currently occupied by No.11 Eastern Road, a dwelling which would subsequently be demolished.

The number of dwellings has been reduced from 45 to 40 on Officer advice due to the potential amenity and design impacts created by the dwellings proposed at the entrance of the site on Eastern Road, and those dwellings to the rear of the site which would back onto the rail line.

All other neighbouring dwellings would be over the 21 metre separation standard according to the submitted indicative layout plan and as such are deemed to be far enough away not to be impacted with regards to privacy, light or visual intrusion.

In terms of the relationships between the proposed new dwellings themselves, the indicative layout plan shows that the 21 metre gap between principal elevations can be achieved.

It is considered that there is enough space within the site for each of the 40 properties now proposed to have an appropriate sized garden.

Environmental Health have advised that they have no objections to the proposed development subject to a number of conditions. These include the prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust), hours of operation, the prior submission of a noise mitigation scheme, prior submission of lighting details, the developer shall provide Electric Vehicle infrastructure into at least 10% of parking spaces proposed, the prior submission of a scheme to minimise dust emissions from demolition/construction and a contaminated land informative.

As such, subject to conditions, it is considered that the proposal would be acceptable in terms of amenity and Policies BE.1 and BE.6 of the Local Plan.

## **Ecology**

The application is supported by various ecology reports and assessments including an; Ecology note, roost assessment and a habitat survey.

### Habitats

The Council's Nature Conservation Officer originally advised that the submitted Phase I Habitat Survey be updated to include a botanical species list with abundance data for the grassland habitats.

This information was subsequently submitted and, in conjunction with the phase I survey, it is confirmed that the grassland habitats on site are not of suitable quality to be designated as a Local Wildlife Site. However, it is advised that their loss would still result in the loss of some biodiversity value. As such, it is proposed that this loss of biodiversity be off-set by means of a commuted sum which could be used to fund off-site habitat creation/enhancement.

In terms of calculating the appropriate sum, a survey based on the DEFRA report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011' has been used. This calculation concludes that a sum of £17,795 should be sought to off-set this loss of biodiversity.

As such, subject to this sum being secured by means of a S106 Agreement, it is considered that the impact upon the habitat would be acceptable.

### Reptiles

The development site has been identified as potentially supporting common reptile species and the submitted ecological update anticipates that a detailed reptile survey would be required. As such, a detailed reptile survey was requested.

This survey has subsequently been received and the Council's Nature Conservation Officer has advised that the survey was conducted at the optimal time of the year under suitable weather conditions. The survey concluded that no evidence of reptiles were recorded. As such, the Conservation Officer is confident that reptiles are unlikely to be present or affected by the proposed development.

### Bats

The initial Phase I survey stated that some tree on the site have potential to support roosting bats. Due to mixed advice within the submission as to which trees would be retained, the Council's Nature Conservation Officer concluded that further clarification as to which trees on site have bat roosting potential and which trees would be felled.

In response, the applicant has provided this information and the Conservation Officer has concluded that based on the submitted indicative plan, it appears feasible for the trees which have potential to support roosting bats to be retained.

As such, the development creates no issues in relation to bats.

### Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and the development would likely result in a significant loss of hedgerow. As such, the Council's Nature Conservation Officer has advised that if planning consent is granted, a suitable mechanism should be put in place to ensure that any finalized landscaping scheme for the site includes suitable replacement hedgerows.

Subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

### **Open Space**

The indicative layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore, it is advised that where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

It is advised within paragraph 4.43 of the submitted Planning Statement that the indicative layout plan shows approximately 1,600 square metres of shared recreational space/play space. It is advised that *'It is therefore contended that the proposed development complies with the requirements of this policy.'*

The Council's Greenspaces team have advised that *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen. If we can get the developer to pay for such a facility....it would deliver what local youngsters want.'*

Given that the indicative layout plan provides sufficient open space for the scheme to adhere with Policy RT3, it is considered that this additional request would be unreasonable.

As such, subject to the amount of POS proposed being supplied at reserved matters stage, it is considered that the proposal would adhere with Policy RT3 of the Local Plan.

### **Affordable Housing**

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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.

It is advised within the application form that the development would comprise of 15 affordable units, a figure which would adhere with the 30% standard.

The Council's Housing and Needs Manager has advised that *'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 44 active applicants on Cheshire Homechoice who have selected Willaston as their first choice, these applicants require 16 x 1 bed, 14 x 2 bed, 9 x 3 bed and 3 x 4 bedrooms, 2 applicants haven't set how many bedrooms they require.'*

*To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore as there is affordable housing need in Willaston and the SHMA sub-area of Crewe there is a requirement that 30% of the total units at this site are affordable...'*

*Although this is an outline application, the detail the applicant has provided with regards to the affordable housing offer is limited, essentially just stating there will be provision of affordable housing, however the application form does indicated 15 affordable dwellings will be provided.*

*If this outline application is approved we would like to agree the type of dwelling to be provided as affordable housing at the reserved matters stage, as the SHMA 2010 is nearing the end of the period it is valid for and an updated SHMA is expected in the near future.*

*the affordable housing to be secured via s106 agreement with a requirement that an affordable housing scheme which meets the requirements of the Interim Planning Statement: Affordable Housing is submitted with the reserved matters application, the main affordable housing provisions the s106 needs to secure are –*

- 30% of the total dwellings to be provided as affordable housing*
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate*
- The affordable dwellings to be pepper-potted across the site*
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.*
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.'*

As a result of the above information and comments, subject to the securing of the above via a S106 Agreement, it is considered that the affordable housing provision proposed would be acceptable.

## **Infrastructure**

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include; on site facilities, off site facilities or the payment of a commuted sum.

*The Council's Education Officer has advised that '...Primary Schools within a 2 mile radius and secondary schools within 3 miles have been considered for capacity. It is advised that there are sufficient places available in the secondary schools, but the primary schools are forecast to be cumulatively oversubscribed. Therefore, a contribution will be required for every primary aged pupil's which equates to the sum of £86,770.'*

As such, in order to adhere with the potential capacity on local primary schools, should the application be approved, it is recommended that a contribution of £86,770 be provided in order to aid these local schools in being able to deal with this increase.

This would be secured via a S106 Agreement.

The Primary Care Trust (PCT) have been consulted but have not provided any comments on the application which suggests they are satisfied with the proposed development.

Highway infrastructure has been considered under the Access section of this report.

As such, subject to the above being secured via legal agreement, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

### **Footpaths / Public Right of Way**

The proposed development would include a pedestrian footpath link access onto Eastern Road between No.55 and No.57 Eastern Road.

The Council's Public Rights Of Way Officer has advised that *'...It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council. The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'*

Sustrans also support the need for a cycle links and provisions within and to the scheme.

As such, subject to the above detail being agreed at reserved matters stage, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

### **Flood Risk and Drainage**

The Environment Agency have been consulted on the scheme and have advised that they have *'...no objection in principle...'* subject to 2 conditions.

These include the prior submission of a detailed surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flood flow of surface water. As such, subject to the implementation of these 2 proposed conditions, it is considered that the proposed development would adhere with Policy NE.20 of the Local Plan.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections, subject to the site being drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

As such, subject to the implementation of these proposals via informatives, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### **Network Rail**

The site is bound to the north by the Crewe - Nantwich rail line. Network Rail have reviewed the proposal and advised that they have no objections to the development, subject to the following 2 conditions: Prior to commencement of development, the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail. As such, subject to these conditions, it is considered that the proposed development would not have a detrimental impact upon the rail line.

### **Levy (CIL) Regulations**

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

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

The development would result in increased demand for primary school places as there is limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £86,770.

The development would also result in an increase in the volume of local traffic on the Peacock Roundabout and as such, a contribution towards an existing improvement scheme on this junction is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £83,000.

