

Southern Planning Committee

Agenda

Date:	Wednesday, 12th February, 2014
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

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

3. Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the meeting held on 15 January 2014.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **13/4818C Sandbach County High School for Girls, Middlewich Road, Sandbach, Cheshire CW11 3NT: The Installation Of Biomass Boiler With Ancillary Plant Including Flue And The Construction Of The Plan Enclosure. Resubmission Of 13/3444C for Mr John Bailey, Mathieson Biomass Ltd (Pages 7 - 12)**

To consider the above planning application.

6. **13/4631N The Gables, Peckforton Hall Lane, Peckforton CW6 9TG: Outline Planning Application For Housing Development Off Back Lane On Land Adjacent The Gables, Spurstow With All Matters Reserved for J. Gaskell (Pages 13 - 30)**

To consider the above planning application.

7. **12/2550N Peckforton Castle, Stone House Lane, Peckforton, Tarporley, Cheshire CW6 9TN: Proposed Woodland Experience - Conversion and Expansion of Former Engine Shed to Create Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking for Mr T Naylor, Majorstage Ltd (Pages 31 - 46)**

To consider the above planning application.

8. **12/3262N Peckforton Castle Hotel, Stone House Lane, Peckforton, Tarporley, Cheshire CW6 9TN: Listed Building Consent for Renovation, Alteration and Extension to Former Engine Sheds in Connection with the Planning Application 12/2550N Proposed Woodland Experience - Conversion and Expansion of Former Engine Sheds to Create an Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking for Majorstage Ltd (Pages 47 - 58)**

To consider the above planning application.

9. **13/0971N Land To The Rear Of 315 - 319 West Street, Crewe CW1 3HU: Proposed Residential Development of 6 Two Bedroom Apartments for Mr Antony Molloy, Future Homes (Pages 59 - 66)**

To consider the above planning application.

10. **13/1590N Gilly's Farm, Wrenbury, Nantwich, Cheshire CW5 8HN: Reconstruction Of Grade 2* 17th Century Timber Framed Building To Form A Dwelling House On The Site Of A Former Dwelling for Mr Philip Horsley** (Pages 67 - 86)

To consider the above planning application.

11. **13/4194N 'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire CW11 4RP: Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works for Mr Michael & Neil Ghosh** (Pages 87 - 100)

To consider the above planning application.

12. **13/4911C Land Off Moss Lane, Sandbach: Outline Application For 13 New Dwellings (Resubmission) for Mr Peter Richardson** (Pages 101 - 118)

To consider the above planning application.

13. **13/4968N 157, Crewe Road, Haslington, Crewe CW1 5RG: 10 no. Detached Houses for Renew Land Developments Ltd** (Pages 119 - 128)

To consider the above planning application.

14. **13/5053C The Barn, Brook Farm, Newcastle Road, Betchton CW11 2TG: Erection Of Timber Clad Gatehouse, Access Steps And Underground Sewage Treatment Plant. Resubmission Of 13/4292C for Denise Coates, and Mr Richard Smith** (Pages 129 - 136)

To consider the above planning application.

15. **13/5091N Reaseheath College, Main Road, Worleston, Nantwich, Cheshire CW5 6DF: Outline Application For New Sports Hall, 3G and MUGA Pitch for Mr S Kennish, Reaseheath College** (Pages 137 - 150)

To consider the above planning application.

16. **13/5104C Old Church Hall, Vicarage Lane, Sandbach CW11 3BW: Demolition Of Existing Building And Change Of Use To Erect 4 No. Residential Dwellings for C Wright, Forward Property Group** (Pages 151 - 158)

To consider the above planning application.

17. **13/5114N Bentley Motors Ltd, Pym's Lane, Crewe, Cheshire CW1 3PL: Variation Of Condition 2 (Approved Plans) On Application 12/4426N (Proposed Development Of The Site To Provide A Permanent Car Park With A Total Of 1817 Car Parking Spaces Plus Lorry Parking For Up To 14 HGVs) for Mr Garth Roberts, Bentley Motor Limited** (Pages 159 - 164)

To consider the above planning application.

18. **13/5139N Land Adjacent 9, Walthall Street, Crewe CW2 7JZ: Construction Of 12no. Apartments for Mr Greenhouse, Greenhouse Property Management**
(Pages 165 - 172)

To consider the above planning application.

19. **Application To Fell Protected Pine Tree At Leyland Grove, Haslington (App. 13/5163T)** (Pages 173 - 176)

To consider an application to fell a protected pine tree sited on Council-maintained open space land at Leyland Grove, Haslington, Cheshire.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 15th January, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor S Corcoran

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors R Cartlidge, M A Martin and S McGrory

121 DECLARATIONS OF INTEREST

With regard to application number 13/4323N, 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 13/5199C, Councillor G Merry declared that she was a member of Sandbach Town Council.

122 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 11 December 2013 be approved as a correct record and signed by the Chairman.

123 **13/4323N BROOKLANDS HOUSE, FORD LANE, CREWE, CHESHIRE
CW1 3JH: DEMOLITION OF BROOKLANDS HOUSE AND ERECTION
OF 3 STOREY APARTMENT BLOCK CONTAINING 16 NO.
APARTMENTS AND ACCOMPANYING CAR PARK AND
LANDSCAPING FOR ANN LANDER, WULVERN HOUSING LTD**

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council), and Ms E McCallum and Ms A Lander (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

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard time limit
 2. Plans
 3. Materials (including facing and roofing materials, doors, windows, frames, balconies) to be submitted and agreed in writing
 4. Submission and approval of boundary treatment
 5. Surfacing materials to be submitted and agreed in writing
 6. The proposed development to proceed in accordance with the recommendation made by the submitted Bat Method Statement dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.
 7. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
 8. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
 9. Affordable Housing
 10. Submission of Drainage Scheme
 11. Provision of Car Parking
 12. Landscaping scheme to be submitted and agreed in writing
 13. Implementation of Landscaping Scheme
 14. Details of Bin Storage Area to be submitted and agreed in writing
 15. Details of the privacy panel to the balcony to be submitted and agreed in writing
 16. Notwithstanding the plans hereby approved details of the privacy panel to unit 10 to be submitted and approved in writing
 17. Contaminated Land
 18. Construction Hours
Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil

19. Piling Hours
20. Details of lighting scheme to be submitted and approved in writing
21. Dust Control
22. No dig construction for the driveway and passing places
23. Tree Protection measures
24. Tree felling and pruning specification submitted
25. Parking spaces on the approved plan and two passing places to be provided prior to occupation of the development
26. Notwithstanding the approved plans details of the lintels, cills, materials and colour finish of windows and door frames to be submitted to the LPA for approval prior to the commencement of development
27. Details of a local history plaque giving details of the history of the site to be provided on the site to be submitted to the LPA for approval in writing.

and the following informative:

1. The applicant's attention is drawn to the view of the Members of the Southern Planning Committee, who wish to see the name of 'Brooklands House' retained for the approved development.
- (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 Interim 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.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

124 **13/5199C GWENSTAN, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE CW11 4JA: PROPOSED CONSTRUCTION OF 2 DORMER BUNGALOWS IN GARDEN AREA - RESUBMISSION OF 13/3727C FOR MR SMITHFIELD**

Note: Councillor S Corcoran (Ward Councillor), Town Councillor C Lowe (on behalf of Sandbach Town Council), Mr D Smith (objector) and Mr A Mines (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

- (a) 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 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 including construction specification and drainage and surface materials.
 - 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 treatment including the provision for a 2 metre high fence to the rear of the existing bungalow
 - 14. Tree protection scheme
 - 15. Removal of PD rights for extensions (Class A) and outbuildings (Class E)
 - 16. Removal of PD rights for new windows in the side elevations
 - 17. Prior to the commencement of development, details of existing and proposed land levels to be submitted to the LPA for approval in writing.
- (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 Interim 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.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**125 ALTERATION TO THE SOUTHERN PLANNING COMMITTEE
RESOLUTION FOR APPLICATION 13/0018N**

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

The Committee considered a report regarding a proposed amendment to the committee resolution with respect to planning application 13/0018N, which had been approved by the Committee at its meeting on 10 April 2013.

The resolution to approve had been subject to the completion of a Section 106 Agreement. However, as the application site included land which was still owned by the Council, it was a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. A Section 111 Agreement was therefore required.

RESOLVED – That, for the reasons set out in the report, the committee resolution with respect to planning application 13/0018N be amended to read as follows:

That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure:

- Provision of commuted sum in lieu of on-site provision Children's off site of £40000 to be spent upon the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.
- Education contribution - £65,078 for secondary education

The conditions agreed as part of the previous resolution remain unchanged.

**126 DEED OF VARIATION TO S106 LEGAL AGREEMENT FOR
PREVIOUSLY APPROVED SCHEME FOR (08/0492/OUT) AT FINE ART,
VICTORIA MILLS, HOLMES CHAPEL**

The Committee considered a report regarding proposed amendments to the requirements of the Section 106 Agreement relating to planning permission 08/0492/OUT.

RESOLVED – That, for the reasons set out in the report, the Section 106 Agreement in respect of application 08/0492/OUT be varied as follows:

- to facilitate the relocation of the Fine Décor business to alternative premises within the Cheshire East Borough or within 15 miles of the site.

- to clarify that the restriction on the commencement of development of the housing development on the site does not apply if the Fine Décor business has relocated to the alternative premises or ceases to trade before such relocation has taken place.

The meeting commenced at 1.00 pm and concluded at 2.40 pm

Councillor G Merry (Chairman)

Application No: 13/4818C

Location: Sandbach County High School for Girls, Middlewich Road, Sandbach, Cheshire, CW11 3NT

Proposal: The installation of biomass boiler with ancillary plant including flue and the construction of the plan enclosure. Resubmission of 13/3444C

Applicant: Mr John Bailey, Mathieson Biomass Ltd.

Expiry Date: 08-Jan-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Design

Amenity

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee due to call in by Councillor Moran ; *"In view of the continued public interest and concern with this unusual application, it is considered that there are a number of key issues that should be debated and tested against appropriate policies by the Planning Committee, in particular those relating to policies GR6 and GR8, as follows:*

- 1. Adverse impact on the amenity to nearby residents, including excessive operating noise levels from the boiler and extraction equipment, along with the resultant disturbance and harm;*
- 2. Detrimental impact on amenity, again to nearby residents, due to the proximity of the flue/stack to nearby houses;*
- 3. Re-assurance that the emissions from a large scale wood burning boiler would not be excessive and not cause harm through environmental disturbance and/or pollution;*
- 4. That the flue/stack height is adequate to allow proper dispersal of emissions and pollutants, and allowing for the existing roof top plant and telecoms mast;*
- 5. Re-assurance that large volumes of fuel storage, delivery arrangements, ash removal and*

resultant dust will not cause issues and harm to residents and pets.”

DESCRIPTION OF SITE AND CONTEXT

The application relates to Sandbach County High School (for Girls) that is situated to the north of Middlewich Road, the main route leading out to the west out of Sandbach. The school site is situated within the Settlement Zone and the site is a protected area of open space/recreational facility by way of policy RC2 of the Congleton Borough Local Plan. Residential properties predominantly bound the application site to the north, south, east and west. The nearest dwellings would be approximately 70 metres to the west and south.

DETAILS OF PROPOSAL

The application relates to the installation of a biomass boiler with ancillary plant including flue and the construction of the plant enclosure. The proposed boiler and plant within an enclosed space within the school complex and would be positioned towards the southern boundary of the school site to Middlewich Road. The boiler would be a combustion chamber made from fireproof ceramic with a 2-zone step grate, manufactured from solid cast chromium steel with fully automated combustion unit ash removal; fully insulated boiler casing, vertical heat exchanger with automatic mechanical cleaning. It would use wood pellets for fuel.

The boiler itself would be 4.735 metres long, 1.375 metres wide and 1.977 metres high. The boiler is to be contained within a purpose built enclosure with the following construction: blockwork walls 100 mm thick; single ply membrane roof with 18 mm moisture resistant plywood; and louvred access doors to south elevation (assumed no acoustic attenuation). The flue would be 0.3 metres in diameter and 15 metres in height would therefore project visibly 5.85 metres above the present roof height of the school.

This application is a resubmission of 13/3444C that was withdrawn to enable further discussions with Environmental Health Officers.

POLICIES

National Planning Policy

National Planning Policy Framework

Congleton Borough Local Plan First Review 2005

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

RC2 (Protected Areas of open Space)

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to the submitted noise mitigation, and a 15 metre flue height with associated conditions; and a limit on hours of construction and deliveries.

VIEWS OF TOWN COUNCIL

Unless the Council can provide expert opinion giving assurance that both noise and air pollution will be no greater than the levels from existing system, Members object to the proposal. Members expressed serious concern that delivery of large quantities of fuel required for the boiler will add to existing traffic problems on Middlewich Road, and be a risk to school and leisure centre users.

OTHER REPRESENTATIONS

8 letters of objection and a petition of objection with over 80 signatures to the proposal that raise the following;

- Noise and disturbance caused by boiler itself and more HGV visits to the site.
- Visual intrusion of an industrial flue in a residential area and out of character for school.
- Pollution by way of particles and emissions located only 70 metres from residential houses.
- Height of flue insufficient to disperse pollution.
- Health & Safety risk to students at the school.

The full contents of these representations are available to view on the Council's website.

SUPPORTING INFORMATION

Noise Assessment
Emissions Assessment

OFFICER APPRAISAL

Principle of Development

The school site falls within the Sandbach Settlement Zone Line and the proposed development would be situated within the Settlement Zone Line. The site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss the proposal would comply with policy RC2 (Protected Areas of Open Space).

There is some synergy between renewable energy and sustainability in locating such a use; a use that is intended to serve the school. The proposal is broadly supported in paragraphs 97 and 98 of the NPPF that seeks to *"help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources."* However, this would depend on the fuel being from a renewable source. The NPPF states applications should be approved *"if its impacts are (or can be made) acceptable."*

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

Design

The existing school complex includes a range of buildings of a functional character. The proposed development functional by nature and only the slim flue would be readily visible. In design terms therefore, it is the view that the proposal would be acceptable having regard to Local Plan policies GR1 (New Development) and GR2 (Design).

Amenity

Clearly the main issue that has led to strong local opposition is concern regarding noise, and more specifically prospective air pollution. The technical detail and nature of the proposed use and the location, the scale of the development and the hours of operation has been rigorously assessed by the Environmental Health Officer.

The Environmental Health Officer is satisfied that the Applicant has addressed concerns in the previous application by increasing the height of the flue. On this basis there would be such a detrimental impact to neighbouring residential amenity to justify refusal as the noise would sit within current ambient noise levels and the emissions would be effectively dispersed. Thus, there are no planning reasons to resist permission.

As such, the scheme should not have a material impact on neighbouring residential amenity over and above the existing noise or emissions environment. The proposal would comply therefore with Local Plan Policy GR6 (Amenity and Health).

CONCLUSIONS

It is considered that the application proposes an acceptable form of development. On the basis of the very thorough analysis carried out by the EHO, in this context it is unlikely to overly impact on neighbouring residential (by issues of noise, disturbance or emissions) and visual amenity. Therefore, it is considered that the proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval.

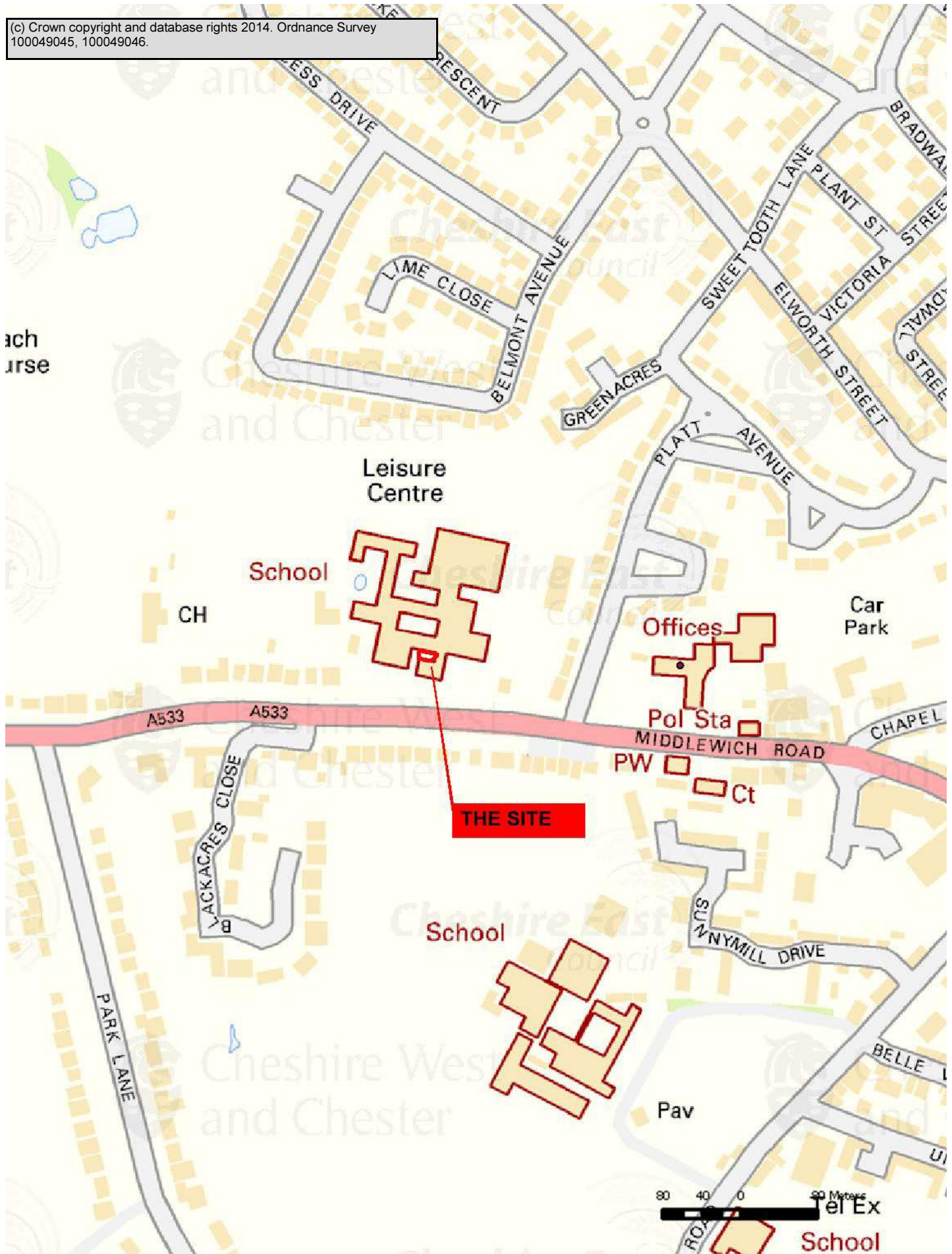
RECOMMENDATION - Approve

CONDITIONS

1. Full.
2. Approved Plans.
3. Hours of deliveries.
4. Hours of construction.
5. Stack height.
6. Boiler installation.
7. Boiler operation.
8. Notification of change of fuel.
9. Method of fuel delivery.