The proposed scheme would also result in the loss of grassland habitats and a loss in biodiversity. In order to compensate for this loss, a contribution towards an off-site habitat creation is required. This is considered to be necessary and fair and reasonable in relation to the development. The commuted sum sought is £17,795.

The affordable housing element of the development would also be secured via a Section 106 Agreement. This too, is considered to be necessary and fair and reasonable in relation to the development.

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

### **CONCLUSIONS**

The site is within the Green Gap where under Policy NE.4, within such areas, approval will not be granted for the construction of new buildings where the development would result in the erosion of the physical gap between built up areas or adversely affect the visual character of the landscape.

It is considered that because the development would extend between the built form between Willaston and Rope, it is considered that it would represent the erosion of the physical gap

between the built up areas. Furthermore, it would detrimentally affect the visual landscape of the area which is currently characterised by open paddock.

The proposal is also subject to Policy NE.2 where there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development, should be protected for its own sake.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.

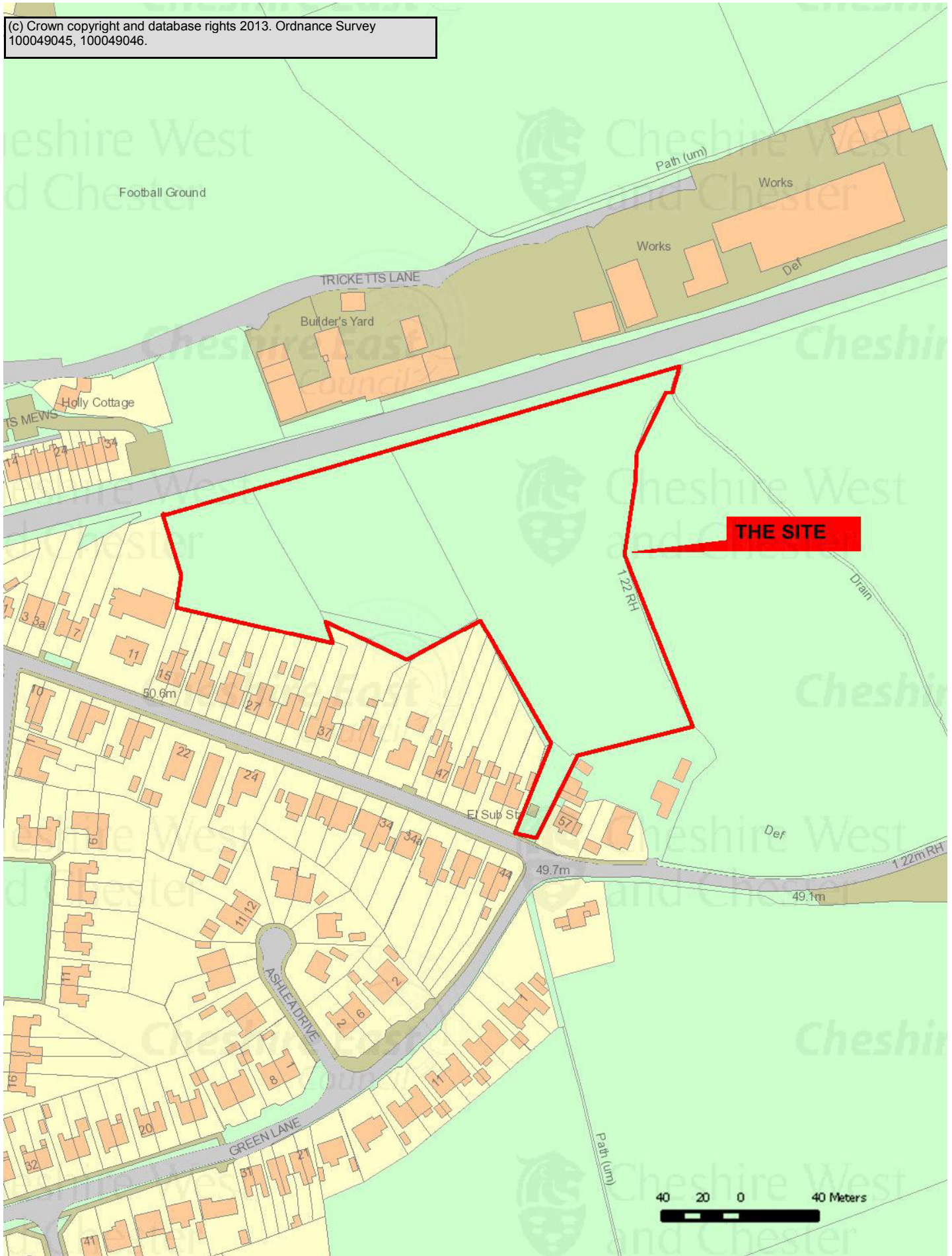
The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such arguments where authorities can demonstrate a five year supply of housing land.

#### **RECOMMENDATION:**

#### **REFUSE**

- 1. The proposed residential development is unsustainable because it is located within the Green Gap, contrary to Policies NE.4, NE.2 and RES.5 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

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Application No: 13/3258N

Location: Thornton House, Emberton Place, Audlem, Crewe, CW3 0HL

Proposal: Construction of 10 bungalows with associated landscaping and car parking.

Applicant: Adele Summer, Wulvern Housing

Expiry Date: 12-Nov-2013

**SUMMARY RECOMMENDATION**

**Approve subject to conditions**

**MAIN ISSUES****Impact of the development on:**

- **Principal of the Development**
- **Affordable Housing**
- **Highway Implications**
- **Amenity**
- **Design**
- **Trees**
- **Landscape**
- **Ecology**
- **Loss of a Community Facility**

**REASON FOR REFERRAL**

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

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the south east of Cheshire Street (A529) within the Audlem Village Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site comprises a 2 storey community facility and 8 single storey bedsits and a landscaped area to the rear of the community facility. The surrounding development comprises bungalows similar to those proposed.

**DETAILS OF PROPOSAL**

This is a full planning application for the erection of 10 bungalows with associated landscaping and parking. There would be four 2 bedroom and six 1 bedroom bungalows. The applicant is Wulvern Housing and the bungalows would be for people over the age of 55.

The new dwellings would wrap around along Emberton Place with open plan front gardens and private rear gardens. Parking for one vehicle would be provided within the curtilage of each bungalow. Eleven additional parking spaces are to be provided within the site in order to help alleviate existing parking problems at Emberton Place.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.4 – Housing in Villages with Settlement Boundaries  
RES.3 – Housing Densities  
CF.3 – Retention of Community Facilities

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

### **United Utilities:**

None received at the time of report writing.

### **Strategic Highways Manager:**

The bungalows are fronting onto Emberton Place; the parking provision is to be taken off a new access road at the south east corner of the site. There are 21 car parking spaces proposed for the 10 units and this includes visitor provision, it is considered that this is an acceptable level of parking provision.

With regard to the traffic impact of the development, the 10 units will only produce a very small amount of peak hour trips and there will not be an impact on the local road network as a result of this development.

The internal access road to the site will not accommodate a refuse vehicle and therefore each bungalow will need bin storage facilities for frontage collection from Emberton Place.

There are no highway objections to the application.

**Environmental Health:**

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

**Audlem Parish Council:**

Audlem Parish Council supports the planning application in principle for 10 bungalows with the recommendation that green energy is utilised throughout and agree that consideration should be made for a financial contribution by the developer of a community facility elsewhere in the village.

**OTHER REPRESENTATIONS**

At the time of report writing, one representation has been received from the occupier of one of the neighbouring bungalows. This expresses support for the proposal but concern about the impact on existing parking problems at Emberton Place.

**APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Design and Access Statement
- Phase I Site Appraisal (Contaminated Land)
- Phase II Site Appraisal (Contaminated Land)
- Ecological Assessment
- Bat Survey
- Arboricultural Impact Assessment

These documents are available to view on the application file.