10. Maintenance schedule.
11. Operation agreement
12. Alterations to the maintenance schedule subject to notification.
13. Smoke emissions.
14. Noise mitigation scheme.

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Application No: 13/4631N

Location: THE GABLES, PECKFORTON HALL LANE, PECKFORTON, CW6 9TG

Proposal: Outline planning application for housing development off Back Lane on land adjacent The Gables, Spurstow with all matters reserved.

Applicant: J. Gaskell

Expiry Date: 12-Feb-2014

SUMMARY RECOMMENDATION –**Refuse****MAIN ISSUES**

Principle of development
Principle of Enabling Development
Housing Land Supply
Highways
Appearance, Landscaping, Layout and Scale
Amenity
Ecology

DESCRIPTION OF SITE AND CONTEXT

The site is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site lies to the south of the Gables outside the settlement of the village of Spurstow, although there are dwellings opposite. The site is in current use as horse grazing although it appears to be agricultural. To the rear is open countryside. The village of Spurstow has poor access to day to day services that a resident would need. The Village contains a post box, children's nursery and restaurant (Panama Hatties). Other day to day facilities and services are located elsewhere, the closest for the majority of the services being Bunbury. Power cables traverse the Back Lane Frontage and Telephone cables traverse the Peckforton Hall Lane frontage of the site. The site is enclosed by a mature hedge to both frontage with sporadic trees.

DETAILS OF PROPOSAL

This is an outline proposal for 18 dwellings (12 market and 6 affordable) with all matters reserved except for access. The indicative proposals demonstrate the individual access points/driveways for each of the 18 proposed dwellings arranging in a linear configuration along the Back Lane and Peckforton Hall Lane frontage of the site. Six of the units would be

two storey semi-detached dwellings located in a group to the western boundary of the site with the remainder being two storey detached dwellings wrapping around the street frontage of Back Lane and Peckforton Hall Lane. Each individual access would punch through the hedge

POLICIES

National Planning Policy

National Planning Policy Framework

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)

NE.5 (Nature Conservation)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy))

TRAN.9 (Parking Standards)

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

Other Material Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Core Strategy Pre-Submission Document

CONSULTATIONS (External to Planning)

United Utilities: No Objection subject to the following condition -

The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Archaeologist : No sites are currently recorded on the Cheshire Historic Environment Record from within the limits of the application area. In addition, I have carried out a rapid

examination of the 19th-century Ordnance Survey maps, the tithe map, and the aerial photographs and have not identified any features, earthworks, or field names that suggest any particular archaeological significance within the proposed development area. In these circumstances, it is advised that it would not be reasonable to secure further archaeological mitigation on the c 1ha of land affected by development.

One further point concerns the presence of the extensive area of medieval earthworks to the north of Peckforton Hall Lane, which are designated as a Scheduled Monument (SM 30388). The southern tip of the designated area lies c 80m to the north of the proposed development area and it might be thought that the effect of any development on the 'setting' of the Scheduled Monument should be considered. There is, however, relatively-recent housing to the east and north of the application area so it would be difficult to argue that 'setting' was a significant issue in this instance.

Highways: Do not consider the site to be a sustainable one as it is almost wholly dependent on car. There are very few facilities within walking distance and public transport service is poor

Housing: - Objection : This site is in a rural area however outside of the settlement boundary for Spurstow then the only type of development that would be allowed on this site would be a small scheme of affordable housing. Such rural exceptions sites need to be developed in accordance with the Council's Interim Planning Statement on Affordable Housing and can only happen where the following criteria are in place: -

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary
- There is an identified need for affordable housing in that village or locality
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity
- The development is in accordance with other local plan policies

The proposals for this site do not incorporate the above criteria because the site is not for 100% affordable housing.

Environmental Health: (Amenity) : No objection subject to conditions

VIEWS OF PARISH COUNCIL

Spurstow Parish Council: Objection on grounds of

- The proposed development site is outside of the settlement boundary of Spurstow which has been in place for many years and local plans going back to 1997 show this boundary. Cheshire East's latest Local Plan dated November 2013 confirms that the Council intends to maintain this boundary for the next twenty years to 2030.
- The residents wish that the existing Open Countryside status is maintained and the good agricultural land continues to be used for that purpose.

- The proposal does not meet CE's Council's criteria for exceptional permission, not being for essential agricultural, forestry, outdoor recreation or essential works by public service authorities.
- Neither can the proposal be considered to be "infilling" which would normally cover only one or two dwelling as this site is outside of the established development area.
- Spurstow Parish is a disparate settlement having no community facilities (shops, Post Office, village hall or church). In that part of Spurstow there is a Mexican style restaurant on the A49 road but the only pub is situated over the boundary with Bunbury.
- The proposal does not meet the definition of a sustainable settlement as there are no bus services or other public transport facilities unless you walk to either Tarporley (4 miles) or Algham (4 miles) to catch a timetabled bus. Bunbury used to offer a single daily bus journey during school terms but this was cancelled from Easter 2013.
- There are no planned extra employment opportunities in the immediate area.
- Whilst there are pedestrian footpaths to the west of the A49 trunk road there is no footpath or alternative route to walk to the centre of Bunbury on the east side of Spurstow down Long Lane which is a major commuter through road to Nantwich. Walking down the twisty Long Lane is not considered safe for family groups containing school children.
- The area is unsuitable for this number of high density family houses and nearby South Croft already provides affordable housing opportunities.
- This Parish area does not have the necessary infrastructure to accommodate young families as there are no recreational facilities for children and insufficient quality street lighting.
- Spurstow/Peckforton is 14th out of 15 priority areas set out in Cheshire East's analysis for development. (Whilst Bunbury is joint 5th)
- Spurstow does not adjoin Bunbury in any meaningful way so it cannot be assumed that the proposal is just an annex to the larger village of Bunbury.
- The telephone box mentioned in the proposal has been out of commission for many years and we are awaiting BT to attend and remove it.
- Back Lane is a narrow country road and whilst the developer has indicated willingness to widen it with a footpath even this is not likely to eliminate congestion. The road would need to be brought up to full authority standard. Not sure if much of the hedge will remain after the road widening.
- Access to both the A49 and Peckforton Hall lane poses hazards risks due to limited visibility. Now that farming has resumed at Haycroft Farm due to the narrow entrance it is often necessary for tractors and trailers to back into Back Lane to gain access to the farm.
- The site does not provide acceptable access for builder's vehicles, storage of materials and workers parking unless a large temporary builder's yard is created on the countryside behind the proposed houses. Even the building activity will be blight on the area until completed.
- Houses in the village have not sold quickly casting doubt on how much demand there is.
- Bunbury is already a nightmare for parking and transit around the Co-op shop and school, so more cars would add to current problems.

- There is already approval for 20 new houses on Beeston Market site with applications for another 120 on the cattle market area. This is only 2 miles away.
- Water and sewerage facilities fail to cope adequately at present. We would wish to avoid unnecessary damage to rural eco environment that will be caused by development such as this proposal, and damage to the recently planted trees behind where the houses are planned.

OTHER REPRESENTATIONS

A petition signed by 48 local residents opposing the proposal of grounds of –

Lack of need

Loss of countryside

Lack of Infrastructure in village – doctors, pavements, shops, public transport

22 Letters/emails of objection have been received from the occupiers of properties in the locality. The main issues raised are;

- More traffic, disruption during construction, making main road more congested. Spurstow is already congested
- Loss of privacy / daylight / views of open views of countryside
- Lack of infrastructure, schools, doctors, buses, pavements to support more residents
- No facilities in the village, walking to Bunbury is hazardous – lack of street lighting and pavements therefore people will be reliant on private car
- NO employment in area to support new dwellings
- Housing in area is already difficult to sell no need for more
- Water pressure is low

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment inc framework Travel Plan
- Section 106 Heads Of Terms
- Planning Statement
- Ecological Survey
- Tree Survey

Copies of these documents can be viewed on the application file. In precise, it is the Applicants case is that the application will bring forward much needed affordable housing , the market housing is needed to bring forward the affordable housing and that development is in keeping with its environment and passes the sustainability test.

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are normally put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case, from the information submitted, it appears that the applicant is relying upon an 'element of the market housing' to enable the provision of the 6 affordable units. The non rural exclusion housing units (12 no) that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development, except those that would comply with policy RES.8. Accordingly, the application has been advertised as a departure.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

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

With specific regard to Enabling Development, Para 55 of the NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and specifically refers to the circumstances where enabling development is appropriate and states;

*'.. Local planning authorities should avoid new isolated homes in the countryside unless there are **special circumstances** such as (amongst other things)*

- *where such development would represent the optimal viable use of a*

heritage asset or would be **appropriate enabling development** to secure the future of **heritage assets**;

The NPPF goes on to say at paragraph 140:

*“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would **secure the future conservation of a heritage asset**, outweigh the disbenefits of departing from those policies.”*

In determining this case, the market housing is put forward as being the enabling development to fund the delivery of the 6 affordable units, although no financial viability information is provided. The site is not a heritage asset as referred to within the NPPF and there are no listed buildings/heritage assets on this site. Accordingly, it is considered that to treat the housing as enabling development would be a mis-application of planning policy in this instance.

Planning Policy and Supply of New Housing

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”.

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.”*

To assess the contribution to housing land supply, it is therefore necessary to assess if this development could be regarded as being a sustainable form of development in order to engage Paragraph 14, and if this is so; within the overall planning balance, would *any adverse impacts of doing so significantly and demonstrably outweigh the benefits*.

Sustainable Development

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of

sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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 toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box - 50m southcroft/ Peckforton Hall Lane
- childrens day care/nursery 400m Peckforton Hall Lane
- Panama Hatties – 50m restaurant, bar , lounge

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – 1.8km Bunbury
- playground / amenity area - 1.46 Bunbury
- post office / bank / cash point - 1.34 km Bunbury
- pharmacy - 1.7km Bunbury
- medical centre – 1.7km Bunbury
- leisure facilities – 15.8km Malpas
- public house – 800m Yew Tree Inn
- public park – Bunbury
- local meeting place – 1.57 Bunbury Village Hall
- railway station (12.6km) Nantwich

Clearly, existing residents would have to travel the same distance to most everyday services. Public transport accessibility to the site is very poor. Even this limited analysis demonstrates, for day to day services and facilities that any resident would need, the site fails more criteria than it passes and locationally must be regarded as being unsustainable.

There are, in addition, three dimensions to sustainable development -: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

The Design and Access Statement and the Transport information submitted do not provide any indication as to how principles of sustainable development / energy reduction would be met within the development. The application provides no indication as to how the development would contribute to sustainable transport options. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions, although it is less clear how this scheme would be designed to, or what commitment the Applicant has to encourage sustainable transport options. This is a significant failing within the context of whether this is a sustainable development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit.

To conclude, the benefits include the provision of affordable housing, which is in great need, do not outweigh the harm caused by virtue of the unsustainable location of the site.

Affordable Housing

Policy RES.8 permits the provision of affordable housing as an exception to Policy NE.2 where the housing will meet the needs of the people previously shown to be in local need in a survey specifically undertaken for that purpose; the site is in a sustainable location, immediately adjacent to an existing settlement boundary, or exceptionally within or adjoin the built area of other rural settlements and the scale, layout and design of the scheme is appropriate to the character of the settlement.

As the site is within the open countryside and in a rural parish the proposal site could be considered as a rural exception site, provided 100% affordable housing is proposed.

This application is for 18 dwellings, the affordable housing requirement put forward is 30% which equates to 6 units of affordable housing in a 35%:65% split between affordable or social rent and intermediate properties. The information submitted with the application suggests that 12 market units are required to fund 6 affordable units.

The affordable Housing Officer notes that the Rural Housing Needs Survey has identified that there is need for rural exception affordable housing in the Peckforton sub area of which Spurstow is a part. As this proposal does not comprise 100% affordable units, the Strategic Housing Manager objects.

There is no information from Cheshire Homechoice specific to Spurstow as it is only a small settlement with few affordable homes. The closest are applications for nearby Bunbury. There are currently 36 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Bunbury as their first choice, showing further demand for affordable housing. These applicants have stated that they require 6 x 1 bed, 19 x 2 bed, 10 x 3 bed and 1 x 4 bed.

To date there has been no delivery of the affordable housing required between 2013/14 and 2017/18 in the Peckforton sub-area.

Accordingly whilst there is a need for affordable housing in Spurstow and therefore this site should provide on-site affordable housing in line with the Council's policies. The applicants are offering only 30% on site affordable housing which is not acceptable to the Strategic Housing Manager. In order for the scheme to be acceptable, 100% affordable housing would be required.

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

This outline application also includes details of access to be agreed at outline stage.

Each of the 18 dwellings is proposed to have its own individual driveway access to either Back Lane or Peckforton Hall Lane. These are being applied for at this stage.

Key Issues

- 1) Safety of the access proposal

- 2) Width of Back Lane
- 3) Visibility at the access points
- 4) Refuse collection
- 5) Car parking
- 6) Construction traffic
- 7) Sustainability of the proposal

Assessment

The layout is proposed with no footways and all dwellings being individually access from the highway network. No evidence has been presented relating to visibility to/from the proposed dwellings or to the safety and convenience of access to the dwellings for pedestrians.

The transport report submitted in support of the application indicates average widths of 4.1m along Back Lane *'up to the start of the more modern dwellings'*. No mapping has been produced evidencing the existing width along this road and this information would normally be provided in instances of reduced carriageway width in order that the Strategic Highway Manager (SHM) could assess the safety and capacity implications of such proposals. Widths of the road need to be provided along the whole length being used for access not a simple average width.

An absence of sufficient street lighting is indicated in the report.

Peckforton Hall Lane and Back Lane are subject to a 30mph speed limit. A 50mph limit is in place on the A49.

The transport report indicates that visibility splays meets minimum required standards. The report makes no reference to what these minimum required standards are and how they have been calculated or referenced.

Typically visibility would be judged against observed traffic speeds or speed limits. Given an absence of speed surveys or plotted visibilities the Applicant's unsupported statement on visibility is not accepted. The Strategic Highways Manager accepts that traffic flows will be low. However, speed surveys on local roads and on the A49 would generally be required to justify visibility and the visibility requirement needs to be shown.

The Transport report considers that the development will encourage primarily car-borne journeys. Given the lack of any meaningful local facilities in the village (the village only supports children's day care, a restaurant, and a postbox) this is undoubtedly the case. The development site is not considered sustainable in transport terms.

No evidence is submitted to suggest that sustainable transport facilities are available or would be provided by the development (Footways, encouraging use of cycling and public transport, etc).

Bus service 56 (Vale Travel) provides one daytime service in each direction on Thursdays and Saturdays only between Tiverton and Nantwich. It seems clear that the great majority, if not all, of typical day-to-day and weekly trips from the proposed dwellings to work, shopping, education, etc will be undertaken by private car.

The proposed increased carriageway width to 4.5m with no footways is not considered suitable in the absence of further detailed information relating to design and speeds.

Conclusion

The Strategic Highways Manager recommends refusal on the grounds of a lack of highways and transport information and the lack of sustainable transport credentials of the proposal site.

Trees and Forestry

There are a number of trees and lengths of hedgerow to both the frontages of the site. Two high amenity value Oak trees and a high amenity Pine tree would be affected by the proposed site access.

The application is supported by a Tree Survey Report. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

The Arboricultural Assessment has identified three mature trees and two hedgerows which are material to this application

A mature Lime (listed as T1 in the survey) is a mature specimen located within the grounds of 'The Gables' and according to the survey has been assessed as a High 'A' category tree in accordance with the method of categorisation in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The tree is protected by the Crewe and Nantwich Borough Council (Peckforton Hall Lane, Spurstow) TPO 2000.

Two mature Oak (listed as T2 and T3), located to the south of the site on Back Lane and adjacent to footpath (Spurstow FP1) are identified in the submitted survey as High 'A' category tree worthy of retention.

It should be noted that the AIA provides no supporting evidence in respect of these trees in terms of the direct and indirect effects of the proposed development on these trees. The only reference to any impact is shown on the Pre-commencement Tree Protection Plan which identifies root protection areas and proposed ground protection.

Notwithstanding this lack of information, the position of the proposed plot in respect of the protected Lime tree on Peckforton Hall Lane broadly complies with the requirements of the British Standard, respects the RPA of the tree and is acceptable in terms of relationship/social proximity.

The position of the proposed driveway to the southernmost plot to Oak (T1) lies slightly within the root protection area of this tree. Given this relatively slight incursion and vitality of the tree it is considered that the proposed development will not impact significantly on the trees long term health and safe well being.