**OFFICER APPRAISAL**

**Principal of Development**

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

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

In this case the site is located within the Audlem Village Settlement Boundary and Policy RES.4 of the Adopted Local Plan allows for housing on a scale commensurate with the character of the village.

The site is surrounded by residential properties and is in close proximity to the village of Audlem. Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

### **Affordable Housing**

The proposal seeks planning approval for 10 bungalows all of which are to be provided as affordable rented dwellings.

The Strategic Housing Market Assessment (SHMA) 2010 identified a requirement for 30 new affordable homes in Audlem between 2009/10 – 2013/14, this was made up of a requirement for 1 x 1 bed, 5 x 3 bed, 1 x 4/5 bed and 1 x 1/2 bed older persons new affordable homes each year. The SHMA 2010 also identified a preferred tenure split of 65% social rented and 35% intermediate dwellings.

In addition to the information taken from the SHMA 2010 there are currently 51 applicants on the housing register with Cheshire Homechoice who have selected Audlem as their first choice, these applicants require 17 x 1 bed, 16 x 2 bed and 10 x 3 beds, 2 x 4 beds and 6 applicants haven't set the number of bedrooms required.

A Rural Housing Needs Survey was carried out for Audlem Parish in January 2013 and identified 98 newly forming households, of which 37 would need subsidised or rented affordable properties.

In addition to the above housing need information, this application is for new older persons accommodation to replace the out of date older persons accommodation with shared facilities at Thornton House. As such the Housing Strategy and Needs Manager supports this proposal.

The Interim Planning Statement: Affordable Housing states that affordable homes should be built in accordance with the standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3. Wulvern Housing have secured an allocation of grant funding towards this proposal from the Homes & Communities Agency, part of the conditions of that funding is that they will have to build the properties to the standards required by the HCA. This therefore, is not a concern.

The affordable housing should be secured by way of a condition as has previously been agreed with Wulvern Housing for 100% affordable housing schemes.

Wulvern Housing are a partner of the Council in the Cheshire Homechoice scheme and the properties will be let through this scheme taking account of the Community Connection criteria that requires applicants to show a community connection to Audlem.

### **Highways Implications**

The proposal is for ten new bungalows on this existing development of bungalows. One parking space is proposed for each new dwelling and a further eleven spaces within the site, in addition two parking spaces are proposed for the existing numbers 18 and 19 Emberton Place.

The Strategic Highways Manager considers that there would be an acceptable level of parking provision and that the development would generate a very small amount of peak hour trips. It is therefore considered that there would be no significant impact on the local road network.

The SHM has indicated that the internal access road would not accommodate a refuse vehicle, therefore each bungalow will need bin storage facilities for frontage collection from Emberton Place. This should be controlled by condition.

Overall, it is considered that the proposal would result in an improvement to parking provision on Emberton Place.

The proposal is therefore considered to be in compliance with Policy BE.3 (Highways) of the adopted local plan.

### **Amenity**

There are bungalows around the site and all the required separation distances would be met within the development. The proposed development would not have any significant adverse impact on neighbouring dwellings in terms of overlooking and overshadowing. The outlook of the existing bungalows would change, however it is not considered that this change of outlook would represent an unacceptable visual intrusion in the street scene in the context of this site.

Environmental Protection have recommended conditions relating to construction, piling and external lighting and these are considered to be reasonable and should be imposed should the application be approved. The contaminated land reports identified the need for further Phase II investigations should be undertaken and this should be controlled by condition.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) of the adopted local plan.

## **Design**

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

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

The proposed bungalows have been designed to reflect the style of the existing ones that would surround it. They would wrap around Emberton Place in a form that would be appropriate in this location. It is considered that the design is acceptable and would not appear out of character in this part of Audlem.

The proposal is therefore considered to be in compliance with Policy BE.2 (Design) of the adopted local plan.

## **Trees and Landscape**

The development proposals would reduce significantly the present landscaped areas and remove all of the trees.

The loss of mature trees is regrettable and would have an impact on the visual amenity of the immediate area. Further, the loss of the existing green and provision of the extension to Emberton Place and parking areas would impact on the outlook from the existing adjacent bungalows. However, it is considered that the new development would be of an appropriate appearance and that the provision of this form of much needed affordable housing outweighs the limited harm that would result from the development. Conditions should be imposed requiring submission of details of landscaping, including ‘green screen’ boundary treatment to the new parking area.

## **Ecology**

An Ecological Assessment was submitted with the application, this concluded that the site was of low ecological value and this has been confirmed by the Council's Ecologist. It did however identify that a full bat survey was undertaken prior to the demolition of the building. This has now been undertaken and evidence of a bat roost has been identified.

The Bat Survey has recommended mitigation measures in the form of replacement features in the new development to accommodate bats. These are considered to be acceptable by the Council's Ecologist.

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 NE9 (Protected Species) states that development will not be permitted which would have an adverse impact on protected species or their habitats, unless mitigation / habitat creation is secured.

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 assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. Whilst bats were identified as roosting within the building to be demolished, the Council's Ecologist is

satisfied that the development is unlikely to have a significant impact upon this protected species subject to the mitigation measures proposed being included within it.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan policy NE9 (Protected Species) and the Framework.

### **Loss of a Community Facility**

Policy CF.3 states 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.”*

This proposal does involve the removal of the community facility at the site and Wulvern Housing have been in consultation with Audlem and District Community Action (ADCA) since October 2012 regarding this issue. This consultation looked at finding an alternative community facility. At one point discussions were held regarding Wulvern gifting a piece of land within the development site to accommodate a community facility and Wulvern's architect drew up plans for this. Wulvern also approached the Homes and Communities Agency of behalf of ADCA and made them aware of the potential of accessing grant funding through the Community Right to Buy, in order to assist them to build the community facility.

ADCA have now made the decision to move day care temporarily to Hankelow Chapel with the ultimate aim of moving to Audlem Village Hall. Wulvern have provided furniture from Thornton House and a wheelchair access ramp at Hankelow Chapel.

Audlem Parish Council has requested that consideration is given to requesting a financial contribution from the developer for a community facility elsewhere in the village. This is a proposal by a social housing provider which means that the costs are subsidised by funding from the Homes and Communities Agency and Disposal Proceeds Funds. There are no additional monies to put towards contributions. It is considered that they have made significant efforts to accommodate a new community facility on the site and it would be unreasonable for the Council to require a financial contribution from them.

### **CONCLUSIONS**

The site is within the Audlem Village Settlement Boundary and the principle of residential development is considered to be acceptable and in this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits nor are there are any policies within the NPPF that indicate that development should be restricted.

The proposal is considered to be acceptable in parking, highway safety and traffic generation terms.

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

There are no other ecological issues are raised as part of this application. The impact upon bats can be mitigated with the measures recommended in the bat survey