The Council's Tree Officer is satisfied that a layout can be accommodated on this site without adverse impact upon the trees.

Appearance, Landscaping, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The indicative layout proposed is considered acceptable as it loosely reflects the development on the opposite side of the road.

Amenity

Neighbouring amenity

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

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Ecology

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

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

and provided that there is

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

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

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

Local Plan Policy NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

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

The NPPF advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

The NPPF encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

To compensate for any loss of existing hedgerows on the site by virtue of the formation of the access driveways to each plot a native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site, and bird boxes should be erected on the site. If planning consent were granted conditions requiring safeguard breeding birds during March and September would also be required.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks outline planning permission for 18 dwellings within the Open Countryside. This proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

Furthermore, the application fails to include a suitable amount of affordable housing for a rural site, and there is insufficient information submitted with the application with regards to Highways access for the Council to determine the impact the proposal may have. It is therefore considered that the application is unacceptable and therefore recommended for refusal on the following grounds

Recommendation: REFUSE for the following reasons

1. Due to the location of the site, the development is likely to be a car dependant and thereby comprises unsustainable development contrary to the NPPF and comprises the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE 12 (Agricultural Land Quality) and Policy RES.5 (Housing in

the Open Countryside) of the Borough Crewe and Nantwich Local Plan 2011 and the provisions of the NPPF with respect to unsustainable development.

2. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

3. An inadequate provision of affordable housing has been proposed on the site contrary to both Policy RES.5 (Housing in Open Countryside) and Policy RES.8 (Affordable Housing in rural areas outside settlement boundaries (rural exceptions policy) of the Crewe and Nantwich Replacement Local Plan and the Interim Policy Statement: Affordable Housing.

4. Insufficient information has been submitted in relation to speed surveys to justify the visibility splays for the access driveways and sustainable transport provision. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

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 has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 12/2550N

Location: Peckforton Castle, STONE HOUSE LANE, PECKFORTON,
TARPORLEY, CHESHIRE, CW6 9TN

Proposal: Proposed Woodland Experience - Conversion and Expansion of Former
Engine Shed to Create Activity Centre, Animal Farm, Warden
Accommodation, Ancillary Buildings, Means of Access and Car Parking

Applicant: Mr T Naylor, Majorstage Ltd

Expiry Date: 17-Aug-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- List Description;
- Site History;
- The Current Proposal;
- Open Countryside and Area of Special County Value;
- Tourism;
- SSSI;
- Design;
- Amenity;
- Ecology;
- Drainage; and
- Highways

REFERRAL

The application has been referred to Committee at the discretion of the Development Management & Building Control Manager due to the close proximity of the site to a Grade I Listed Building and its potential impact of its setting and nature conservation within the locality.

DESCRIPTION OF SITE AND CONTEXT

The castle (Grade I Listed Building) is a folly and not a real castle and is currently used as a hotel. The applicants property is located wholly within the open countryside and within the ASCV. The property is an imposing building constructed out of sandstone and is accessed via a long twisting private drive, which is accessed via Stone House Lane. Located in close proximity to the site are a number of derelict buildings (which are the subject of this application) in various states of deterioration. These building are accessed via an undulating track and is screened by a number of large mature trees and other vegetation.

DETAILS OF PROPOSAL

This is a full application Proposed Woodland Experience - Conversion and Expansion of Former Engine Shed to Create Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking at Peckforton Castle.

RELEVANT HISTORY

There is a lengthy history of planning applications at Peckforton Castle the most recent of which are:-

7/08785 – Change of Use to Private Rec. Society for Prom. Playing and Enactment of Historical War Games with Staff Quarters and Refreshment Bar – Approved – 18th March 1982

7/11668 – Change of Use to Hotel – Approved – 7th February 1985

7/11669 – Alterations to Existing Access – Approved – 7th February 1985

7/12143 – Change of Use of Land to Jousting Area in Conjunction with Conversion of Castle to Hotel – Approved – 27th June 1985

7/12474 – Listed Building Consent to Convert Castle to Hotel – Approved – 6th January 1986

7/12475 – Conversion of Castle to Hotel – Approved – 17th October 1985

7/18921 – Listed Building Consent for New Door Openings and Internal Alterations – Withdrawn – 28th June 1991

P91/0019 – Listed Building Consent for Door Openings and Internal Alterations – Approved – 24th December 1991

P99/0844 – Change of Use and Alterations to form Hotel – Approved – 6th January 2000

P99/0845 – Listed Building Consent for Alterations to Form Hotel – Approved – 6th January 2000

P01/0159 – Phase Two Hotel Development (LBC) – Withdrawn – 25th October 2001

P03/1075 – Flagpole Antenna – Withdrawn – 15th October 2003

P03/1092 – Listed Building Consent Flagpole Antenna – 15th October 2003

P03/1309 – Telecommunications Equipment – Approved – 10th February 2004

P03/1357 – Listed Building Consent for Telecommunication Equipment – Approved – 24th February 2004

P09/0079 - Listed Building Consent for New Covering Over Existing Rooflights, Automatic Frameless Glass Doors to Foyer and Automatic Glazed Doors to Main Rear Corridor – Approved – 12th May 2009

09/1339N - Phase Two Restoration of Peckforton Castle to Provide 11 Bedrooms and Additional Public Hotel Space – Approved – 18th November 2009

09/1332N - Listed Building Consent for Phase 2 Restoration of Peckforton Castle to Provide 11 Bedrooms and Additional Public Hotel Space – Approved – 18th November 2009

11/3675N - Refurbishment of the Fire Damage to the East Wing, Together with a New External Opening at Undercroft Level, a New Opening at Roof Level and Solar Panels on Roof – Approved – 13th December 2011

11/3676N - Listed Building Consent for Refurbishment of the Fire Damage to the East Wing, Together with a New External Opening at Undercroft Level, a New Opening at Roof Level and Solar Panels on Roof – 7th December 2011

12/0252N - Two storey extension to the east wing of Peckforton Castle to provide improved access and laundry facilities, conversion of non-habitable space beneath drawing room in east wing into staff facilities and stores – Approved – 16th March 2012

12/0254N - Listed Building Consent for Two storey extension to the east wing of Peckforton Castle to provide improved access and laundry facilities, conversion of non-habitable space beneath drawing room in east wing into staff facilities and stores – 12th March 2012

12/2018N - Listed Building Consent for Proposed Erection of Waste Compactor and Recycling Shelter in Grounds of Grade I Listed Castle – Approved – 18th July 2012

12/2017N - Proposed Erection of Waste Compactor and Recycling Shelter in Grounds of Grade I Listed Castle – Approved – 20th July 2012

13/0265N - Development of the Coach-House and adjoining yard and buildings into a spa facility, and convert the Grainstore Tower and Stable block into additional habitable accommodation – Approved – 8th August 2013

13/0263N - Listed Building Consent for development of the Coach -house and adjoining yard and buildings into a spa facility, and convert the Grainstore tower and Stable block into additional habitable accommodation – Approved – 8th August 2013

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
BE.9	(Listed Buildings: Alterations and Extensions)
TRAN.9	(Car Parking Standards)
NE.2	(Open Countryside)
NE.3	(Areas of Special County Value)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)

CONSIDERATIONS (External to Planning)

Natural England: No objections subject to conditions relating to landscaping, drainage and a construction environmental management plan (CEMP)

Environment Agency: No objections

Environmental Health: No objection

Forestry Commission: No objections subject to the restocking notice.

Contaminated Land: No objection subject to a contaminated land condition and the standard informative

English Heritage: No objections the proposal will not have an impact setting of the castle as the site is well screened and the proposed development is sensitive in scale. However, they do have some concerns regarding the demolition of the storage building and would like it to be retained if at all possible

VIEWS OF THE PARISH / TOWN COUNCIL

We have examined the plans, specifications and other details submitted for the above applications.

The proposed site for both applications is within the Area of Special County Value and as such must comply with the Local Authorities policies regarding that designation.

We do not propose to restate those policies here, as they are well known to you, but feel that both of these proposed developments fall short in satisfying the policies as set out in both the Cheshire 2016: Structure Plan Alteration and the Crewe and Nantwich Local Plan 2011 with regard to Housing, Environment and Amenity.

We accept that the applicant is attempting to expand his business and has sought to re-use an existing derelict building but we feel that the proposed reuse of the derelict Engine Shed is effectively a new build that has at its heart a desire to obtain some, admittedly limited, residential use on the pretext of a Wardens accommodation to look after the animals that are proposed to be located at the site. We consider that this is not an appropriate use under the Councils Policies for this area and that once residential use has been established that it will be the venue for future applications to extend the residential nature at this site.

At present the Land Rover Experience is within the Castle grounds and we feel that this enclosure is a good location for this office and indeed that the enclosure of the castle walls provides an ideal curtilage for all the proposed activities that are envisaged in these two proposals and that it is inappropriate and not within Policy for these two applications to be successful in their current form.

OTHER REPRESENTATIONS

No representations received

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.

Tree Survey
Protected Species Survey
Heritage Statement

OFFICER APPRAISAL

List Description

Peckforton castle is a Grade I listed building and the list description for the building states:

'Castle. 1844-50, by Anthony Salvin for Sir John Tollemache MP. Rock-faced red sandstone with lead, asphalt and tile roofs. Mainly 3 storeys with one tower 5 storeys high, all arranged around a ward, with the principal accommodation on the north side. The castle has a triple-chamfered giant arch, above the gateway arch, a pair of oak Gothic headed studded doors, shouldered lintels to doors and windows, gate towers and battlements. The buildings at the west side of the inner ward are the stables, coach house, rectangular bell tower together with kitchens and service area. East of the entrance is the chapel (qv) and north is the Great Hall range of 18 bays with the entrance porch, set forward, approached up steps and with Gothic headed arch. The Hall has cross windows with trefoil heads and small trefoil lights in the gothic heads and a polygonal oriel window whereas the service and bedroom wing (west) and long gallery wing (east) mainly have two-light windows with shouldered lintels. The large circular main tower is behind the hall entrance and the octagonal Library tower is at the east end of the gallery wing. The outer walls of the castle have full height slender turrets or bartizans at changes in direction and there are corbel tables supporting part of the battlements, arrow slots, and even a gatehouse garderobe. The roof s mainly flat, of asphalt, concealed by the crenellated parapet. The single storey coach house makes early use of the timber lattice roof trusses.

Interior: The porch leads to a screens passage with oak screen, in early gothic style, and matching gallery rail above. The Great Hall has Minton Tile floor, large stone chimney piece and stone quadripartite ribbed vault supported by corbels with shields. The Long Gallery, (east) has oak panelling 1.8m high, a chimney piece in a wide arched recess, and a ceiling panelled by three longitudinal and six cross beams. The Long Gallery gives access to an irregular shaped Billiard Room with beamed ceiling (north) and the octagonal (tower). Library with oak linenfold bookcases (east). The Drawing Room (North) has an oak boarded floor, a wide stone fireplace. Gothic-headed door with ornamental strap hinges, plastered walls and beamed ceiling. The main staircase is behind the hall. It has a light well pierced by shouldered-linteled openings vertically and horizontally in pairs. The circular tower, at the north west corner, contains the octagonal Dining Room with Minton tile floor, two fireplaces, and vault of eight radial ribs running to a central boss. The room contains an Oak sideboard with carved 'Green Men'. Below the dining room the wine cellar is a circular tunnel vault from a short round pier. The Kitchens and Service rooms are south and west of this tower, extensive, unaltered and disused. The first floor nursery area has plastered walls with cornices, square headed cross braced oak doors with ornamental strap hinges and some plastered barrel-vaulted ceilings. The first floor gallery is above the long gallery and very

similar in arrangement. The Racket room at fifth floor level in the round tower, approached up a stone spiral staircase, has a boarded ceiling and originally had its walls lined with boards. The roof of this tower room is covered with block lead. The upper ceilings of the Bell Tower and Gatehouse are barrel-vaulted.

The castle can be regarded as a great Romantic house or as the last serious fortified home built in England, created as a refuge from the social disturbances of its time. Designed on a great scale with consummate skill, it was executed to the highest standards and is one of the great buildings of its age'.

Site History

Peckforton Castle was built in approximately 1851 by Sir John Tollemache and has since had a fairly chequered history. The castle has suffered a lot of deterioration over the latter part of the 20th century but approximately fourteen years ago it was acquired and converted into a hotel. Planning Application P99/0844 was submitted to and approved by Crewe and Nantwich Council for change of use and a Listed Building Consent Application was approved in early 2002. The first phase of the works was commenced to form the hotel and 38 bedrooms. The building was acquired approximately seven years ago by Majorstage Limited and they have made a success of the business and as such the owners. On the 19th June 2011 a guest at the hotel started a fire, which did not result in loss of life and outwardly the east wing remained intact. However, the ferocity of the fire caused extensive damage to the structure and internal fabric of the building and further damage was caused by smoke and water, which was used to extinguish the fire. Planning permission and Listed Building consent was subsequently granted for the refurbishment of the wing and some other minor alterations.

Currently the guest facilities at Peckforton Castle include the function rooms (the Great Hall and the Drawing Room), the 1851 Restaurant, the 2010 Brasserie, the Tranquillity Spa and 47 guest bedrooms. Back-of house facilities occupy the remainder of the East and West Wings, as well as the former Kitchen and Bakery buildings. The Coach house is used in the summer as a bar area, but is under utilised in winter months. Only the ground floor of the Grainstore is occupied (by the Land Rover Experience) and the remainder of the building is semi-derelict. The Stable block houses those birds of prey not housed in the bays located within the castle Ward. The upper floors of the Gatehouse provide storage and staff accommodation.

The Current Proposal

Due to increasing demand it was acknowledged that additional guest bedrooms are considered to be an important part of the hotels development strategy as the current occupancy levels are considerably above the norm throughout the year. Feasibility studies produced by the castle have shown that the Grainstore tower and the adjoining Stable block could be refurbished and fitted out to provide an further 13 bedrooms, which would be a mix of accessible rooms, standard rooms and executive suites (this proposal was subject to applications 13/2063N & 13/0265N which were subsequently approved on 8th August 2013). Additionally, together with the anticipated release of one bedroom in the West Wing from its current role as a bat loft, this would raise the hotels accommodation offering to 61 bedrooms.

However, the Land Rover Experience operates out of the ground floor of the Grainstore tower. The business runs successfully from this location, but the building layout is not ideal for them and their presence in the building prevents its re-development. The castles 'Birds of Prey' experience packages are also popular with visitors, but presently the birds are partly housed in timber bays within the Ward as well as in stalls in the former Stable block. While the birds themselves complement the heritage atmosphere of the castle Ward, the bays fall short. The Stable block is also underutilised as accommodation for birds of prey.

To achieve the other objectives of the development plan, it is proposed that the currently derelict Engine Sheds be converted into an Activity Centre. By providing improved facilities for the "Land Rover Experience, as well as housing the Birds of Prey that are currently in the Stable block, the Grainstore and Stable block would be released for redevelopment. The Activity Centre would also offer improved archery facilities in a new archery range in the woodland. The engine sheds are located approximately 100m away from the castle. The former engine sheds are in a poor state of repair and have not been used for some considerable time. The building is screened for the most part by a large earth bund which is heavily vegetated and due to the topography of the surrounding environ is located in a natural hollow.

Open Countryside and Area of Special County Value

Policy NE.2 seeks to restrict new development within the open countryside. Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further. It is considered that the Engine Shed Development enlarges a significant hole within the woodland canopy, it more than doubles the mass of the buildings and introduces activity into this block of woodland that will permanently change its character and greatly reduce the tranquillity of the surrounding area. Furthermore, the introduction of external lighting is also a major change to the character of this woodland area at night and this extends to the temporary yurts. It is considered that the lighting should be kept to an absolute minimum and only utilised when necessary and as such a condition will be attached to the decision notice in the event that planning permission is approved.

Construction of paths and installation of services could cause significant damage to the root zone of a large number of trees on the site. The proposed footpath construction should prevent significant damage and the adoption of NJUG guidelines for installation of services will also avoid significant damage. Construction design and implementation of the sewage treatment plant, car wash drainage and soak aways are not detailed, but will be conditioned.

Overall, it is considered that the character of the woodland block (around the development) will be substantially changed and woodland on this important part of the sandstone ridge will be partially eroded. However, it is considered that the surrounding woodland, topography, changes to design and retention of a substantial amount of woodland cover/replanting within the block serves to reduce the impact on the surrounding ASCV to a minor impact during the day and a moderate impact when the facilities are in use at night time (principally due to lighting and noise) as such the proposal is complies with Policy NE.3 (Areas of Special County Value). This view is supported by the Councils Landscape Officer.

Tourism

The principle of changing the use of the castle into a hotel has already been accepted under application P99/0844. Both Local and National Guidance advocate that the re-use of buildings that have become redundant further improves the overall sustainability of new developments. This also often has the advantage of maintaining important and historic buildings and providing continuity in the landscape and townscape. These sustainable attributes, which may be substantial, may offset certain planning objections to a proposal such as poor location or access. The proposal will help to maintain the financial and economic viability of this successful business and will create additional jobs in a rural area. According to the supporting information, Peckforton Castle currently employs 70 full time and 60 part time members of staff, ranging from chefs to a falconer; the proposed woodland development will result in the creation of 8 additional full time jobs and 6 part time opportunities, this is a significant material planning consideration. Furthermore, Policy NE13 rural diversification, states that development will be permitted where it creates or maintains employment or lies adjacent to a commercial complex and in all cases recognises the wider environmental concerns of acknowledged importance. Again, this permitted policy seeks to encourage economic activity in rural areas and expand on the requirements of the then extant employment led structure plan policies. Overall, it is considered that the proposal is broadly in accord with advice advocated within the Local Plan and the NPPF.

Design

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

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. (Para 64). It is the opinion of the case officer that this proposal does not detract from the character or setting of the castle and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within NPPF. This view is supported by the comments made by English Heritage and the Councils Conservation Officer.

The NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. (Paragraph 132)

The Engine Sheds consist of a group of buildings within an area of approximately 50 x 40m, which is located some 100m away from Peckforton Castle in a roughly South-west direction. They are located in the Peckforton Estate woodland, which consists of a mix of natural growth deciduous and managed pine trees. As previously stated, the buildings and the surrounding area are entirely outside of the Peckforton Woods SSSI. They are accessed via woodland

tracks that were clearly formed to be used by vehicles, but are now only really accessible by 4x4 due to their poor state of repair.

The largest building has a pitched roof structure orientated in a South-west direction, while outbuilding 1, the most intact of the other more ruined buildings is orientated South-east. The orientation of two of the remaining building ruins (outbuildings 2 + 3) is also to the South-west, while the other ruin (outbuilding 4) appears to be orientated to the north. Of the other four buildings, outbuilding 1 is more prominent than the others – this has four complete stone walls, but no roof structure. The other three buildings are all in an advanced state of ruin, and consist of stones that indicate positions of walls only. Building 2 to the North-east side of the site is the most evident, while buildings 3 and 4 are little more than stone outlines.

The external walls to each of the remaining blocks are largely constructed of stone with a rustic finish, but the stone on each block has differing coursing and tooled finishes. The roofs are constructed out of timber trusses and purlins with a natural slate roof material. The majority of slates are missing and the buildings (on the whole) are open to the elements.

The development will be almost entirely screened from both the main drive up to the Castle and from the Castle itself as it is centered on the engine shed. Due to the size of the existing building the main Engine Shed has always been seen as the central focus of the development. It is proposed that it shall become the new base for the Land Rover Experience and incorporate activity centre reception, landrover experience reception, storeroom and meeting room, while part of the smaller block will provide accommodation for an on-site warden / caretaker. The building will retain its former industrial appearance whilst allowing it to be used for modern day activities. Additionally, the retention of the buildings distinctive roof lanterns and their repetition in the proposed extension is sympathetic within these proposals and the fact that the extension will be made visually more subservient by virtue of its step down in roof height is welcome and will also be sympathetic in that it will serve to continue the rhythm of the existing step down of the current two sections of the engine shed.

The applicant states that the warden accommodation is required due to the birds of prey being in close proximity and other animals which may require on demand expertise at very short notice. Furthermore, the warden will help to deter any potential thieves as the birds etc are expensive and as such the warden will aid on site security. It is considered given the relative isolated nature of the site and need for on demand expertise relating to the birds of prey and other animals, the wardens accommodation is reasonable and will be subject to a condition restricting its use.

A small garage block will be located to the north west of the Landrover Experience and will comprise open faced carport with attached store room and refuse area to the rear. An extension is proposed to the North-west end of the building to house store rooms, and an open-sided covered walkway shall link the building to a bathroom block built on the site of the larger of the other buildings.

According to the submitted plans the outbuilding 1 shall be developed as the bathroom block. This location is seen as the most appropriate as it is the most central and roughly the right size. Clients at the Land Rover Experience need to be able to shower after their activities, so the block requires more than just toilets. It has also been designed to provide sanitary

facilities for the guests staying overnight in the proposed future yurt accommodation (covered by a separate Planning Application).

Located to the south of the Landrover Experience and toilet block is a relatively large linear building which will help to reinforce the southern boundary of the site and it helps to define a courtyard appearance, which is in keeping with setting. The section of the building closest to the toilet facility will be used for animal husbandry, maintenance and plant. The remainder of the building will house the birds of prey and other animals and a buggy room. According to the submitted plans the building will be clad in timber and the pens will be constructed out of mesh under a corrugated metal roof, whilst the remainder of the building will be roofed in slate. It is considered given the materials used and the utilitarian and simple form and nature of the building will not detract from the setting of the castle or have a detrimental impact on the character and appearance of the locality. Overall, it is considered that the proposal complies with policies BE.2 (design Standards) and BE.9 (Listed Buildings: Alterations and Extensions)

In addition to the above, the applicant is proposing additional car parking to the front of the car port, to the side of the toilet block, and to the far end of the activity centre. In addition, 8no. VIP car parking spaces will be located off the access road and will be taking into account the natural vegetation/trees and to make appear less uniform and stolid. The majority of visitors utilising the site will park at the main car park, which is located approximately 450m away. The applicant is proposing to landscape the surrounding area in order to soften the development and help to incorporate into the natural environ and as such conditions relating to landscaping and surfacing materials will be attached to the decision notice in the event that planning permission is approved.

Located to the north of the activity centre/Landrover Experience is a small sitting out area, which due to the natural gradient of the land makes best use of the topography.

Amenity

Given the distance from residential properties in the vicinity, being in excess of 400m, the proposal would not have an adverse impact on neighbouring amenity in terms of loss of light, over-domination or disturbance. Therefore, it is considered that the proposal is in accord with policy BE.1 (Amenity).

Ecology

Site of Special Scientific Interest

This application is in close proximity to Peckforton woods Site of Special Scientific Interest (SSSI). Natural England are satisfied that, subject to the development being undertaken in strict accordance with the submitted proposals and subject to appropriate conditions being attached to any decision notice. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which this SSSI is notified. In this case the proposal will not have a detrimental affect (subject to the controlling conditions) on the SSSI and complies with policies NE.7 (Sites of National Importance for Nature Conservation)

As part of the application a Protected Species survey has been submitted and concludes that breeding birds and bats may be affected by the proposed development. These animals are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Whilst this planning consent cannot implement other legislation, protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

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

Reptiles

The Councils ecologist states that 'The survey was constrained slightly as only seven visits being undertaken to the site which is the absolute minimum to determine presence/absence of reptiles also the 'tiles' used for the survey were only down for one week prior to the start of the survey which means that they had only limited time to bed in prior to the first survey visit. The survey was however undertaken at an optimal time of the year under reasonable conditions'.

Barn owls

The Councils ecologist concludes that no barn owl survey of the buildings on site for barn owls appears to have been undertaken. However, the buildings appear to offer very limited nesting/roosting habitat for this species a survey for barn owls is not required.

Breeding Birds

The ecologist states that in the event planning permission is granted standard conditions will be required to safeguard breeding birds.

Loss of habitat

The proposed development will result in the loss of an area of recently felled plantation woodland. The cleared area and the remaining plantation has some nature conservation value, however this is relatively limited in comparison with the nearby SSSI. The loss of habitat associated with this scheme is not considered to be substantial.

However, to compensate for the loss of recently felled plantation habitats the Councils ecologist recommends that the applicant submits a detailed landscaping scheme for the site that utilises natural regeneration or local provenance native tree and understory planting as a landscape treatment, which will be conditioned accordingly.

Overall, it is considered that the proposal will not have a significant detrimental impact on a protected species and the proposal is in accordance with policy NE.9 (Protected Species) and guidance advocated within the National Planning Policy Framework.

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).

Highways

No comments have been received from colleagues in the Highways Department. Once these comments have been received Members will be updated in the update report.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed restoration and alterations would sympathetically respect the traditional character of this Grade I listed building and would not be harmful to the character and appearance of the surrounding open countryside or the ASCV. In addition, the proposal will not have a detrimental impact on residential amenity, highway safety or any protected species. The proposal therefore complies with NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.9 (Listed Buildings: Alterations and Extensions), 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.

Approve subject to conditions:

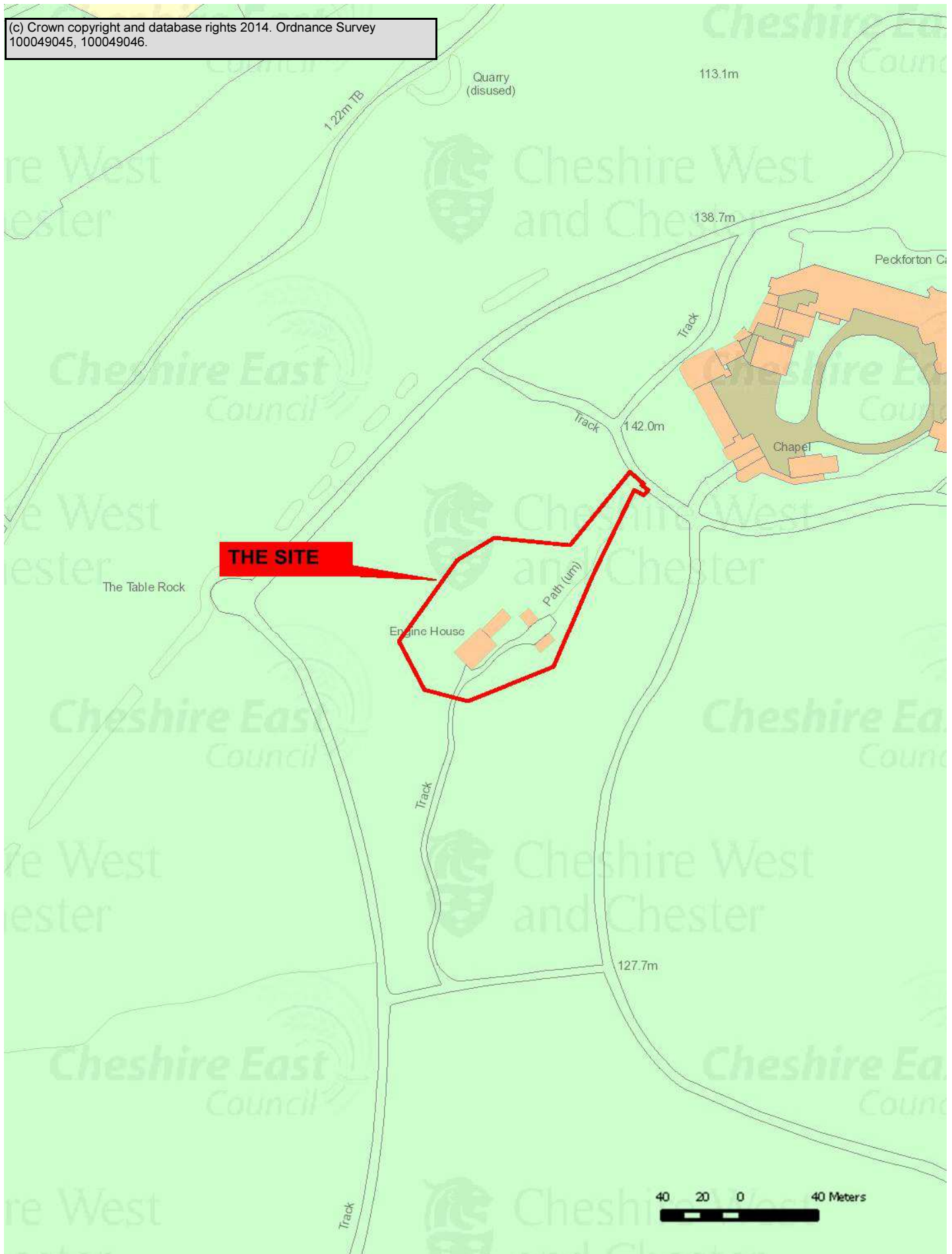
- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Details of Footpath Construction**
- 6. Drainage details to be submitted and agreed in writing**
- 7. Landscaping details to be submitted and agreed in writing**
- 8. Landscaping Implemented**
- 9. Details of External Lighting to be submitted and agreed in writing**
- 10. Details of a construction management plan to include the following:**
 - details of construction and demolition waste management;
 - details of pollution prevention;
 - details of any lighting scheme proposed during construction. (Note: lighting should be directed away from the designated sites);
 - details of site access, working and safety zones, together with temporary fencing proposals for the site access and site perimeter;
 - all contractors working on site should be made aware of and should be provided with a map that clearly shows the boundaries of the Peckforton Woods SSSI in relation to the development site.
- 11. Details of mortar mix and pointing technique to be submitted and agreed in writing**
- 12. All air vents and grills to be painted black and thereafter retained**
- 13. All external windows to be single glazed unless otherwise agreed in writing**
- 14. Details of cleaning mechanism of stonework**
- 15. Details to be submitted and agreed with approach to blown and damaged stonework**
- 16. All plaster to be lime based unless otherwise agreed in writing**
- 17. Describe and illustrate all replacement/new doors and windows**
- 18. Describe and illustrate proposed new radiators**
- 19. Rainwater goods to be cast iron and painted black unless otherwise agreed in writing**

- 20. Car parking spaces**
- 21. Survey for breeding birds**
- 22. Features for birds**
- 23. Noise survey to be submitted and agreed in writing**
- 24. Contaminated land survey**
- 25. Details of Levels**
- 26. Details of window/door Reveals to be submitted and agreed in writing**
- 27. Details of Service Routes**
- 28. Wardens Accommodation**
- 29. Full details of the construction methods of the all footpaths and access road to be submitted and agreed in writing**

Informative:

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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Application No: 12/3262N

Location: Peckforton Castle Hotel, STONE HOUSE LANE, PECKFORTON, TARPORLEY, CHESHIRE, CW6 9TN

Proposal: Listed Building Consent for Renovation, Alteration and Extension to Former Engine Sheds in Connection with the Planning Application 12/2550N Proposed (Woodland Experience - Conversion and Expansion of Former Engine Sheds to Create an Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking)

Applicant: Majorstage Ltd

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- List Description;
- Site History;
- Current Proposal; and
- Design

REFERRAL

The application has been referred to Committee at the discretion of the Development Management and Building Control Manager due to the close proximity of the site to a Grade I Listed Building and its potential impact on setting within the locality.

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The castle (Grade I Listed Building) is a folly and not a real castle and is currently used as a hotel. The applicants property is located wholly within the open countryside and within the ASCV. The property is an imposing building constructed out of sandstone and is accessed via a long twisting private drive, which is accessed via Stone House Lane. Located in close proximity to the site are a number of derelict buildings (which are the subject of this application) in various states of deterioration. These buildings are accessed via an undulating track and are screened by a number of large mature trees and other vegetation.

DETAILS OF THE PROPOSAL

This is a listed building application for a proposed woodland experience - conversion and expansion of former engine shed to create activity centre, animal farm, warden accommodation, ancillary buildings, means of access and car parking at Peckforton Castle.

PREVIOUS RELEVANT DECISIONS

There is a lengthy history of planning applications at Peckforton Castle the most recent of which are:-

7/08785 – Change of Use to Private Rec. Society for Prom. Playing and Enactment of Historical War Games with Staff Quarters and Refreshment Bar – Approved – 18th March 1982

7/11668 – Change of Use to Hotel – Approved – 7th February 1985

7/11669 – Alterations to Existing Access – Approved – 7th February 1985

7/12143 – Change of Use of Land to Jousting Area in Conjunction with Conversion of Castle to Hotel – Approved – 27th June 1985

7/12474 – Listed Building Consent to Convert Castle to Hotel – Approved – 6th January 1986

7/12475 – Conversion of Castle to Hotel – Approved – 17th October 1985

7/18921 – Listed Building Consent for New Door Openings and Internal Alterations – Withdrawn – 28th June 1991

P91/0019 – Listed Building Consent for Door Openings and Internal Alterations – Approved – 24th December 1991

P99/0844 – Change of Use and Alterations to form Hotel – Approved – 6th January 2000

P99/0845 – Listed Building Consent for Alterations to Form Hotel – Approved – 6th January 2000

P01/0159 – Phase Two Hotel Development (LBC) – Withdrawn – 25th October 2001

P03/1075 – Flagpole Antenna – Withdrawn – 15th October 2003

P03/1092 – Listed Building Consent Flagpole Antenna – 15th October 2003

P03/1309 – Telecommunications Equipment – Approved – 10th February 2004

P03/1357 – Listed Building Consent for Telecommunication Equipment – Approved – 24th February 2004

P09/0079 - Listed Building Consent for New Covering Over Existing Rooflights, Automatic Frameless Glass Doors to Foyer and Automatic Glazed Doors to Main Rear Corridor – Approved – 12th May 2009

09/1339N - Phase Two Restoration of Peckforton Castle to Provide 11 Bedrooms and Additional Public Hotel Space – Approved – 18th November 2009

09/1332N - Listed Building Consent for Phase 2 Restoration of Peckforton Castle to Provide 11 Bedrooms and Additional Public Hotel Space – Approved – 18th November 2009

11/3675N - Refurbishment of the Fire Damage to the East Wing, Together with a New External Opening at Undercroft Level, a New Opening at Roof Level and Solar Panels on Roof – Approved – 13th December 2011

11/3676N - Listed Building Consent for Refurbishment of the Fire Damage to the East Wing, Together with a New External Opening at Undercroft Level, a New Opening at Roof Level and Solar Panels on Roof – 7th December 2011

12/0252N - Two storey extension to the east wing of Peckforton Castle to provide improved access and laundry facilities, conversion of non-habitable space beneath drawing room in east wing into staff facilities and stores – Approved – 16th March 2012

12/0254N - Listed Building Consent for Two storey extension to the east wing of Peckforton Castle to provide improved access and laundry facilities, conversion of non-habitable space beneath drawing room in east wing into staff facilities and stores – 12th March 2012

12/2018N - Listed Building Consent for Proposed Erection of Waste Compactor and Recycling Shelter in Grounds of Grade I Listed Castle – Approved – 18th July 2012

12/2017N - Proposed Erection of Waste Compactor and Recycling Shelter in Grounds of Grade I Listed Castle – Approved – 20th July 2012

13/0265N - Development of the Coach-House and adjoining yard and buildings into a spa facility, and convert the Grainstore Tower and Stable block into additional habitable accommodation – Approved – 8th August 2013

13/0263N - Listed Building Consent for development of the Coach -house and adjoining yard and buildings into a spa facility, and convert the Grainstore tower and Stable block into additional habitable accommodation – Approved – 8th August 2013

PLANNING POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

BE.2 (Design Standards)

BE.9 (Listed Buildings: Alterations and Extensions)

OBSERVATIONS OF CONSULTEES

English Heritage: No objections the proposal will not have an impact on the setting of the castle as the site is well screened and the proposed development is sensitive in scale. However, they do have some concerns regarding the demolition of the storage building and would like to be retained if at all possible.