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

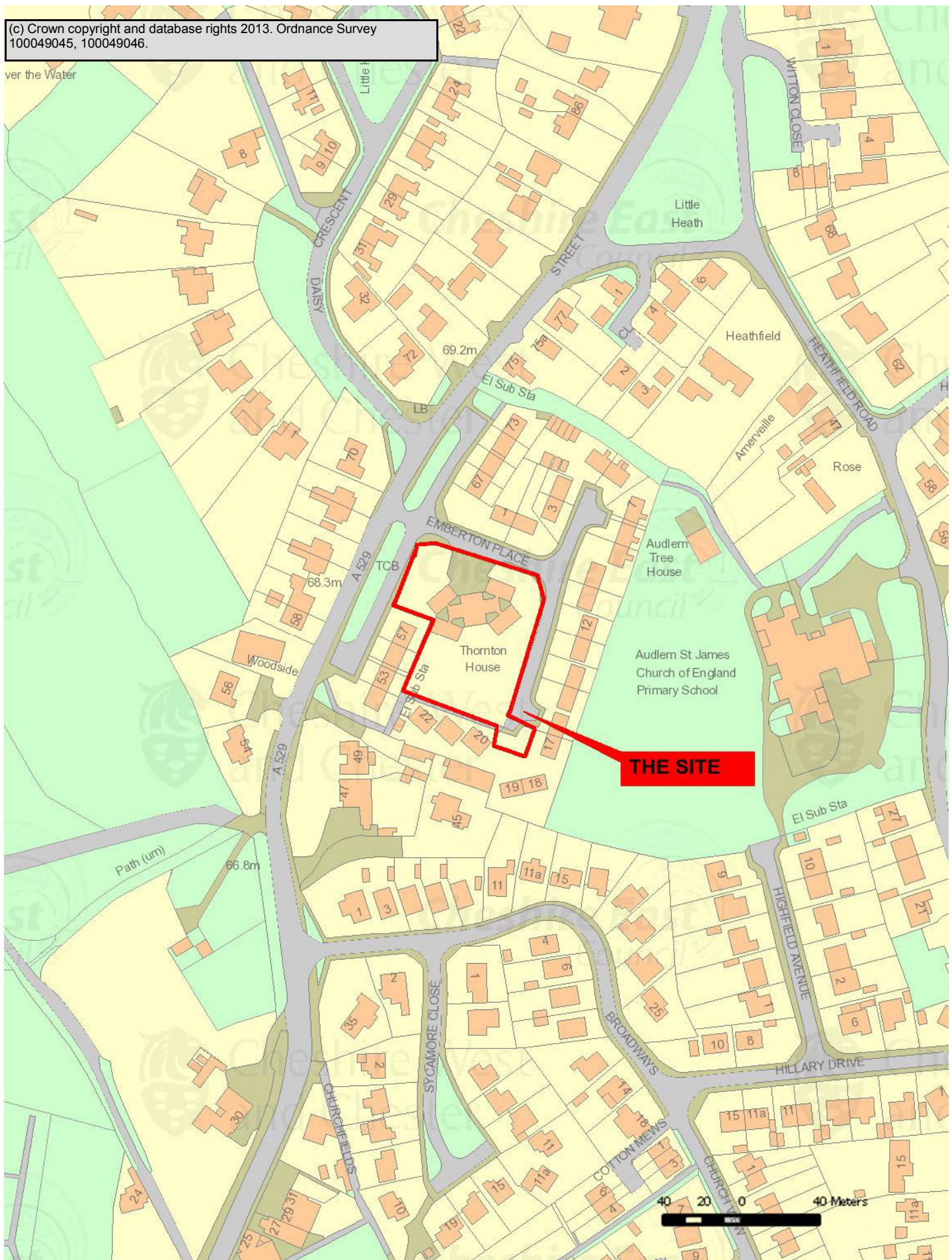
## **RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

**And the following conditions:**

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Securing the affordable housing**
- 4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 6. No development shall take place until details of external lighting has been submitted to and agreed in writing by the Local Planning Authority.**
- 7. Materials as stated in the application**
- 8. Landscaping details including boundary treatment of car parking area to be submitted and approved**
- 9. Implementation of landscaping**
- 10. Prior to the commencement of development details of existing and proposed levels are to be provided.**
- 11. Construction Management Plan**
- 12. Submission of a further Phase II Contaminated Land Report**
- 13. Submission of details of bin storage and collection**
- 14. Compliance with the recommendations in the bat survey**

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Application No: 13/3434N

Location: land adjacent to, 9, Walthall Street, Crewe, Crewe, CW2 7JZ

Proposal: Proposed construction of 15 apartments on land adjacent to

Applicant: Greenhouse, Greenhouse Property Management

Expiry Date: 11-Nov-2013

**SUMMARY RECOMMENDATION****Refuse****MAIN ISSUES****Impact of the development on:-**

**Principal of the Development**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Design**  
**Trees**  
**Landscape**  
**Ecology**

**REASON FOR REFERRAL**

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

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the western side of Walthall Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site comprises a brownfield site to the west of Walthall Street and adjacent to the Valley Brook. It is mainly hard standing with some vegetation on the southern boundary with the brook, a brick/block wall to the west and a residential property to the north. Levels fall from north to south and from east to west with the main body of the site at a lower level than Walthall Street. The area contains a mixture of residential and commercial properties.

**DETAILS OF PROPOSAL**

This is a full planning application for the erection of 15 apartments in one four storey building. The apartments would be a mix of one and two bedroom units.

The building would be of traditional construction with a brick and render finish and a pitched, tiled roof. There would be a central gable on the front elevation to provide relief. Six parking spaces are proposed to the side of the building in addition to a secure cycle storage facility. Bin There would be an outdoor sitting area and provision for drying washing and bin storage.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **United Utilities:**

None received at the time of report writing.

### **Environment Agency:**

*10<sup>th</sup> September 2013*

No objection subject to the imposition of a condition relating to a landscape management plan adjacent to Valley Brook.

*4<sup>th</sup> October 2013*

In reference to the above planning application, we have reviewed the amended site layout plan which shows the additional car parking area. We can confirm that we have no objections to this amendment and we would now like to withdraw our previous requested condition for a Landscape Management Plan.

### **Strategic Highways Manager:**

We note that the site is located fairly close to the town centre. We would expect parking provision of a minimum of one space per dwelling in this location; only six spaces are proposed for 15 or 16 dwellings. This level of provision is not acceptable for up to eight 1-bed and up to eight 2-bed properties.

The existing dropped kerbed access would also need to be upgraded to one with radius kerbs and tactile as for a private drive.

The Strategic Highways Manager's recommendation is for REFUSAL of this application on the basis of insufficient parking provision and a sub-standard vehicular access.

### **Environmental Health:**

Conditions suggested in relation to construction hours, piling works, and external lighting. An informative is suggested in relation to contaminated land. Originally a recommendation of refusal was advised relating to Air Quality Management. This has now been withdrawn as 2 electric car charger units are to be provided.

### **VIEWS OF TOWN COUNCIL:**

Members objected to the development and make the following comments:

- 1) Crewe Town Council supports the use of brownfield sites for housing development.
- 2) Crewe Town Council welcomes the provision of affordable housing. However, it does not believe that all affordable housing should be in apartment blocks.
- 3) Crewe Town Council objects to the development because of its scale. A four storey building is not appropriate when the rest of the area consists of two storey terraced houses.
- 4) There are insufficient parking spaces, only six spaces for 16 apartments.
- 5) There is some refuse storage provision but the space allocated seems very small when the likely amount of waste generated by 16 apartments is considered.
- 6) There is no green energy provision, e.g. solar panels.
- 7) Crewe Town Council knows that there are too many apartment developments in Crewe. Many of these apartments are for sale and have been vacant for a long time. Another apartment development is not needed.
- 8) Crewe Town Council would prefer a development of terraced houses, in keeping with the area. This would provide much needed affordable housing for families.

### **OTHER REPRESENTATIONS**

None received at the time of report writing.

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

To support this application the application includes the following documents;

- Statement in Support of Planning Application (Design & Access)
- Flood Risk Assessment

These documents are available to view on the application file.

## **OFFICER APPRAISAL**

### **Principal of Development**

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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

The site is surrounded by residential and commercial properties and good access to services and facilities. Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing states in section 3.2 that there is a requirement for affordable housing to be provided in settlements with a population of over 3,000 on any windfall sites with more than 15 dwellings or that exceed 0.4ha.

The proposal was originally for 16 apartments and this has now been reduced to 15 and the site is 0.09 hectares in size. Therefore there is no requirement for the provision of affordable housing.

### **Highways Implications**

The original proposal provided only six parking spaces within the site, when the requirement is for 1 space for each bedroom within the development. Subsequently a plan was submitted showing a total of 13 parking spaces which is considered to be an improvement, but still did not meet the standards required.

The issue of the radius kerbs has been addressed in the amended plan and is considered to be acceptable.

Having regard to the additional spaces, several of them were to be in an area adjacent to Valley Brook where the Environment Agency had requested landscape management plan. This has allowed an additional amendment to be submitted, that shows 15 parking spaces being provided within the site. This has addressed the concerns of the Strategic Highways Manager having regard to the potential for the development to lead to on-street parking.

The proposal is therefore considered to be in compliance with Policy TRAN.9 (Car Parking Standards).

### **Amenity**

There are residential properties to the south and north of the proposed building. The property to the south is in excess of 30 metres away from the boundary of the site and has no windows in the side elevation that would face the proposed building. The property to the north (9 Walthall Street) also has no windows in the side elevation. To the rear, adjacent to the boundary with number 9 the proposed building would be set in by 2.5 metres and there would be no windows that would overlook the rear garden of this property.

Environmental Protection have recommended conditions relating to construction, piling and external lighting and these are considered to be reasonable and should be imposed should the application be approved. Originally there were concerns about impact on an Air Quality Management Area; these concerns have now been resolved by the inclusion of 2 electric car charging points within the development. The provision of these should be controlled by condition.

### **Design**

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

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

The proposed building would be four storeys with a pitched roof. The elevational treatment of the building shows gable features and lintel and sill detailing. The height of the building would be seen in the context of this sloping site, with the eaves height being level with the ridge height of 9 Walthall Street and it is considered that this would not create an over dominant feature in the street scene. It is considered that the design is acceptable and would not appear out of character in this part of Crewe.

### **Trees and Landscape**

The site is brownfield and is largely derelict, with some trees on the boundaries. The Valley Brook boundary in particular would benefit from enhancement. To this end a scheme of landscaping for the site should be secured by condition.

### **CONCLUSIONS**

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable.

The impacts on design, amenity, landscape and ecology are considered to be acceptable.

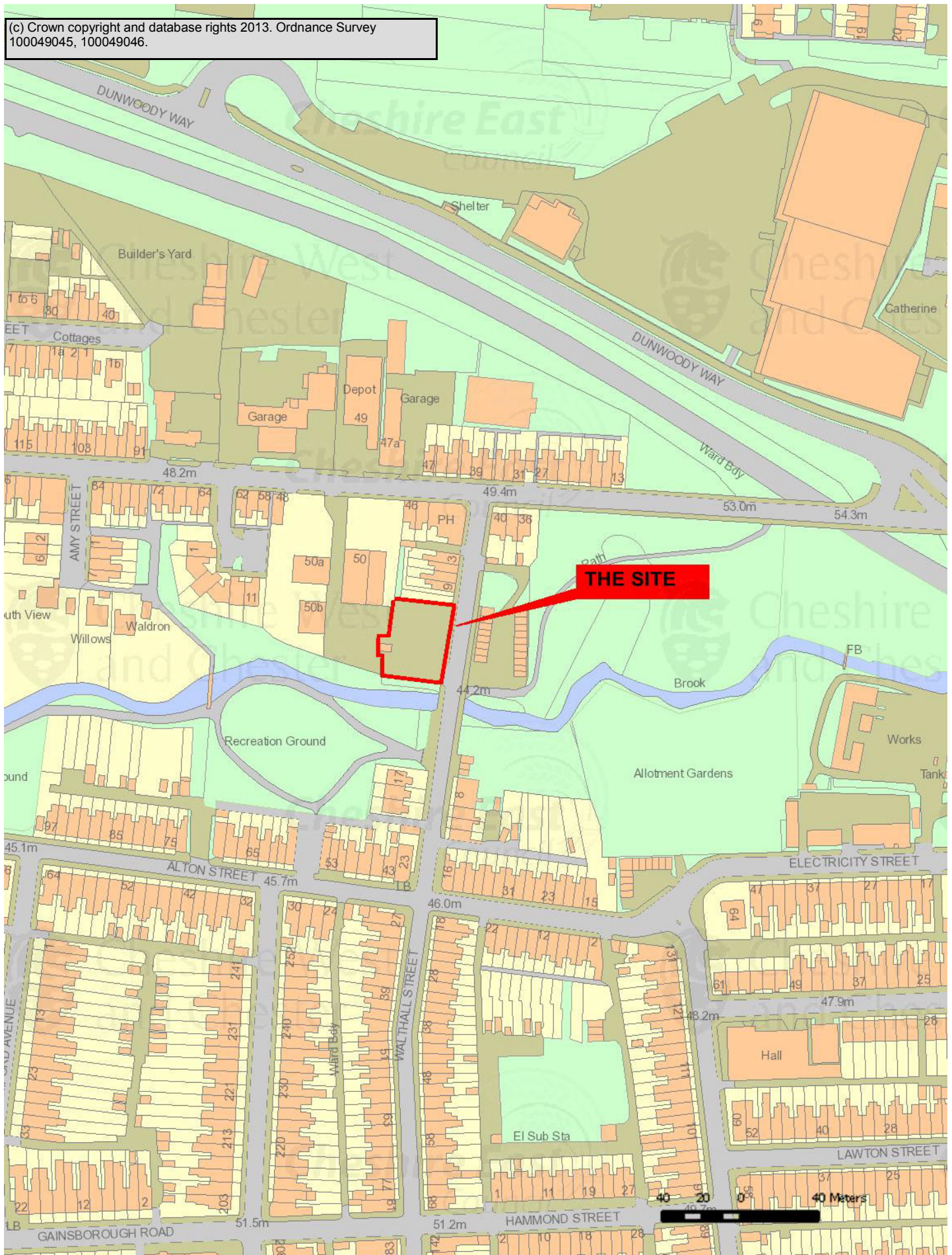
The proposal would provide a satisfactory level of off-street parking.

### **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

1. Time limit
2. Approved plans
3. Hours of construction
4. Details of piling
5. External lighting
6. Detailed access/junction plans
7. Landscaping scheme
8. Implementation of landscaping scheme

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Application No: 13/3508N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, CORONATION STREET, CREWE, CREWE, CHESHIRE, CW1 4EB

Proposal: Relocate existing 2m metal palisade boundary fence together with installation of new palisade fence and vehicle access gates to match existing to new boundary line to playing fields

Applicant: Mr R A Jones, Cheshire East Council

Expiry Date: 17-Oct-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of the development
- Design
- Amenity
- Highways

**REASON FOR REFERRAL**

The application was called in to Committee by Councillor David Newton on the following grounds:

- *Concerns about loss of amenity*
- *Concerns about loss of access to the rear of residential properties*

**DESCRIPTION AND SITE CONTEXT**

The application relates to an area of land at the southern end of the playing field belonging to the Sir William Stanier Community School. The land is currently overgrown and the existing fence is set back within the playing field.

**DETAILS OF PROPOSAL**

The proposal is to move the fence to enclose all of the land which belongs to the school. The new fencing would comprise 2 metre high Palisade fencing and would be installed along the rear boundary with Henry Street and the electricity sub-station and a small length to the rear of Coronation Street.

The original plans included the sub-station and the inclusion of a gate to the rear of Coronation Street. Having reviewed the Title Plan the fence line was amended to exclude this and the proposed access gates at this point have been removed.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Plan**

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

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

### **Highways:**

The planning application is relocate the fence on William Stanier School from its current position to the edge of the unadopted track that runs along the rear of properties 94 -170 Henry Street.

As the unmade track does not form part of the public highway, the vehicular use of the track is a private matter and as long as the fencing does not encroach onto the track as shown then I would not raise any objections.

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

No objection.

## **OTHER REPRESENTATIONS**

At the time of report writing, 10 representations have been received relating to this application, including a 5 page petition. The objectors express the following concerns:

- Land ownership
- Increased risk of broken windows
- Loss of property values
- Adverse impact on outlook
- The bin lorry will not be able to access the site
- The land should be brought back into use for the residents
- Problems for turning vehicles and gaining access
- Will lead to on-street parking
- Impact on Hedgehogs
- Residents should have been consulted prior to submission of the application

- Loss of privacy
- Access should be taken from the Spring Gardens side of the field
- Problems created for deliveries to the chip shop

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the settlement boundary of Crewe and is on land belonging to an existing school. Within settlement boundaries there is presumption in favour of development provided that the development complies with other policies in the adopted local plan.