VIEWS OF THE PARISH / TOWN COUNCIL:

We have examined the plans, specifications and other details submitted for the above applications.

The proposed site for both applications is within the Area of Special County Value and as such must comply with the Local Authorities policies regarding that designation.

We do not propose to restate those policies here, as they are well known to you, but feel that both of these proposed developments fall short in satisfying the policies as set out in both the

Cheshire 2016: Structure Plan Alteration and the Crewe and Nantwich Local Plan 2011 with regard to Housing, Environment and Amenity.

We accept that the applicant is attempting to expand his business and has sought to re-use an existing derelict building but we feel that the proposed reuse of the derelict Engine Shed is effectively a new build that has at its heart a desire to obtain some, admittedly limited, residential use on the pretext of a Wardens accommodation to look after the animals that are proposed to be located at the site. We consider that this is not an appropriate use under the Councils Policies for this area and that once residential use has been established that it will be the venue for future applications to extend the residential nature at this site.

At present the Land Rover Experience is within the Castle grounds and we feel that this enclosure is a good location for this office and indeed that the enclosure of the castle walls provides an ideal curtilage for all the proposed activities that are envisaged in these two proposals and that it is inappropriate and not within Policy for these two applications to be successful in their current form.

OTHER REPRESENTATIONS:

No representations received

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.

Heritage Statement

OFFICER APPRAISAL

List Description

The castle is a Grade I listed building and the list description for the building states:

'Castle. 1844-50, by Anthony Salvin for Sir John Tollemache MP. Rock-faced red sandstone with lead, asphalt and tile roofs. Mainly 3 storeys with one tower 5 storeys high, all arranged around a ward, with the principal accommodation on the north side. The castle has a triple-chamfered giant arch, above the gateway arch, a pair of oak Gothic headed studded doors, shouldered lintels to doors and windows, gate towers and battlements. The buildings at the west side of the inner ward are the stables, coach house, rectangular bell tower together with kitchens and service area. East of the entrance is the chapel (qv) and north is the Great Hall range of 18 bays with the entrance porch, set forward, approached up steps and with Gothic headed arch. The Hall has cross windows with trefoil heads and small trefoil lights in the gothic heads and a polygonal oriel window whereas the service and bedroom wing (west) and long gallery wing (east) mainly have two-light windows with shouldered lintels. The large circular main tower is behind the hall entrance and the octagonal Library tower is at the east

end of the gallery wing. The outer walls of the castle have full height slender turrets or bartizans at changes in direction and there are corbel tables supporting part of the battlements, arrow slots, and even a gatehouse garderobe. The roof is mainly flat, of asphalt, concealed by the crenellated parapet. The single storey coach house makes early use of the timber lattice roof trusses.

Interior: The porch leads to a screened passage with oak screen, in early gothic style, and matching gallery rail above. The Great Hall has Minton Tile floor, large stone chimney piece and stone quadripartite ribbed vault supported by corbels with shields. The Long Gallery, (east) has oak panelling 1.8m high, a chimney piece in a wide arched recess, and a ceiling panelled by three longitudinal and six cross beams. The Long Gallery gives access to an irregular shaped Billiard Room with beamed ceiling (north) and the octagonal (tower). Library with oak linenfold bookcases (east). The Drawing Room (North) has an oak boarded floor, a wide stone fireplace. Gothic-headed door with ornamental strap hinges, plastered walls and beamed ceiling. The main staircase is behind the hall. It has a light well pierced by shouldered-linteled openings vertically and horizontally in pairs. The circular tower, at the north west corner, contains the octagonal Dining Room with Minton tile floor, two fireplaces, and vault of eight radial ribs running to a central boss. The room contains an Oak sideboard with carved 'Green Men'. Below the dining room the wine cellar is a circular tunnel vault from a short round pier. The Kitchens and Service rooms are south and west of this tower, extensive, unaltered and disused. The first floor nursery area has plastered walls with cornices, square headed cross braced oak doors with ornamental strap hinges and some plastered barrel-vaulted ceilings. The first floor gallery is above the long gallery and very similar in arrangement. The Racket room at fifth floor level in the round tower, approached up a stone spiral staircase, has a boarded ceiling and originally had its walls lined with boards. The roof of this tower room is covered with block lead. The upper ceilings of the Bell Tower and Gatehouse are barrel-vaulted.

The castle can be regarded as a great Romantic house or as the last serious fortified home built in England, created as a refuge from the social disturbances of its time. Designed on a great scale with consummate skill, it was executed to the highest standards and is one of the great buildings of its age'.

Site History

Peckforton Castle was built in approximately 1851 by Sir John Tollemache and has since had a fairly chequered history. The castle has suffered a lot of deterioration over the latter part of the 20th century but approximately fourteen years ago it was acquired and converted into a hotel. Planning Application P99/0844 was submitted to and approved by Crewe and Nantwich Council for change of use and a Listed Building Consent Application was approved in early 2002. The first phase of the works was commenced to form the hotel and 38 bedrooms. The building was acquired approximately seven years ago by Majorstage Limited and they have made a tremendous success of the business and as such the owners. On the 19th June 2011 a guest at the hotel started a fire, which did not result in loss of life and outwardly the east wing remained intact. However, the ferocity of the fire caused extensive damage to the structure and internal fabric of the building and further damage was caused by smoke and water, which was used to extinguish the fire. Planning permission and Listed Building consent was subsequently granted for the refurbishment of the wing and some other minor alterations.

Currently the guest facilities at Peckforton Castle include the function rooms (the Great Hall and the Drawing Room), the 1851 Restaurant, the 2010 Brasserie, the Tranquillity Spa and 47 guest bedrooms. Back-of house facilities occupy the remainder of the East and West Wings, as well as the former Kitchen and Bakery buildings. The Coach house is used in the summer as a bar area, but is under utilised in winter months. Only the ground floor of the Grainstore is occupied (by the Land Rover Experience) and the remainder of the building is semi-derelict. The Stable block houses those birds of prey not housed in the bays located within the castle Ward. The upper floors of the Gatehouse provide storage and staff accommodation.

The Current Proposal

Due to increasing demand it was acknowledged that additional guest bedrooms are considered to be an important part of the hotels development strategy as the current occupancy levels are considerably above the norm throughout the year. Feasibility studies produced by the castle have shown that the Grainstore tower and the adjoining Stable block could be refurbished and fitted out to provide an further 13 bedrooms, which would be a mix of accessible rooms, standard rooms and executive suites (this proposal was subject to applications 13/2063N & 13/0265N which were subsequently approved on 8th August 2013). Additionally, together with the anticipated release of one bedroom in the West Wing from its current role as a bat loft, this would raise the hotels accommodation offering to 61 bedrooms.

However, the Land Rover Experience operates out of the ground floor of the Grainstore tower. The business runs successfully from this location, but the building layout is not ideal for them and their presence in the building prevents its re-development. The castles 'Birds of Prey' experience packages are also popular with visitors, but presently the birds are partly housed in timber bays within the Ward as well as in stalls in the former Stable block. While the birds themselves complement the heritage atmosphere of the castle Ward, the bays fall short. The Stable block is also underutilised as accommodation for birds of prey.

To achieve the other objectives of the development plan, it is proposed that the currently derelict Engine Sheds be converted into an Activity Centre. By providing improved facilities for the "Land Rover Experience, as well as housing the Birds of Prey that are currently in the Stable block, the Grainstore and Stable block would be released for redevelopment. The Activity Centre would also offer improved archery facilities in a new archery range in the woodland. The engine sheds are located approximately 100m away from the castle. The former engine sheds are in a poor state of repair and have not been used for some considerable time. The building is screened for the most part by a large earth bund which is heavily vegetated and due to the topography of the surrounding environ is located in a natural hollow.

Design

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies BE.2 (Design Standards) and BE.9 (Listed Buildings: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. (Para 64). It is the opinion of the case officer that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within NPPF. This view is supported by English Heritage and the Councils Conservation Officer

Policy BE.9 (Listed Building: Alterations and Extensions) states that development proposals for the alteration or extension of a listed building, or any feature of special or architectural or historic interest which contributes to the reasons for its listing, will not be permitted unless:

- The proposal respects the scale, materials, colour, detailing and other significant features of the building concerned; and
- The proposal does not detract from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

The NPPF intimates that subsequent alterations to historic buildings do not necessarily detract from the quality of a building. They are often of interest in their own right as part of the building's organic history. Successful alterations require the application of an intimate knowledge of the building type that is being altered together with a sensitive handling of scale and detail. It is considered that the proposed alterations and extensions do preserve the historic fabric of the buildings and do not detract from the setting of the castle and as such the proposal is in accordance with advice stated in NPPF and policy BE.9 (Listed Buildings: Alterations and Extensions)

In addition, the NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. (Paragraph 132).

The Engine Sheds consist of a group of buildings within an area of approximately 50 x 40m, which is located some 100m away from Peckforton Castle in a roughly South-west direction. They are located in the Peckforton Estate woodland, which consists of a mix of natural growth deciduous and managed pine trees. As previously stated, the buildings and the surrounding area are entirely outside of the Peckforton Woods SSSI. They are accessed via woodland tracks that were clearly formed to be used by vehicles, but are now only really accessible by 4x4 due to their poor state of repair.

The largest building has a pitched roof structure orientated in a South-west direction, while outbuilding 1, the most intact of the other more ruined buildings is orientated South-east. The orientation of two of the remaining building ruins (outbuildings 2 + 3) is also to the South-west, while the other ruin (outbuilding 4) appears to be orientated to the north. Of the other four buildings, outbuilding 1 is more prominent than the others – this has four complete stone walls, but no roof structure. The other three buildings are all in an advanced state of ruin, and consist of stones that indicate positions of walls only. Building 2 to the North-east side of the site is the most evident, while buildings 3 and 4 are little more than stone outlines.

The external walls to each of the remaining blocks are largely constructed of stone with a rustic finish, but the stone on each block has differing coursing and tooled finishes. The roofs are constructed out of timber trusses and purlins with a natural slate roof material. The majority of slates are missing and the buildings (on the whole) are open to the elements.

The development will be almost entirely screened from both the main drive up to the Castle and from the Castle itself as it is centered on the engine shed. Due to the size of the existing building the main Engine Shed has always been seen as the central focus of the development. It is proposed that it shall become the new base for the Land Rover Experience and incorporate activity centre reception, landrover experience reception, storeroom and meeting room, while part of the smaller block will provide accommodation for an on-site warden / caretaker. The building will retain its former industrial appearance whilst allowing it to be used for modern day activities. Additionally, the retention of the buildings distinctive roof lanterns and their repetition in the proposed extension is sympathetic within these proposals and the fact that the extension will be made visually more subservient by virtue of its step down in roof height is welcome and will also be sympathetic in that it will serve to continues the rhythm of the existing step down of the current two sections of the engine shed. The applicant states that the warden accommodation is required due to the birds of prey being in close proximity and other animals which may require on demand expertise at very short notice. Furthermore, the warden will help to deter any potential thieves as the birds etc are expensive and as such the warden will aid on site security. It is considered given the relative isolated nature of the site and need for on demand expertise relating to the birds of prey and other animals, the wardens accommodation is reasonable and will be subject to a condition restricting its use.

A small garage block will be located to the north west of the Landrover Experience and will comprise open faced carport with attached store room and refuse area to the rear. An extension is proposed to the North-west end of the building to house store rooms, and an open-sided covered walkway shall link the building to a bathroom block built on the site of the larger of the other buildings.

According to the submitted plans the outbuilding 1 shall be developed as the bathroom block. This location is seen as the most appropriate as it is the most central and roughly the right size. Clients at the Land Rover Experience need to be able to shower after their activities, so the block requires more than just toilets. It has also been designed to provide sanitary facilities for the guests staying overnight in the proposed future yurt accommodation (covered by a separate Planning Application).

Located to the south of the Landrover Experience and toilet block is a relatively large linear building which will help to reinforce the southern boundary of the site and it helps to define a courtyard appearance, which is in keeping with setting. The section of the building closest to

the toilet facility will be used for animal husbandry, maintenance and plant. The remainder of the building will house the birds of prey and other animals and a buggy room. According to the submitted plans the building will be clad in timber and the pens will be constructed out of mesh under a corrugated metal roof, whilst the remainder of the building will be roofed in slate. It is considered given the materials used and the utilitarian and simple form and nature of the building will not detract from the setting of the castle or have a detrimental impact on the character and appearance of the locality. Overall, it is considered that the proposal complies with policies BE.2 (design Standards) and BE.9 (Listed Buildings: Alterations and Extensions)

In addition to the above, the applicant is proposing additional car parking to the front of the car port, to the side of the toilet block, and to the far end of the activity centre. In addition, 8no. VIP car parking spaces will be located off the access road and will be taking into account the natural vegetation/trees and to make appear less uniform and stolid. The majority of visitors utilising the site will park at the main car park, which is located approximately 450m away. The applicant is proposing to landscape the surrounding area in order to soften the development and help to incorporate into the natural environ and as such conditions relating to landscaping and surfacing materials will be attached to the decision notice in the event that planning permission is approved.

Located to the north of the activity centre/Landrover Experience is a small sitting out area, which due to the natural gradient of the land makes best use of the topography. Overall, it is considered that the proposed development complies with policies BE.2 (Design Standards) and BE.9 (Listed Building: Alterations and Extensions) and advice advocated within the National Planning Policy Framework.

CONCLUSIONS

The proposed alterations and extensions are of an acceptable design and would not have an adverse impact upon the character or appearance of the Grade I Listed Building and is therefore in compliance with provisions of Policies BE.2 (Design Standards) and BE.9 (Listed Buildings: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated in the National Planning Policy Framework.

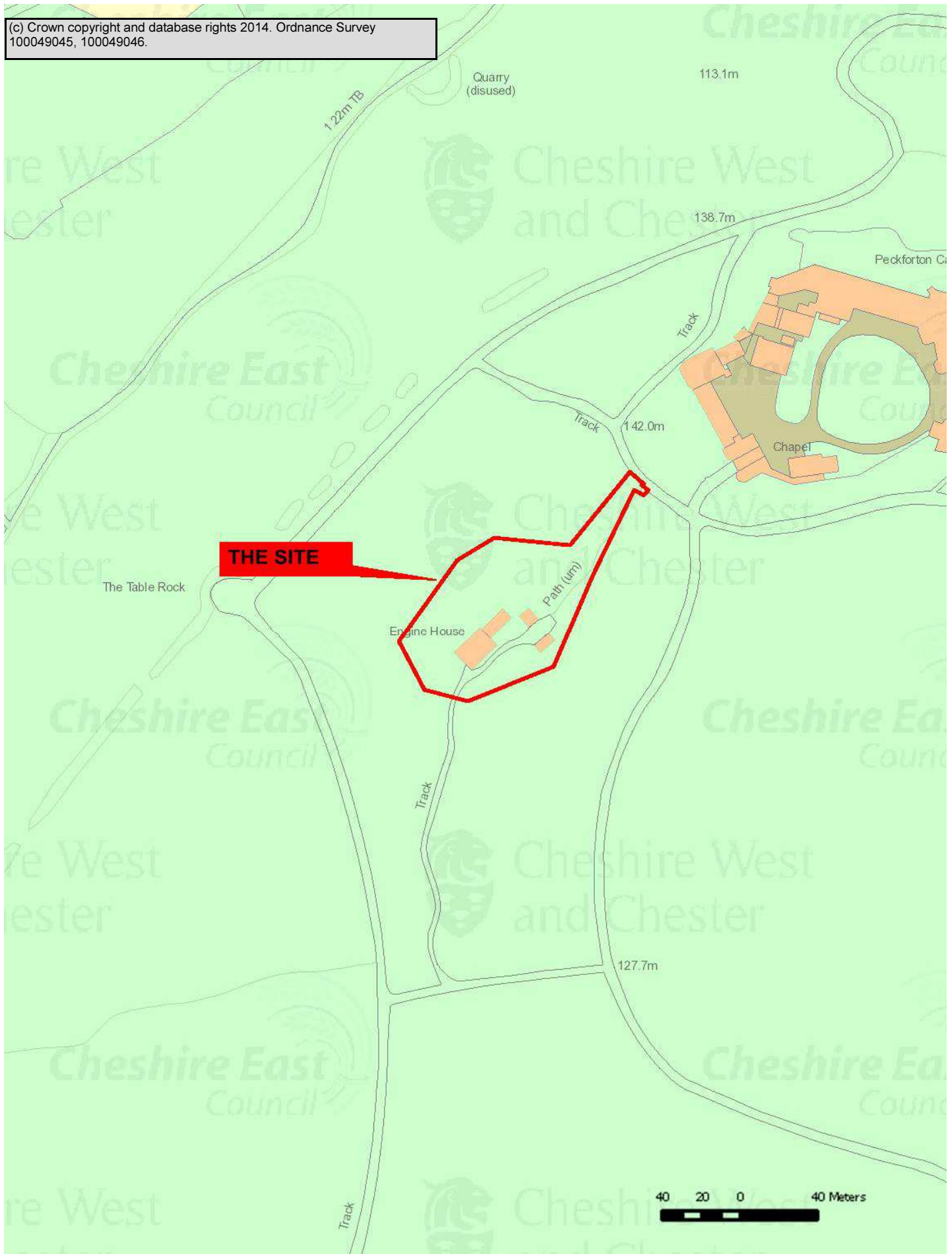
RECOMMENDATIONS

Approve subject to conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Drainage**
- 5. Mortar Mix**
- 6. All air vents and grills should be painted black**
- 7. Cleaning Mechanism of stonework**
- 8. Details of approach to blown sandstone**
- 9. All plaster to be lime based**
- 10. Describe and illustrate all replacement/new doors/windows**

- 11. Describe and illustrate proposed replacement radiators**
- 12. Rainwater goods to be cast iron and painted black**
- 13. Surfacing Materials**
- 14. Landscaping Submitted**
- 15. Landscaping Implemented**
- 16. Details of Timber Stain**
- 17. Roof trusses to remain exposed**
- 18. Details of door furniture to be submitted and agreed in writing**
- 19. Details of internal flooring to be submitted and agreed in writing**

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Application No: 13/0971N

Location: LAND TO THE REAR OF 315 - 319 WEST STREET, CREWE, CW1 3HU

Proposal: Proposed Residential Development of 6 Two Bedroom Apartments.