Having regard to the issues discussed above, the development is considered to be acceptable in principle.

### **Design and Scale**

The proposal is to replace the existing fencing with 2 metre high 'palisade' fencing and gates on the boundary of the field. It is considered that this would be an appropriate boundary treatment in this location and is acceptable.

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.

The fencing would be coming closer to the rear boundaries of the properties on Henry Street; however given that it is a simple 2 metre palisade fence, it is not considered that it would have any significant impact on the outlook from these properties.

One of the objectors has expressed concerns about the 6 metre netting fence affecting his outlook by coming closer to the rear of his property. That is not something that is proposed as part of this application.

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 fence is adjacent to a length of unadopted track to the rear of residential properties on Henry Street.

Many of the objections relate to problems with vehicle access. However, the land is within the ownership of the Council as the title deeds show and enclosing it would have no impact on the public highway. As such a refusal on highway safety grounds could not be sustained.

The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

### **Other Matters**

The amount of opposition to the proposal has been given careful consideration. However the suggestions that the land should be given to local residents is not something that can be considered by the Local Planning Authority as part of this application.

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

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

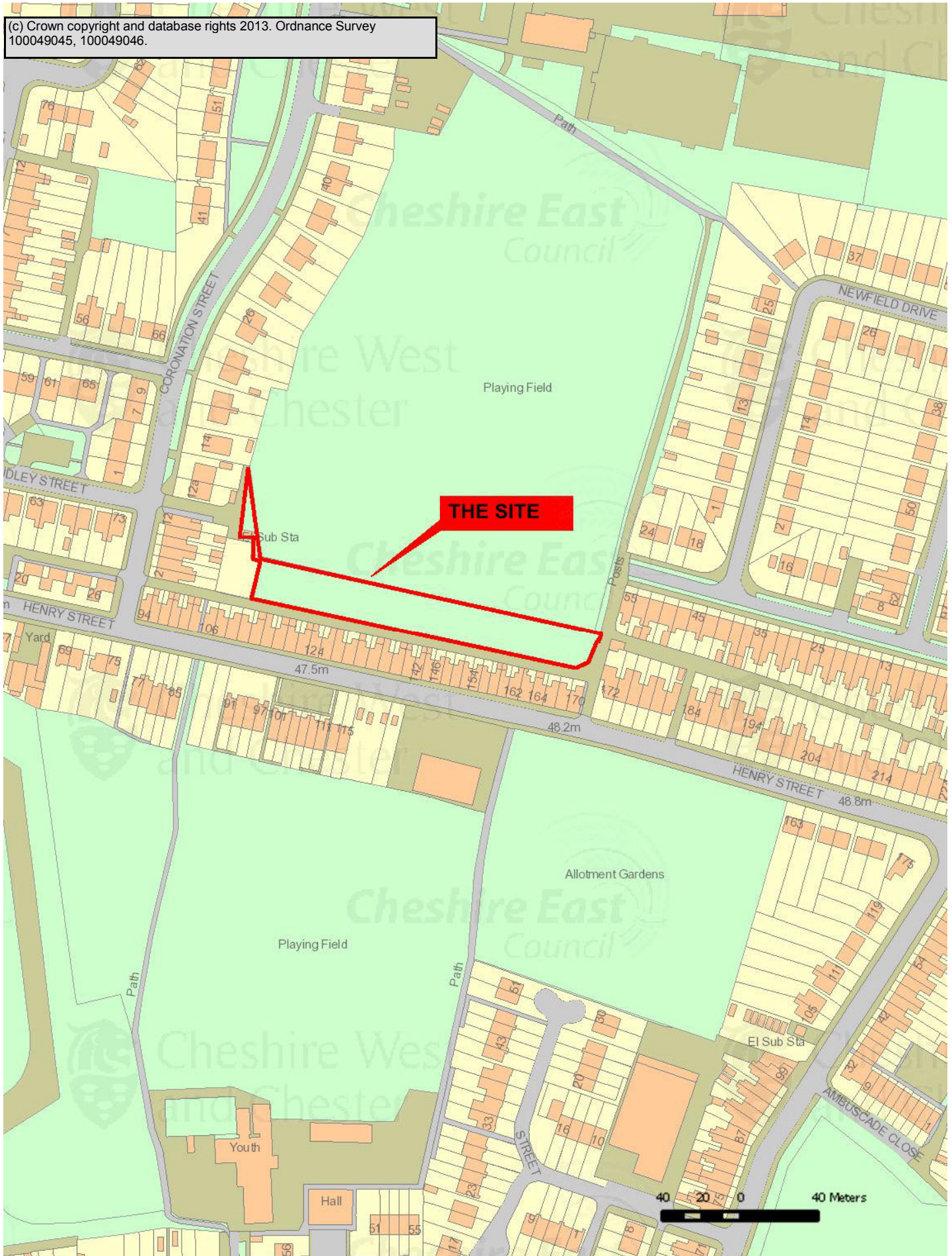
The application is therefore recommended for approval.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

1. Time limit
2. Approved plans
3. Materials as stated in the application

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Application No: 13/2809N  
Location: 158, WISTASTON ROAD, WISTASTON, CW5 6QT  
Proposal: 2 detached dwellings (outline)  
Applicant: MRS JANET JACKSON  
Expiry Date: 29-Aug-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site History;
- Principle of development;
- Design;
- Private Amenity Space/Density;
- Landscaping;
- Residential Amenity;
- Highways;
- Drainage;
- Trees; and
- Other Matters

**REFERRAL**

The application is referred to the Southern Planning Committee at the request of Cllr's Simon and Weatherill for the following reasons:

*'overdevelopment of the site and demonstrable harm to the boundary trees which are protected by TPOs'*

*'Both Wistaston and Willaston Parish Councils are objecting to this application on the grounds of Backland Development. This application should, therefore, go before the Southern Planning Committee for a proper debated decision'.*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a roughly rectangular parcel of land which is located wholly within the settlement boundary of Willaston. The application site is part of the garden of no. 158 Wistaston Road. The applicants property is a relatively large detached bungalow, and the boundaries demarcating the application site comprise a post and rail fence with hedgerow (patchy in places) and a number of trees (some of which are protected by Tree Preservation

Orders). The area is predominately residential in character and the surrounding properties comprise a mix of detached and semi detached properties.

## **DETAILS OF PROPOSAL**

This is an outline planning application with all matters reserved apart from access for the erection of 2 detached residential units.

The indicative plan shows that the existing access arrangements would be utilised to serve the existing property and the proposed dwellinghouses.

## **RELEVANT HISTORY**

7/12933 – Erection of Dwelling – Approved – 10<sup>th</sup> April 1986

## **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:

NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)  
RES.2 (Unallocated Housing Sites)  
TRAN.9 (Car Parking Standards)

### **Other Material Considerations**

C & NBC Supplementary Planning Document – Development on Backland & Gardens

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

**Highways:** No objections subject to a condition relating to details of kerbing and tactile paving and an Informative stating that the developer will enter a Section 184 agreement.

**Landscape:** No objection subject to conditions relating to tree retention and protection

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

### **Willaston Parish Council object for the following reasons:**

It is backland development encroaching on to Green Gap land and would be another cul-de-sac development opening on to the narrow Wistaston Road, close to its junction with the very busy Crewe Road;

The submitted plans show very little detail of the proposed properties, but from the information provided they appear to be out of character with the street scene and also appear to represent significant over development of the site;

There is a bus stop situated in the short stretch of road between the proposed site access and the junction with Crewe Road, which would create visibility problems for vehicles turning out of the site and cause a further road traffic hazard.

The proposed development will prejudice the amenities of neighbouring properties by way of visual intrusion.

### **Wistaston Parish Council object for the following reason:**

Backland development should be discouraged.

## **OTHER REPRESENTATIONS**

4 letters of representation received from the occupiers of 149, 155, 157 Wistaston Road and The Clive, which raises the following point:-

- This is excessive development for this area. Three extra properties on a plot of this size in NOT in keeping with housing in the immediate vicinity. Property 147 Wistaston Road had a similar development rejected in the recent past;
- The proposal for 3 dwellings (in effect a cul-de-sac development) in the garden of 158 is an excessive development and not in keeping with the other properties close by, some of which have been designated as being of special architectural interest;
- The access to the cul-de-sac is close to, and on the side of, incoming traffic from the junction with Crewe Road. Although traffic calming measures (20 mph) exist further up Wistaston Road the speed of traffic coming from Crewe Road with poor visibility around the bend makes the increase of traffic into 158 inappropriate;
- The plans include the removal of another mature tree, this time from the middle of the garden of 158. A mature tree has just recently been removed close to the front and side boundary which has had a significant visual impact on the appearance of the street;
- Two large monkey puzzle trees exist in the neighbouring garden, close to the boundary. I am concerned how a housing development close to these trees can be completed without damaging the roots and ultimately the health of these trees;

- There is already a large amount of housing development either in progress or under consideration within the local vicinity meaning the requirement for this development appears unnecessary;
- The car access is inappropriate. It appears the revised application has the same volume of parking (so assumed vehicle access) as the original application;
- Although the number of dwellings has been reduced I still consider this development excessive and not in keeping with the surrounding properties which stand in large gardens. The property which has been removed from the revised application was the one with the least impact on the street scene as it was behind the original property. I consider the mix of 1 bungalow and 1 house unsuitable, and the house particularly will have a greater impact on the street scene, potential to overlook and potential loss of privacy;
- As per my previous objection I remain concerned for the ongoing welfare of the Monkey Puzzle trees, both of which are protected by TPOs and are of an exceptional high quality;
- I notice a tree report has now been submitted to aid with site design, identifying trees of good quality and root protection areas. It is disappointing to note the tree mentioned in point 4 above is not included in this report, even though it is clearly shown on the existing site plan. As mentioned in my previous objection this is the second mature tree to be removed from site in the last few weeks. This could be construed as an attempt to remove trees which could impact negatively on the planning outcome, both in terms of scale and design of the proposed development.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

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

## **OFFICER APPRAISAL**

### **Site History**

The application has been subject to extensive negotiations, as originally submitted the applicant proposed to erect three detached dwellings. However, it was considered that this proposal constituted over development and a revised scheme was submitted reducing the number of properties to two and amending the red edge.

### **Principle of Development**

The National Planning Policy Framework in one of its core principles states that planning should:

*“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*  
(Paragraph 17)

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

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

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

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

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

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

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

In this case the site is located within Willaston and Policy RES.2 (Unallocated Housing Sites) of the Adopted Local Plan states that within the settlement boundaries of Crewe and Nantwich, which are defined on the proposals map, the development or redevelopment of unallocated sites for housing will be permitted. The proposed development is considered to be small scale and commensurate with the character of the local environ. The site is therefore considered to be sustainably located.

The principle of development is therefore acceptable and supported by the NPPF and the Local Plan.

## **Design**

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The area is characterised by a mixed character and appearance and contains buildings of different styles and ages. The application is in outline form with all matters reserved (apart from access). The indicative layout shows that the proposed dwellings would be sited adjacent to the host property. According to the submitted indicative plans the proposed dwellings would consist of a detached bungalow and a detached two storey property. Both of the proposed dwellinghouses would front Wistaston Road, with car parking to the front and private amenity space located towards the rear. It is noted that the proposed dwellings are staggered as shown on the indicative layout plan. Nevertheless, looking at the full length of Wistaston Road it is clear that there is no strong building line in the area, and a number of properties are located much closer to the highway than the proposal, for example, 154 Wistaston Road. Overall, it is considered that the proposed development would not appear out of character and would respect the pattern of development to the north. It is considered that an acceptable design and layout can be secured at the reserved matters stage.

### **Private Amenity Space/Density**

According to the submitted indicative plans the proposed dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35

*'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.*

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality. It is considered prudent to attach conditions relating to boundary treatment and landscaping, in order to help assimilate the proposal into the local environment.

### **Landscaping**

This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

### **Impact on Residential Amenity**

It is considered that the construction of new dwellings within an established predominantly residential area is compatible with surrounding land uses. However, the physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration. This primarily includes 154 Wistaston Road and the applicants dwellinghouse.

According to the submitted indicative plans the proposed detached two storey property will be set well off the boundary from no. 154 Wistaston Road. In addition, the front elevation of the proposed dwellinghouse is well set back from the front elevation of no.154. It was noted that there were several windows and a door in the side elevation of no. 154 which overlooked the application site. However, the majority of these windows were secondary windows and are not afforded the same level of protection. Furthermore, the boundary treatment separating the application site from no. 154 comprised a post and rail fence, with a hedgerow (albeit which is quite patchy) and is punctuated by two mature trees.

The proposed two storey detached dwellinghouse is well back, which will help to alleviate some of the problems associated with the proposed development. Furthermore, conditions relating to boundary treatment and landscaping will be attached to the decision notice, which will help to mitigate any negative externalities. In addition, to the above, it must be noted that this is an outline application, and the design and layout of the proposal are reserved for future consideration.

Turning to the impact that the proposal may have on the future amenities of the applicants property, which is a detached bungalow. It has been noted that there was a secondary window on the side elevation of the bungalow facing the application site. The applicant is proposing to erect a detached bungalow, which will be located adjacent to this property. It is considered given the nature and scale of the proposal, the proposed boundary treatment (which will be conditioned accordingly) will help to alleviate any problems associated with the proposed development.

The proposal will have a negligible impact on other properties in the locality and as such the proposal is in accordance with Policy BE.1 (Amenity).

## **Highways**

The proposed site has sufficient space within the proposed curtilage to provide off-site parking. Concern has been expressed that if the proposal is allowed will lead to road safety problems. Whilst such concerns are noted, colleagues in Highways have been consulted and they have no objections to the proposed development subject to condition. They consider that ample visibility can be achieved. It is considered that the proposal complies with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) and there is insufficient justification to warrant a refusal of the application.

## **Drainage**

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

infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Trees**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

There are a number of trees on/adjacent to the site and some of these are protected by a Tree Preservation Order, which includes T2 Oak that is within the application site and T5 and T6 that are both Chile Pines and are growing just over the boundary in the grounds of 154 Wistaston Road. The submitted Arboricultural report states the proposed development as shown on the indicative layout plan will not have a detrimental impact on the viability of the trees. The Landscape Officer has been consulted and raises no objection subject to conditions relating to tree retention and protection and as such the proposal is in accordance with Policy NE.5 (Nature Conservation and Habitats).

### **Other Matters**

A number of objectors have stated that two trees have recently been felled prior to and during the submission of this application. Whilst the objections are noted, the trees which have been felled were not subject to a Tree Preservation Order, and whilst the loss of the trees is regrettable, their removal is not a breach of planning control.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed dwellings would be sited within the settlement boundary for Willaston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application. The proposal is therefore in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**

- 4) Materials to be submitted and Agreed
- 5) Details of Boundary Treatment to be Submitted and agreed
- 6) Details of Surfacing Materials to be Submitted and Agreed
- 7) Remove Permitted Development Rights
- 8) Details of Drainage Scheme to be Submitted and Approved
- 9) Maximum of 2no. Dwellings
- 10) Dwellings not to exceed 7.5m in height
- 11) Prior to first development the developer will provide a detailed design plan for the proposed access which will show details of kerbing and tactile paving on the pedestrian desire line and the details of construction requirements to satisfy the standards required by Cheshire East Council Highway Authority.
- 12) Landscaping Submitted
- 13) Landscaping Implemented
- 14) Prior to the commencement of development an Arboricultural Method Statement shall be submitted and Approved in writing by the Local Planning Authority.
- 15) Tree Protection Measures
- 16) Car Parking

**Informative:-** Prior to first development the developer will enter into and sign a Section 184 agreement under the Highways Act 1980 with regard to the re-construction of the vehicular crossing which will serve this development.