Applicant: Mr Antony Molloy, Future Homes

Expiry Date: 26-Apr-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development
Highway Implications
Amenity
Design
Trees
Landscape
Ecology

REASON FOR REFERRAL

This application was called in to Committee by Councillor Roy Cartlidge on the following grounds:

“Impact on the highway network safety affecting residents and local shoppers parking and a right of way will be blocked”

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the rear of properties on the northern side of West Street, Crewe. The site is ‘Brownfield’ and the surrounding development is a mixture of commercial and residential properties, with gated alleys on two of the boundaries.

DETAILS OF PROPOSAL

This is a full planning application for the erection of six 2 bedroom apartments in a two-storey block. Parking and bin and cycle storage would be provided within the site and there would be a communal area of open space at the southern end of the site.

RELEVANT HISTORY

P08/0734 2008 Refusal for 8 two bed apartments (Appeal dismissed)

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

SPD – Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

This development proposal offer: car/motorcycle and cycle parking for residents. Four of the proposed spaces are remote from the site and declared as visitor spaces – this is acceptable.

The internal parking layout needs adjustment as the proposed layout does not meet standards in terms of turning movements for vehicles and in this tight site the interaction between pedestrians and vehicle parking must be properly designed.

The internal parking layout offers 7 spaces however only 5 are required by the S.H.M. and this will allow two perpendicular spaces to be provided at the northern end of the site with 3 set parallel to the western boundary (each 6 metres long).

This will give a total provision of 9 spaces which for this sustainable location is considered to be adequate to serve the site.

The following condition should be attached to any permission which may be granted for this site:

Condition:- Prior to first development the developer will provide an amended parking layout to demonstrate that 9 viable car spaces can be provided for this site.

Environmental Health:

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

Crime Reduction Advisor:

The general access to the site is poor with residents having to access the site down an alleyway.

The vehicle access is presently prohibited by the location of an alley gates. Alley gates cannot be installed at locations which restrict primary access to dwellings and as such these would need to be moved or withdrawn. This will require consultation with the wider community. Assuming a new location was agreed by all parties. The cost of this exercise would have to be met by the developer.

I have concerns over the parking provision and seemingly lacking of turning ability.

Furthermore boundary treatments to the boundary adjacent the proposed parking spaces would have to be secure enough to satisfy the borough council as it has a direct relationship with the integrity of the gating scheme that runs to the rear of Frank Webb Ave.

At the time that alley gates were installed the site owner agreed to the installation of alley gates on the basis that his site was secured. In order to achieve this, the borough council gifted the owner a set of gates and fencing which is currently in place.

United Utilities:

No Objection.

VIEWS OF TOWN COUNCIL:

None received at the time of report writing.

OTHER REPRESENTATIONS

One representation has been received relating to this proposal expressing concerns about loss privacy flooding and the alley gates.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

This document is available to view on the application file.

OFFICER APPRAISAL

Principal of Development

The site is within the settlement boundary of Crewe where Policy RES.2 (Unallocated Housing Sites), states that applications for housing will be permitted provided they are in accordance with Policies BE.1 – BE.5. The proposal would result in the re-use of an area of derelict brownfield land. The proposal is therefore considered to be acceptable in principle.

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 is for 6 apartments on a site less than 0.4ha, therefore there is no requirement for the provision of affordable housing.

Highways Implications

The proposed parking shown on the layout plan would not allow for safe turning movements within the site. However; The Strategic Highways Manager (SHM) has stated that it will be possible to provide a safe and adequate parking layout within the site. Therefore a revised parking layout should be secured by condition.

The issue of impact on the existing alley gates has been raised; however there is to be no changes to the alley gates or how they operate. In order to ensure that this remains the case a condition should be imposed.

The access also serves the rear of the properties on West Street and customers of the Video shop and it is considered that the small increase in traffic created by the development would not have a significant or severe impact on highway safety.

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

Amenity

There are residential properties to the south and west of the proposed development.

To the south are residential properties which front West Street and the closest part of the development would be two-stories in height. In this direction there would be a separation distance of 22 metres to the rear out-rigger and 26.5 metres to the rear elevation. This separation distance exceeds the guidance contained within the SPD which states that there should be a separation distance of 13.5 metres.

To the west the development would face the rear elevations of residential properties which front onto Frank Webb Avenue. The proposed development would have a separation distance of 26 metres to the rear elevations of dwellings on Frank Webb Avenue. In this case the Councils SPD states that;

'in the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. Each application will be judged on its own merits dependent upon the context and character of the site involved, for example the presence of natural screening, difference in levels and physical site features can impact upon the spacing standards required by the Borough Council'

In this case it is noted that the proposed development does not meet the guidance contained within the SPD. However it should that all first floor windows facing the rear elevations of the dwellings which front onto Frank Webb Avenue would be bedrooms and there would be no greater impact than a two-storey dwelling where a 21 metres separation distance would apply. The impact upon residential amenity is therefore considered to be acceptable.

There would be no amenity issues raised to the north or east of the site.

Environmental Protection have recommended conditions relating to construction, piling, contaminated land and external lighting and these are considered to be reasonable and should be imposed should the application be approved.

Having regard to the amenity of future residents of the apartments, the amended scheme now provides an adequate amount of usable amenity space to the eastern end of the site, which with suitable boundary treatments would be acceptable. Bin and cycle storage would also be provided within the site.

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 scheme as originally submitted was considered to be a cramped form of development that would not be in keeping with the character of the site or the surrounding development. This was subsequently amended to an acceptable scale and massing. The building would now take the form of a 2 storey block, which would be rendered at first floor level with brickwork at ground floor level and with a traditional pitched roof. It is considered that the design is acceptable and would not appear out of character in this part of Crewe, subject to the LPA approval the final details of the finishing materials.

Other Matters

Concerns were expressed by a local resident over flooding and the alley gates. It should be noted that the site is not within a flood risk area and that the arrangement of the alley gates would not be altered.

CONCLUSIONS

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable.

The impacts on design and amenity are considered to be acceptable.

Subject to the submission of a revised parking layout the proposal is acceptable in highway safety terms.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. Time limit
2. Approved plans
3. Submission of details of materials
4. Hours of construction
5. Details of piling
6. Submission of a Phase 1 Contaminated Land Survey
7. Submission of revised parking layout plan
8. Landscaping scheme
9. Implementation of landscaping scheme
10. No alterations to the siting or function of the alley gates

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Application No: 13/1590N

Location: GILLY'S FARM, WRENBURY, NANTWICH, CHESHIRE, CW5 8HN

Proposal: RECONSTRUCTION OF GRADE 2* 17TH CENTURY TIMBER FRAMED BUILDING TO FORM A DWELLING HOUSE ON THE SITE OF A FORMER DWELLING.

Applicant: MR PHILIP HORSLEY

Expiry Date: 05-Jun-2013

MAIN ISSUES

The main issues are:-

- Principle of the development
- Design and layout,
- Impact on highway safety,
- Living conditions,
- Ecology,
- Trees and landscape
- Contaminated land.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REFERRAL

This application is referred to the Southern Planning Committee because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION

The application relates to approximately 0.186ha of land forming a paddock associated with Gilly's Farm at Wrenbury Heath.

The application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm itself is located south of the application site. The eastern boundary of the site fronts on to Nantwich Road, beyond which lies predominantly open fields with a property known as Plum Tree Farm, offset to the south east. To the north, and west lies predominantly open countryside, although there are a number of isolated properties around the junction of Nantwich Road and Baddiley Hall Lane.

The site is an open grassed paddock area, which according to the applicant's submission once contained a dwelling, which was demolished many years ago and although the applicant states that some evidence of foundations remain, these are not visible above ground level. The land rises up slightly from the road frontage and the boundaries of the site are formed by a combination of post and rail fencing to the driveway to the south and native hedges with hedgerow trees to the other sides.

2. DETAILS OF PROPOSAL

Planning permission is sought for the erection of a new dwelling on the site, part of which would be formed from the surviving timber frame of a 17th Century cottage, which the applicant states was known as the Hawk Inn and formerly stood in the garden of an inter-war council house located in a narrow lane on the south side of Marsh Lane, Edleston.

In 1985, Cheshire County Council obtained consent to dismantle and re-erect the Hawk Inn at Tatton Park near Knutsford. The Inn was dismantled but never relocated and has since been held in storage. The application site is around one mile from its original location at Edleston.

What remains of the salvaged timber frame would be erected on site, and a new ancillary building with linking extension would be erected to the rear. The development would be utilised as a single dwelling.

2. RELEVANT PLANNING HISTORY

A previous application for reconstruction of the 17th century timber framed building was withdrawn in 2012 (application ref: 12/2381N). The Council's historic application records also show an application for a new dwelling on the application site in place of a previous dwelling, which was refused on 17th February 1989 (application number 7/16538).

3. PLANNING POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
BE.9: Listed Buildings : Alterations And Extensions
BE.10: Changes Of Use For Listed Buildings
BE.11: Demolition Of Listed Buildings

Other Material Considerations

National Planning Policy Framework

4. OBSERVATIONS OF CONSULTTEES

Highway Authority:

- No highway comments or objections

United Utilities

- Have no objection to the proposed development.
- If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority.
- If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Environmental Health:

- The hours of construction works taking place during the development (and associated deliveries to the site) shall be restricted to:
 - Monday – Friday 08:00 to 18:00 hrs
 - Saturday 09:00 to 14:00 hrs
 - Sundays and Public Holidays Nil
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application area has a history of agricultural use and therefore the land may be contaminated.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - A pre-determination questionnaire for contaminated land was submitted for a previous application for this site. The questionnaire showed there to be a low potential for contamination on the site.
 - As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:
 - § Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

5. VIEWS OF THE PARISH COUNCIL

- No comment received at the time of report preparation

6. OTHER REPRESENTATIONS

No other representations have been received at the time of report preparation.

7. APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement
- Design and Access Statement

8. OFFICER APPRAISAL

Main Issues

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land.

Principle of Development.

Although the proposal the re-erection of a former listed building, given that the building has been completely dismantled and is to be re-erected on a different site for residential use, it is considered to be tantamount to the erection of a new dwelling. The site is located within the open countryside where Policies RES.5 and NE.2 of the local plan state that new dwellings will be restricted to those that involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage or are required for a person engaged full time in agriculture or forestry.

The applicant's agent has argued that the proposal meets the provisions of the infilling policy. He acknowledges however, that:

"the application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm is located south of the application site."

Neither the existing dwellings at Swallow Cottage and Gillys Farm, nor the development beyond the road junction to the north, share the same building line. The development is very sporadic with wide irregular gaps between properties. The application site itself is approx 37m wide. A considerable distance of over 60m and other intervening features, (including a road junction), exist between the site of the proposed dwelling and the next dwelling to the north. Therefore, the site does not form part of a built up frontage and fails to meet the requirements of Policy NE.2 in this respect.

The application site is approximately 37m in width between the boundaries, and a gap of 135m exists between the built form of Swallow Cottage and the nearest dwelling to the north. This is not considered to be "a small gap". Although the Local Plan does not define what constitutes a "small gap", the question has been considered on many occasions by Inspectors at Appeal.

One such decision relates to a property known as Esteale. It is one of six properties fronting London Road. Like the application site and its neighbours, the properties are set in relatively large plots. A single dwelling was proposed within a gap of 46m in width between Esteale and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says

"significant separation distances between the properties which, in my opinion, gives rise to a sporadic pattern of development rather than a cohesive group of dwellings."

There were two garage buildings within the 43m gap but the Inspector concluded that:

“whilst the presence of the garages reduces the size of the gap between the dwellings I do not consider that they consolidate it to such an extent that the development would appear as an integral part of the existing sporadic group of dwellings. I therefore conclude that the proposed development would not constitute infill development and would thus materially harm the character and appearance of the open countryside, contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

In the case of the current application the gap between the properties is 135m, 92m wider than at Esteale, and does not contain other intervening outbuildings, other than the existing pre-fabricated dwelling, which is to be removed. For these reasons it is considered that the site is not a small gap and the proposal fails to comply with the exceptions criteria under Policy NE.2. It is therefore unacceptable in principle.

The applicant's agent has also made reference to the site of a now demolished dwelling, shown on the 1963 OS map. The site is grassed over but the footings remain in situ. The claim that there have been previous structures on the land is not disputed. However, the submitted evidence would imply that the buildings have not been demolished in recent years. An examination of aerial photographs supports the view that there has been no dwelling on the site for at least 10 years. This is a sufficient period of time for this no longer to be considered an established or existing use of the land. As a result the development does not constitute the replacement of an existing dwelling by a new dwelling as permitted by Policy RES.10 of the Local Plan.

It is therefore concluded that none of the exceptions to the general presumption against new residential development in the open countryside would apply to the proposal in question. Consequently, there is a presumption against the development, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

The applicant would argue that the proposal will enable the re-erection of timbers from a former listed building and that the re-use and preservation of this heritage asset is a material consideration to outweigh the local plan presumption against the proposal. The application, therefore, turns on the significance of the building to be erected.

Statements accompanying the application advise that the building which is to be re-constructed on the application site was a Grade II* listed C17 timber framed building, previously located in the garden of Briarcroft, Marsh Lane, Edleston an inter-war council house. In 1985, the former Crewe and Nantwich Borough Council in conjunction with Cheshire County Council obtained planning consent from the Historic Buildings and Monuments Commission to dismantle and re-erect the building on land near Old Hall, Tatton Park, Knutsford. It was dismantled but never relocated and has since been held in storage. Its deconstruction was the subject of photographic record, with individual timber members being numbered and recorded in detailed technical drawings.

The applicant's supporting documentation includes photographs of the building prior to and during dismantling. There is also a copy of an archived detailed specification in the statement for the removal of the building and its planned re-erection and restoration in Tatton Park in Knutsford (Cheshire County Council, dated October 1985) with a plan, elevation, and cross section.

A copy of a report by Cheshire County Council entitled “*Specification for dismantling the 17th Century timber framed cottages in the garden of Briarcroft, Edleston, Nantwich and for re-erecting the structure on a selected site near the Old Hall in Tatton Park, Knutsford*” has also been provided.

The report says:

As a Grade 2 Listed Building the removal of these dwellings is subject to the approval of the Historic Buildings and Monuments Commission whose agents are the Planning Departments of Crewe and Nantwich and Macclesfield Borough Councils for the dismantling and re-erection sections of the project respectively.

Unfortunately, lack of funding jeopardised the planned relocation, with Cheshire County Council Historic Building Officer Lawrie McKenna commenting in the Nantwich Chronicle no 5847 Thursday October 16, 1986 (a copy of which has been submitted with the application)

“We were interested in the cottage especially because of its small size - there are not many of that period left.”

The Council's Conservation Officer has examined the application and commented that the current register of listed buildings has a record of a Grade II listed cottage adjoining Briarcroft, which is timber framed and formerly thatched (added to the register on 16th July 1982). The Council's own historic listed building records do not appear to have details of a Grade II* listed building in this location. The building appears nevertheless to be a Heritage Asset, given details in the information submitted by the agent.

Statements accompanying the application indicate that the building may have formed part of the Hawk Inn. The Council's historic listed building records have a record of a Grade II listed building known as Hawk House (formerly an inn), in the parish of Wrenbury not Edleston and in brown brick rather than being half timber. The current register of listed buildings also has a record of a Grade II listed Hawk House (included in the register on 12th January 1967), in the parish of Wrenbury not Edleston but in whitewashed brick rather than half timber.

Whilst there may be some lack of clarity as to the original identity of the building, there is no doubt that a Grade II listed timber framed building was removed from the garden of Briarcroft by Cheshire County Council and was intended for re-erection at Tatton Park and that this building, or what remains of it, do represent a heritage asset.

The principle of dismantling listed timber framed buildings, which are at risk, and their re-erection on alternative sites within the open countryside has been deemed to be acceptable through the granting of planning and listed building consents on a number of previous occasions, including the original consent which was given in 1985 for the dismantling of the building in question and its relocation to Tatton Park. Members may also recall a similar case earlier this year, where Strategic Planning Board granted consent for the dismantling and re-erection of a listed timber framed barn at Old Hall Farm in Austerson.

Exceptionally, in these cases, the benefits in terms of securing a long term future for a listed building at risk were considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

What is unclear in this case, however, is the amount of the original historic fabric that remains. Also, no detail has been provided as to the condition of the remaining elements of the original building.

Reference is made to timbers being secured, dry storage, but no independent assessment of their extent or condition has been carried out. Therefore, it is unclear how much of the original fabric could, or is intended to, be re-used in the re-building project. There are a number of references in the design and access statement to alterations which would need to be made to the frame in order to provide the proposed internal accommodation. Part of the timber framing to the east elevation appears to have been omitted and it is unclear as to whether this is missing or beyond re-use. The proposed internal works include raising the height of the internal rooms, replacement of the internal staircase, insertion of new internal doors and erection of internal partitions. These will all alter the architectural and historic interest of the heritage asset and will reduce the extent of the original fabric and the degree to which it faithfully restores and reinstates the original historic structure.

In contrast, in the Austerson example referred to above, the building remained standing, largely intact and structural surveys and reports were provided relating to its condition. Furthermore, details method statements for the removal, restoration and re-erection of the timbers and other salvaged elements of the building, such as plinth stones were provided. Details of the extent and nature of supplementary new material was also included within the application. Therefore, the Strategic Planning Board could be confident that this was primarily the re-erection and restoration of an historic building, with elements of new material added where necessary, rather than an essentially a new structure, utilising a small amount of material from a demolished building. This information is critical in determining how much weight should be given to the restoration, re-use and preservation of a heritage asset as a material consideration, relative to the local plan presumption against the proposal.

In the absence of this information, it is considered that the re-erection of the formerly listed structure is an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

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 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land. However, the Council has recently published a 5 Year Supply Position Statement which, seeks to remedy this, by evidencing a five year supply of housing land in the Borough. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to all housing sites of which the Council is aware. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply which could accommodate in the region of 9,757 residential units. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Development Strategy or the emerging SHLAA.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

The NPPF also states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities..... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

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

The application site is located in an isolated location where it would not enhance the vitality of a rural community. Therefore, it does not represent sustainable development and the adverse impacts in terms of development in the open countryside would outweigh the benefits of an additional housing unit and economic growth. However, it could be argued that the development would represent the optimal viable use of a heritage asset. This is discussed in greater detail below.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

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

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Re-erection of Listed Building

The applicant would argue that the proposal will enable the re-erection of timbers from a former listed building and that the re-use and preservation of this heritage asset is a material consideration to outweigh the local plan presumption against the proposal. The application, therefore, turns on the significance of the building to be erected.

Statements accompanying the application advise that the building which is to be re-constructed on the application site was a Grade II* listed C17 timber framed building, previously located in the garden of Briarcroft, Marsh Lane, Edleston an inter-war council house. In 1985, the former Crewe and Nantwich Borough Council in conjunction with Cheshire County Council obtained planning consent from the Historic Buildings and Monuments Commission to dismantle and re-erect the building on land near Old Hall, Tatton Park, Knutsford. It was dismantled but never relocated and has since been held in storage. Its deconstruction was the subject of photographic record, with individual timber members being numbered and recorded in detailed technical drawings.

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The principle of dismantling listed timber framed buildings, which are at risk, and their re-erection on alternative sites within the open countryside has been deemed to be acceptable through the granting of planning and listed building consents on a number of previous occasions, including the original consent which was given in 1985 for the dismantling of the building in question and its relocation to Tatton Park. Members may also recall a similar case in 2012, where Strategic Planning Board granted consent for the dismantling and re-erection of a listed timber framed barn at Old Hall Farm in Austerson.

Exceptionally, in these cases, the benefits in terms of securing a long term future for a listed building at risk were considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

What was initially unclear in respect of the previous application, however, was the amount of the original historic fabric that remains. Also, no detail was provided as to the condition of the remaining elements of the original building. Reference was made to timbers being secured, dry storage, but no independent assessment of their extent or condition had been carried out. Therefore, it was unclear how much of the original fabric could, or was intended to, be re-used in the re-building project. There were a number of references in the design and access statement to alterations which would need to be made to the frame in order to provide the proposed internal accommodation. Part of the timber framing to the east elevation appeared to have been omitted and it was unclear as to whether this is missing or beyond re-use.

In contrast, in the Austerson example referred to above, the building remained standing, largely intact and structural surveys and reports were provided relating to its condition. Furthermore, detailed method statements for the removal, restoration and re-erection of the timbers and other salvaged elements of the building, such as plinth stones were provided. Details of the extent and nature of supplementary new material was also included within the application. Therefore, the Strategic Planning Board could be confident that this was primarily the re-erection and restoration of an historic building, with elements of new material added where necessary, rather than an essentially a new structure, utilising a small amount of material from a demolished building. This information is critical in determining how much weight should be given to the restoration, re-use and preservation of a heritage asset as a material consideration, relative to the local plan presumption against the proposal.

In the absence of this information, at the time of the previous application, it was considered that the re-erection of the formerly listed structure was an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework. Accordingly the application was recommended for refusal, although it was withdrawn prior to determination.

These concerns have been addressed in respect of this application through the submission of a detailed report by a Building Surveyor with particular expertise in Timber and Historic Building Conservation. He concludes that:

- *It is my opinion the existing timber frame can be re erected. All the timbers are clearly marked and had been removed in an orderly manner together with a full inventory and drawings to show where and how the frame can be reconstructed.*
- *Inevitably some repairs will be required to sections of timber where decay has occurred to the original building. These repairs can be undertaken using traditional carpentry techniques and in accordance with guidelines provided by the Society for Protection of Ancient Buildings Technical Pamphlet 12. The Repair of Timber Frames and Roofs.*
- *Some insecticidal paste treatments will be required as a precautionary measure in locations where there are signs of heavy insect infestation.*
- *Any bituminous paint systems present on the timber surfaces should be carefully removed to enable surface evaporation to take place whilst the timber is in service.*
- *The amount shrinkage which will take place after reconstruction of the frame is considered to be minimal and will have no detrimental effect on the structure.*

The Council's Conservation Officer has examined the submitted information and commented that this is a very good report, as it illustrates the applicant's understanding of the background to the current storage of the building and gives a written explanation of both their findings on the condition of the wooden framework illustrated with supporting photographs, and, sets out the best approaches to addressing the problems which are present. It will form a valuable basis for the applicant to follow and this can be ensured by condition. It is therefore considered that the previous reason for refusal has been overcome in this respect. However, conditions will be required to ensure that the re-erection is carried out in accordance with the submitted report.

Design and Layout

The location of the proposed site is considerably closer to the building's original site than would have been the case had it been moved to the Tatton Park site. Notwithstanding the fact that the proposal does not constitute infill development in the context of local plan policy, if the principle of a departure were accepted, it is considered that the relationship of the site with the surrounding sporadic group of buildings is acceptable. It is noted that there is a similar timber framed listed building elsewhere.

The applicants consider that the original building is of insufficient size to accommodate a modern residence and therefore the new dwelling will need to be considerably larger than the re-erected timber frame. A number of options of how this could be achieved were considered. They included:

- enveloping the timber frame in a very modern 'glass box' or similar contemporary enclosure to totally protect and preserve the timbers from the elements;
- to re-erect the timber frame on a new stone plinth at ground level, and design a rear extension as a modern timber frame construction, or a contrasting contemporary design to provide the desired accommodation;
- or to give Hawk Inn the appearance of standing alone, by constructing a significant amount of accommodation below ground level.

The latter is the option which the applicant chose to pursue with a formal planning application in 2012 and would be achieved partially through excavation, and partially through the creation of an earth bank or bund around the building. The effect would be that the building would sit inside an earth "bowl" and when viewed from outside the site, the basement storey, and associated sunken terrace around it would not be visible and only the original building would be seen above ground level.

However, the site itself, and the surrounding landscape are relatively flat and it is considered that the earth bund would form an un-natural and "engineered" earthwork which would appear out of keeping with the character of the surrounding area. Furthermore, it would give the appearance of the building standing on a man-made, flat-topped mound, which would also appear out of place, and would do little to enhance or create a suitable setting for the heritage asset.

When viewed from closer to the building, on top of the earth bund, or from within the excavated below ground terrace the whole structure would appear even more awkward, unwieldy and out of character with the surrounding area. The proposed use of either railings or Cheshire railings will be visually dominant and the proposed raised rooflight would also be visually dominant.

Consequently, a second reason for that the application was recommended for refusal was on the basis that the design of the proposed dwelling, by virtue of the proposed basement and associated

earthworks, would fail to respect and would detract from the character and appearance of the remaining elements of the former listed building and the surrounding area contrary to Policies BE.1 (Design); BE.9: Listed Buildings : Alterations And Extensions of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice within the National Planning Policy Framework.

Since the previous application was withdrawn, prior to determination, discussions have taken place between the applicant and officers and a more sympathetic approach has been devised which involves the re-erection of the formerly listed building on the site frontage and the construction of an ancillary building to the rear to provide additional living accommodation to the area. The two buildings would be connected by a simple, single storey, flat roofed glazed link, which would allow the original building to retain the appearance of a separate building and be easily distinguished and read as a separate element to the modern extension. Both the ancillary building and the link would be lower in overall height than the original building which would allow it to remain the dominant element. .

To turn to the proposed alterations to the structure, appearance and materials of the former listed building, the proposed external works will preserve much of the character of this heritage asset, albeit that a new opening is to be inserted in the west elevation to give access to the glazed link. The style and positioning of the opening, however, is in keeping and is appropriate and utilises the spaces between the timber posts without compromising the integrity of the historic timber frame.

It is also proposed to lower the sill height of the existing windows by glazing the panels in the timber frame immediately below the windows rather than infilling them with solid material. Whilst this would not cause any harm to the historic frame or loss of any historic fabric (as the original wattle and daub panels do not survive), the previous scheme proposed the retention of these windows at their original size use of small leaded light windows which was considered to be more sympathetic. However, this could be addressed through an appropriate amending condition.

It is noted that the original building prior to dismantling appeared to have a distinctive overhanging eaves detail, which does not appear to be present on the drawings of the re-erected building. This is considered to be a significant omission and may indicate further elements of the historic frame which do not survive or are not suitable for re-use. However, a condition could be applied requiring this detail to be replicated.

A new inglenook fireplace and chimney is also proposed. This is also considered to be acceptable and in keeping with the building and its historic timber frame.

The glazed link includes a lantern feature on the roof. This is considered to be an inappropriately "suburban" feature and it is therefore recommended that a further amending condition is added requiring this to be a rooflight fitted flush with the roofcovering.

With regard to materials, the use of stone for the base of the building is visually and structurally acceptable. According to the plans, the panels to the timber frame are to be new materials and its roof is to be in timber shingle. The use of new materials for the non original frame panels use of timber shingle for the roof rather than thatch was already anticipated in the specification by Cheshire County Council. However, it is considered that this could be improved upon and if Members were minded to approve the application, the use of traditional wattle and daub and thatch to the roof would be more appropriate and would complement and enhance what remains of the heritage asset. This would help to ensure that, as rebuilt, its appearance would be as close as possible to that of the original structure and could be secured by condition.

The proposed ancillary building would be finished in timber cladding to the elevations and the roof covering has not been specified. It is considered that a simple plain clay tile would be appropriate and this can also be conditioned.

In summary, it is considered that the revised scheme has overcome the fundamental concerns about the design approach which has been chosen and the adverse impact that the proposal would have on the setting or what remains of the heritage asset and the character and appearance of the surrounding open countryside. The proposal is therefore now in accordance with relevant local plan policies and advice within the NPPF relating to alterations to listed building and design generally.

Highways

The site is part of the existing paddock / field to Gilly's Farm, which has the benefit of a field gate onto the Nantwich Road, and the existing access driveway to the former farmhouse, barns outbuildings and garaging. The intention is to maintain a small paddock and the field gate access and, a new access to the new residence will be formed off the existing driveway from the South.

It is not considered that the proposal for a single additional dwelling would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety.

In the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety / traffic generation grounds could be sustained.

Living conditions

With the exception of Gillys Farm and Swallow Cottage to the south, the property known as Plum Tree Farm on the opposite side of the road to the east, and Corner Cottages to the north, the site is entirely surrounded by open countryside.

Gillys Farm and Swallow Cottage are within the ownership of the applicant and distances in excess of over 30m will be maintained to the other properties, which are considerably in excess of the 21m which is usually considered to be sufficient to maintain an adequate level of privacy and amenity between dwellings. Furthermore, the existing field hedges and trees provide a good level of screening between the site and the neighbouring dwellings. The boundary to domestic curtilage for the proposed dwelling could be enhanced to provide additional screening through native hedge planting which could be secured by condition.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding

public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF.

In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

No ecological surveys have been submitted with the application. However, the previous application was examined by the Council's ecologist who has confirmed that he does not anticipate there being any significant ecological issues and therefore no surveys are required in this instance.

Contamination

The Council's Environmental Health officer has commented that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. Therefore, conditions are recommended requiring that, Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and the Council be contacted for advice. Subject to compliance with these conditions, it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

Trees and Landscape

Existing landscaping within the site comprises native hedgerows, incorporating hedgerow trees, to the road frontage, north and west boundaries. There is a post and rail fence separating the site from the farm drive to the south. The site itself is open paddock with no existing trees within it. It is concluded, therefore, that the proposed dwelling can be accommodated without removal of any existing trees within the site, and sufficient separation can be achieved to avoid any adverse impact on boundary trees and hedges. Access can be taken through the post and rail fence from the existing farm drive and therefore no hedgerow removal will be necessary to create access or visibility.

Tree and hedgerow protection conditions would also be required if Members were minded to approve the scheme. Proposed landscaping for the completed development could also be secured by condition.

Therefore it is not considered that any significant tree or landscape issues are raised.

9. CONCLUSIONS

The proposal involves the erection of a new dwelling in the open countryside, which is contrary to established local plan policies. It does not fall within the infilling or replacement dwelling policies within the Local Plan. Therefore the proposal is contrary to development plan policy. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy remains up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development. Furthermore, the site is located in an isolated location where it would not enhance the vitality of a rural community and it is therefore contrary to the advice in paragraph 55 of the NPPF which presumes against isolated new dwellings in the open countryside.

However, in this case, the new dwelling is to be partially created through the re-erection of a timber frame from a Grade II listed building, which was demolished in the 1980's. Whilst the benefits in terms of securing a long term future for a listed building can be a sufficient material considerations to outweigh the general presumption against new development in the open countryside, in this case no information was initially provided as to the extent of the historic fabric which has been retained, its condition, and the amount will be utilised, or capable of being utilised, in the reconstruction. This resulted in a previous application for this proposal being recommended for refusal. However, this information has now been provided, and it is considered that the re-erection of the formerly listed structure is a sufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under Local Plan policy NE.2 and the NPPF.

In terms of design and layout, the previous scheme involved creating a basement and associated bund which would form an un-natural and "engineered" earthwork, and create the appearance of the re-erected building standing on a flat topped mound. When viewed from closer to the building, the whole structure would have appeared even more awkward, unwieldy and out of keeping. This would have failed to respect, and would detract from, the character and appearance of the surrounding area and the setting of the remaining elements of the former listed building.

However, this revised scheme addresses these concerns through the re-erection of the formally listed building at ground level on the site frontage and the erection of an ancillary accommodation building to the rear with a simple glazed link between the two structures which would allow the original building to retain the appearance of a separate building and be easily distinguished and read as a separate element to the modern extension. Both the ancillary building and the link would be lower in overall height than the original building which would allow it to remain the dominant element.

Subject to suitable conditions to control the detailed aspects of the reconstruction, materials, and other elevational details, it is considered that the revised scheme has overcome the fundamental concerns about the design approach which has been chosen and the adverse impact that the proposal would have on the setting or what remains of the heritage asset and the character and appearance of the

surrounding open countryside. The proposal is therefore now in accordance with relevant local plan policies and advice within the NPPF relating to alterations to listed building and design generally.

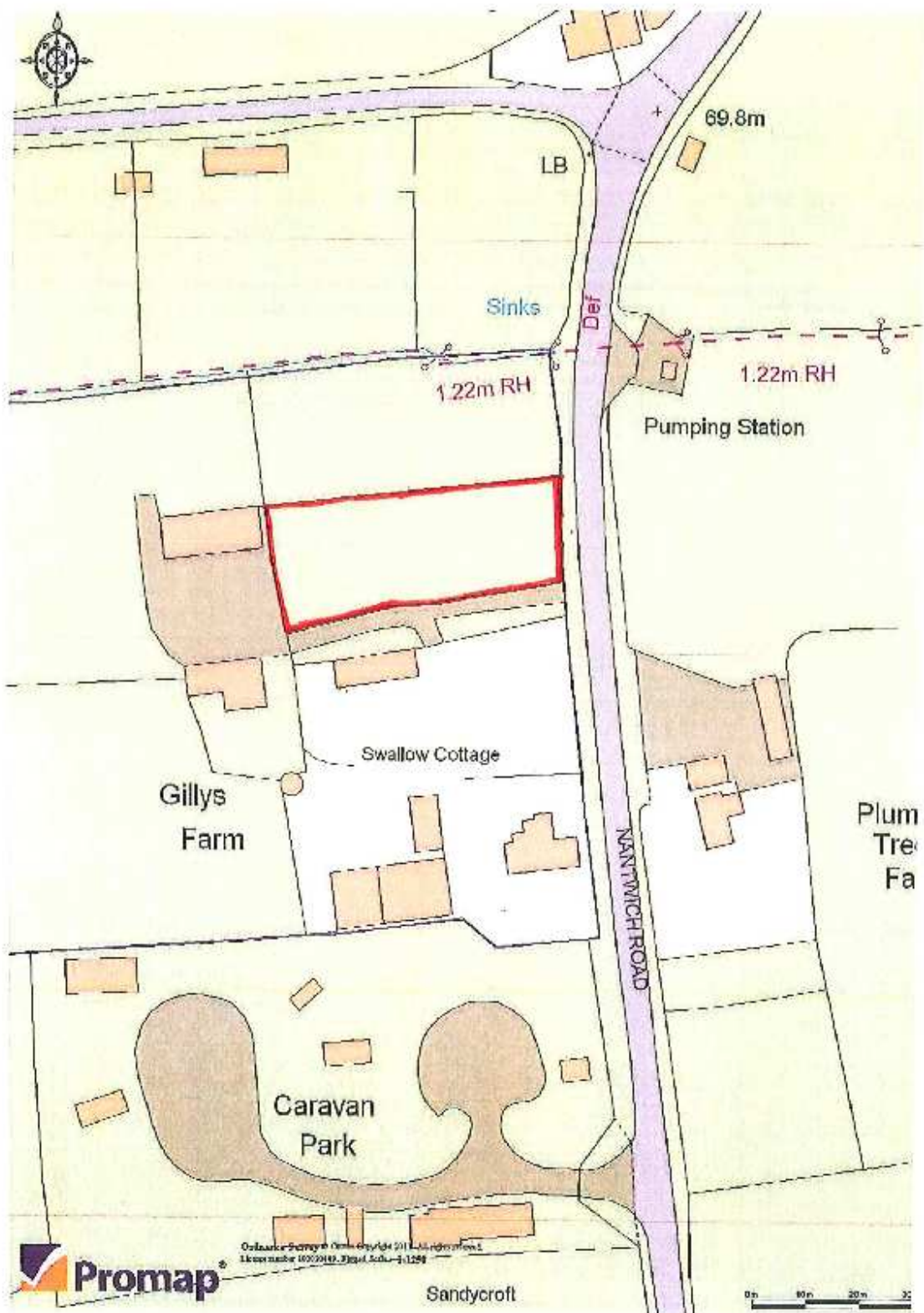
The proposal is acceptable impact on highway safety, living conditions, ecology, trees and landscape and contaminated land and complies with the relevant local plan policies in this regard. However, this is insufficient to outweigh the concerns in terms of the principle of development and the design and layout as set out above.