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## CHESHIRE EAST COUNCIL

### Southern Planning Committee

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**Date of meeting:** 16<sup>th</sup> October 2013

**Report of:** Steve Irvine – Planning and Place Shaping Manager

**Title:** Deed of Variation to the Section 106 Agreement for Planning Permission 10/4973C

**Site:** Canal Fields, Hall Lane, Moston, Sandbach

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#### **1.0 Purpose of Report**

- 1.1 To consider a Deed of Variation to the S106 Agreement in respect of planning permission 10/4973C. This application was approved on 26<sup>th</sup> June 2012.
- 1.2 The report has been presented to Southern Planning Committee because the original application was approved by the Committee at the meeting on 24<sup>th</sup> August 2011.

#### **2.0 Decision Required**

- 2.1 To agree the Deed of Variation to the S106 Agreement.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

#### **3.0 Background**

- 3.1 The application relates to a 3.76ha parcel of land known as Canal Fields located approximately 2.5km to the southwest of Sandbach Town Centre and within the defined Settlement Zone Line of the adopted Local Plan.
- 3.2 The site comprises a mix of previously developed and Greenfield land and is known to be contaminated as a result of the sites former industrial use
- 3.3 The former industrial buildings no longer remain and the approved residential development has now commenced. The site also contains a

large pond and a number of trees, particularly to the canal bank adjacent to the pond.

- 3.4 The site is enclosed to the east by the raised embankment of the West Coast Main Line and to the west by the Trent and Mersey Canal. The canal sits on a lower level within a shallow cutting before levels drop away further still into the open countryside, Red Lane and Sandbach Flashes. Fodens test track is located to the north and Hall Lane and United Phosphorus to the south.

#### **4 Previous Planning Permission**

- 4.1 Members may recall that on 24<sup>th</sup> August 2011, the Southern Planning Committee resolved to grant planning permission for a residential development on this site. The approved development relates to the construction of 101 dwellings.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions. The Heads of Terms agreed by the Southern Planning Committee include the following:

*‘Secure the precise details for a management company in respect of the on-site amenity green-space, SUDS systems and ponds’*

- 4.3 The S106 was signed and the decision was issued with work now underway on the site. The S106 Agreement identifies the area of Public Open Space and cross reference is made to a plan attached to the S106 Agreement (This plan can be found at Appendix 1). The developer now wishes to vary the S106 Agreement to allow for a small utilities sub-station to be sited within the POS (This plan can be found at Appendix 2). The sub-station has been installed under Permitted Development.

#### **5 Officer Comment**

- 5.1 The approved development included a public open space over-provision of 340sq.m. This amendment would result in a minor reduction in the amount of POS. As a result there would still be an over-provision of POS on this site and the proposed variation to the S106 Plan is acceptable.

#### **6 Conclusion**

- 6.1 On the basis of the above, the proposed Deed of Variation to the S106 is considered to be acceptable.

#### **7 Recommendation**

- 7.1 That the Board resolve to approve to the Deed of Variation for the S106 Agreement attached to planning permission 10/4973C to alter the location and amount of Public Open Space.

## **8 Financial Implications**

- 8.1 There are no financial implications.

## **9 Legal Implications**

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

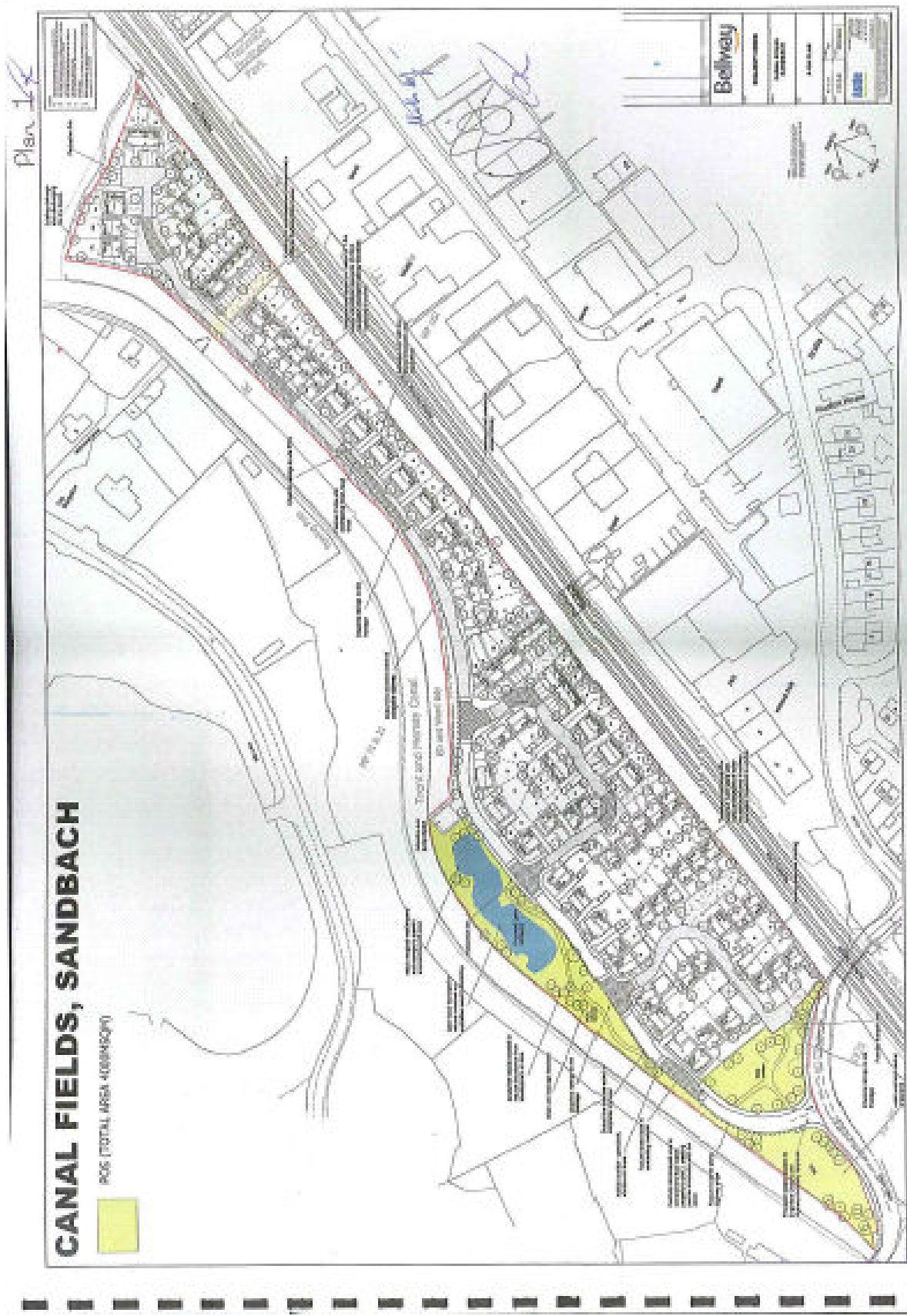
- 11.1 To allow the variation of the S106 Agreement, to enable the development works to continue on site to assist in delivering the 5 year housing land supply for the Borough.

### ***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: Daniel Evans – Principal Planning Officer*  
*Tel No: 01270 686751*  
*Email: daniel.evans@cheshireeast.gov.uk*

### ***Background Documents:***

- *Application 10/4973C.*



## Appendix 2 – the amended POS plan



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