Therefore, for the reasons stated above and having due regard to the relevant local plan policies, and all other material considerations raised, the proposal is recommended for approval.

10.RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard**
 - 2. Plans**
 - 3. Re-erection to be carried out in accordance with submitted report unless otherwise stated in conditions**
 - 4. Windows to be retained at original size, with small leaded light windows in accordance with details to be submitted**
 - 5. Submission, approval and implementation of overhanging eaves detail**
 - 6. lantern feature on the roof to be omitted in favour of a rooflight fitted flush with the roofcovering**
 - 7. Submission and approval of materials including surfacing materials. Materials to include thatch to roof, wattle and daub infill panels, plain clay tiles to ancillary building, All timber cladding shiplap boarding to be oak; Natural Stone Plinth to main building**
 - 8. Landscaping to include native hedge planting to boundary**
 - 9. Implementation of landscaping.**
 - 10. The hours of construction works taking place during the development (and associated deliveries to the site) shall be restricted to:**
 - Monday – Friday 08:00 to 18:00 hrs**
 - Saturday 09:00 to 14:00 hrs**
 - Sundays and Public Holidays Nil**
 - 11. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and Environmental Health to be contacted for advice.**
 - 12. All repairs and replacement of oak to be in oak;**
 - 13. Oak frame to remain exposed;**
 - 14. All rainwater goods and downpipes to be black cast metal;**
 - 15. All windows to be oak framed;**
 - 16. All doors to be in oak;**
 - 17. Remove Permitted Development rights**
 - 18. Implementation of boundary treatment**
 - 19. Submission and approval of design for gates**
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Application No: 13/4194N

Location: 'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire, CW11 4RP

Proposal: Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works

Applicant: Mr Michael & Neil Ghosh

Expiry Date: 07-Jan-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of development
- Impact upon the Locally Listed Building
- Impact upon amenity
- Impact of the design
- Impact on trees
- Impact on protected species and sites of nature conservation
- Impact upon highway safety

REASON FOR DEFERAL

At the Southern Planning Committee meeting held on 11th December 2013, members resolved to defer this application for more information in relation to the interaction of the proposed access and the pedestrian refuge/proposed S278 works and to enable the case officer to investigate the possibility of a single access point to serve the site.

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The application site is 0.26 hectares in size and is surrounded by residential properties to the west, south and east with open fields beyond the settlement boundary of Winterley to the north. The application site falls almost entirely within the settlement boundary. Although the

proposed garden plots of Houses 9 and 10, fall outside of the settlement boundary, they fall within established residential curtilage.

The site comprises of a detached, two-storey, locally listed dwelling called 'The Limes' which is currently derelict and has been left unused for a number of years.

DETAILS OF PROPOSAL

Full Planning Permission is sought for;

- The conversion of a detached dwelling into 4 apartments
- The erection of 2, two-storey detached dwellings
- The erection of 4, two-storey semi-detached dwellings
- Associated works

A revised layout plan has been submitted which details the proposed access arrangements to the site and how existing highway features along this aspect of Crewe Road would be impacted. This is further supported by a traffic calming plan.

RELEVANT HISTORY

P08/0384 - Conversion of Existing House to Four Apartments and Erection of Ten Dwellings – Refused 3rd June 2008

P07/1198 - Twelve Dwellings – Refused 20th November 2007

P04/0572 - Certificate of Lawfulness - use of dwelling house and curtilage for residential purposes – Positive Certificate Issued 7th July 2004

7/10182 - Swimming pool – Approved 14th July 1983

POLICIES

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

BE.13 - Buildings of Local Interest

RES.2 - Unallocated Housing Sites

RES.3 - Housing Densities

RES.4 - Housing in Villages within Settlement Boundaries

RES.7 - Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4

NE.5 - Nature Conservation and Habitats)

NE.9 (Protected Species)

Other Considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – In response to the updated layout plan and traffic calming proposals, the Strategic Highways Manager has advised that he is satisfied with the revisions/updates shown. The applicant's would however, need to enter into S184 and S278 agreements with the Highway Authority.

Environmental Protection – No objections, subject to conditions relating to; hours of piling and the prior submission of a piling method statement. In addition informatives relating to hours of operation, lighting and contaminated land are sought.

United Utilities – No objections, subject to a number of informatives including; that the site should be drained on a separate system, that surface water should be discharged to the soakaway/watercourse/surface water sewer, if the water is discharged into the public sewer, the flow may be attenuated to a maximum discharge rate, each unit should have a separate metered supply.

Housing (Cheshire East Council) – There is a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 in the Haslington and Englesea sub area within which Winterley falls.

Cheshire Homechoice has 126 active applicants who selected Haslington as their first choice.

As the proposal is for x4 2 bed apartments to be provided as social rented accommodation, it is deemed to be acceptable that more than 30% affordable housing is provided.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council – No objections, but have concerns about the requirement of an additional access, the potential for further development to the rear, the lack of bin storage information and refuse lorry access information.

Concerns have also been raised in relation to some garden space falling outside of the settlement boundary.

OTHER REPRESENTATIONS

7 (330, 334, 411, 419, 429 Crewe Road, 22 Fishermans, 17 The Brambles) letters of objection have been received in relation to the proposed development. The main areas of concern are;

- Amenity – Overlooking
- Design – Concerns about the re-development of the existing house
- Precedent for further development to the rear
- Insufficient local amenities – Schools, doctors
- The impact upon trees
- Too many dwellings in Cheshire East
- Highway safety – New access, traffic volume, impact upon traffic calming measures, pedestrian safety

- Impact upon nature conservations – Wildlife and trees
- The way the new access road stops at a field suggesting further development

1 letter of support has been received (421 Crewe Road)

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Bat Report
Great Crested Newt Appraisal
Tree survey
Tree Removal Plan
Topographical Survey

OFFICER APPRAISAL

Principle of development

Policy RES.4 of the Local Plan advises that *'Within the settlement boundaries of the following villages [Including Winterley] defined on the proposals map, the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted, (In accordance with Policies BE.1 – BE.5).'*

As the development proposal falls almost entirely within the settlement boundary for Winterely and refers to the erection of new housing, the principal of the development is partially accepted.

Although the garden plots for the dwellings proposed on plots 9 and 10 would fall outside of the settlement boundary, within the Open Countryside, as this land is already used as garden space for the application property, it is not considered that the continuing use of this space a garden would have any greater impact upon the Open Countryside than the existing situation.

Buildings of Local Interest

The locally listed description of this dwelling is as follows;

'A fine detached Victoria Villa, constructed in 1871 of brick. Has white painted detailing and bay windows flanking its central open door portico. Built for Baptist Church adjacent. Good example of 19th century domestic architecture. Contributes positively to the frontage of Crewe Road.

Group value to Primitive Methodist Church adjacent.'

As it is proposed to renovate a Building of Local Interest on site, the application is subject to Policy BE.13 of the Local Plan.

Policy BE.13 advises that *'Buildings or structures included in the non-statutory list of buildings and structures of local architectural or historic interest will be protected from inappropriate development proposals affecting the reason for their inclusion in the list; unless it can be clearly*

demonstrated that there are reasons for development which outweigh the need to safeguard the building or structure.'

The Council's Heritage Officer has advised that the proposed changes sought to the locally listed building largely reflect those sought for planning application P08/0384.

In response to this submission, the applicant was advised that the small first-floor bay window on the side elevation of the dwelling and the larger ground-floor bay should be retained as part of the conversion.

It was originally proposed that these openings be removed.

The applicant has subsequently amended the proposed elevations to re-introduce these exiting features as requested.

Although the Council's Heritage Officer has some concerns regarding the impact the additional dwellings proposed would have on the setting of the locally listed building, she is satisfied with the scheme in general terms now the design changes sought to the side elevation of the dwelling have been made.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.13 of the Local Plan.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The neighbouring properties that would be closest to the proposed new dwellings would be the occupiers of 429 Crewe Road to the north, 421 Crewe Road to the South and No.332 and 334 Crewe Road on the opposite side of the road.

The closest of the proposals to No.429 Crewe Road would be the locally listed building which is/will be approximately 20 metres to the southwest.

As this building is already in situ, it is not considered that the occupiers of No.421 Crewe Road would be impacted in terms of loss of light or visual intrusion.

With regards to loss of privacy, within the existing relevant side elevation of the Locally Listed Building that would lie parallel to the side boundary of this neighbours rear garden are a number of openings over 3 floors.

The proposed development would maximise the use of these existing openings. The only differences being at ground-floor level where it is proposed to convert a door to a window, remove another window, and inset a new window into a proposed rear outrigger.

Given that these changes to openings would be at ground-floor level only, 20 metres from the side elevation of this neighbouring dwelling and offset, it is not considered that the renovation of the locally listed building would create any privacy issues to this side.

The only other development proposed within close proximity of this neighbouring dwelling would be the units sought to the rear of the site, Houses 9 and 10.

These units would be approximately 25 metres to the west of this neighbour's rear elevation.

As a result of this large separation distance, it is not considered that this development would have a detrimental impact upon the amenities of the occupiers of this neighbouring unit.

House 1, proposed to the south of the development site would be positioned parallel to the side elevation of No.421 Crewe Road. There would be a gap of approximately 3.5 metres between the elevations if constructed.

On the relevant side elevation of House 1 (a two-storey dwelling), 2 ground floor windows are proposed. Both of these windows would serve as secondary windows to a lounge which would also benefit from a set of patio doors to the rear.

On the relevant side elevation of No.421 Crewe Road (a bungalow), there are no openings, although there is a conservatory to the rear.

As the conservatory is open in nature and single-storey, subject to sufficient boundary treatment being secured by condition to this side, it is not considered that this closest dwelling would create any loss of privacy to the occupiers of No.421 Crewe Road.

In addition to the above, as the closest aspect of House 1 would not extend significantly beyond the rear of the principal building lines of this neighbouring property, in conjunction with the fact that there are no impacted sole principal habitable room windows on this neighbour's side elevation and because the proposed dwelling would be to the north of this neighbour, it is not considered that the occupiers of this neighbouring property would be impacted in terms of loss of light or visual intrusion.

The properties on the opposite side of Crewe Road would be over 35 metres away from the closest of the proposed developments. As such, it is not considered that the occupiers of these neighbours would be impacted with regards to loss of privacy, light or visual intrusion.

In terms of the relationships between the proposed developments themselves, these all meet the recommended separation standards detailed within paragraph 3.9 of the Development on Backland and Gardens Supplementary Planning document.

The level of private amenity space provided would comfortably meet the recommended 50 square metre minimum standard.

Environmental Protection have advised that they would have no objections to the proposed development subject to the addition of conditions relating to; hours of piling and the prior submission of a piling method statement, restrictions relating to hours of construction and a contaminated land informative are also recommended.

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

Design Standards

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

The proposed site is largely square in nature.

It is proposed to renovate the central locally listed building and erect 4 semi-detached dwellings to the rear of the site and 2 linked-detached units, adjacent to (south) and forward of the locally listed building.

A new access onto Crewe Road is sought to the north which would extend along the side of the locally listed building and extend around to the rear.

The existing access to the site would be used by the 2 linked-detached units.

External changes to the Locally listed building

- Southern side elevation – Convert a single, first floor window to a bay window
- Northern side elevation – Convert a ground floor door to a window & split-up an elongated ground floor window to 2 windows.
- Rear elevation – Insert a roof light, erect a single-storey rear extension

New Dwellings

- House Types A (plots 8 and 10) – Semi-detached unit, 4.5 metres in width, 8 metres in depth, dual pitched roof approximately 8 metres tall.
- House Types B (plots 7 and 9) – Semi detached unit, 5.2 metres in width, 8.4 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type C (plot 1) – Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type D (plot 2) - Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8.4 metres tall.

Within the wider vicinity of the development site to the north is a detached two-storey dwelling, a detached Methodist church and then a further 2 detached, two-storey dwellings.

To the south is a detached bungalow then a series of two-storey, semi-detached dwellings. These dwelling's consist of a mixture of roof styles from dual-pitched, hipped and cat-slide.

Given that the majority of the dwellings are two-storey and either detached or semi-detached, it is considered that the form of the proposed dwellings would be acceptable.

With regards to the proposed dwelling's scale, the footprints of the units would not appear incongruous due to the mixture of footprints in the area.

In terms of height, the new dwellings proposed would range from between 8 and 8.4 metres. The central locally listed building that the development would revolve around measures approximately 9.7 metres in height.

There is no record of the height of the adjacent property to the north, No.429 Crewe Road. However, this property is two-storey's in nature but with a relatively low overall height as the first-floor occupies much of the space within the dual-pitched roof.

The adjacent property to the south, No. 421 Crewe Road is a bungalow.

As such, the proposed dwellings would be taller than those on the adjacent plots but lower in height than the locally listed building in the centre. As such, with regard to the streetscene, there would be stepped increase in height from each side of the site ensuring that the scheme would not appear incongruous.

As such, the proposed development from a height perspective is considered to be acceptable.

In terms of the materials proposed in the construction of the dwellings, it is advised within the application that the materials shall be submitted to the approval of the Local Planning Authority.

As a result of the above reasons, subject to a materials condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Trees

The application is supported by a Tree Survey by Creative Landscape, and a Tree Removals Plan supplied by the architects.

The Council's Forestry Officer has advised that the majority of the trees identified for removal in order to facilitate development (some of which are protected by Tree Preservation Orders), present either a very poor social proximity to existing buildings/structure or are considered to be structurally unsound.

It is advised that structural break-up would be inevitable should some of the trees be retained. As such, removal and replacement planting is considered to be a net long term gain.

The Forestry Officer concludes that subject to the addition of conditions relating to tree protection and tree pruning/felling specification, she would have no objections.

As such, subject to these conditions, it is considered that the proposal would adhere with Policy NR1 of the Local Plan.

Ecology

The application was originally supported by a bat report and a great crested newt appraisal. Additional information regarding the impacts upon bats was submitted during the application process.

In terms of Great Crested Newts, the Council's Nature Conservation Officer has advised that this species is not reasonably likely to be present or affected by the proposed development.

In relation to bats, bat activity was noted in the form of a relatively minor roost of a widespread species within the existing house which is scheduled for conversion. There was no evidence to suggest a significant maternity roost is present.

As the building utilised by bats is scheduled for conversion and not demolition, the potential impacts on bats relate more to disturbance and modification of the existing roost.

The Council's Nature Conservation Officer has advised that *'The submitted mitigation method statement makes recommendations as to the timing of the works to reduce the risk of bats being disturbed and recommends the installation of features to allow bats to have access to the converted property.'*

It is advised that should planning consent be granted, the proposed mitigation/compensation is considered to be acceptable and is likely to maintain the favourable conservation status of the species concerned. This shall be conditioned accordingly.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

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

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission being granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The existing dwelling is in a poor state of repair and it has been advised that it would not be financially viable to retain alone without the offset of associated residential development. As such providing bat mitigation measures, such as bat boxes on nearby trees and the provision of a temporary bat roost during site works would provide a suitable habitat for the bats.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No development on the site

No development on the Site

The existing building on site is no longer suitable for residential use as it is in a poor state of repair. As such it is likely that it would fall into disrepair further and eventually collapse, which would result in the total loss of the habitat for bats.

Favourable conservation status

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed replacement habitat will provide adequate provision for the bats.

The proposed changes would have no additional ecological impact subject to the addition of the proposed bat mitigation measures. As such, subject to these conditions, the development would adhere with Policy NE.9 of the Local Plan.

Access and Parking

The proposed development would involve the creation of a new access off the western side of Crewe Road, Winterley.

This would lead to a new road which would be used to access the 4 flats proposed within the locally listed building and 4 dwellings.

The existing to the site would be utilised to access 2 dwellings.

The submitted plan shows 200% parking provision for the 6 new dwellings proposed and 1 space for each of the 4, 2-bedroomed apartments.

The Council's Strategic Highway's Manager originally advised that '*The two accesses will be sited on a section of Crewe Road which has in effect been narrowed by buildouts. Visibility is satisfactory and as there are a number of existing accesses on this section of Crewe Road I have no objection to creation of an additional two. Proposed parking provision is acceptable.*'

At the Southern Planning Committee meeting held on 11th December 2013, members resolved to defer this application for more information in relation to the interaction of the proposed access and the pedestrian refuge/proposed S278 works and to enable the case officer to investigate the possibility of a single access point to serve the site.

In response, the applicant submitted an updated layout plan and traffic calming measures plan.

The Strategic Highways Manager advised that subject to a few minor changes to the plan, which he specifically detailed, the revised plan would be acceptable. The applicant updated the layout plan and traffic calming plan accordingly.

With reference to the consideration of the single access, the applicant advised that *'I have had several conversations with our client & we cannot make the scheme work utilising the existing access particularly as our client needs to maintain a way through to the rear field for grass & hedge cutting - this will be their only point of access.'*

Given that the Strategic Highways Manager has no objections to the second access, it is not considered that its inclusion could form a reason for refusal.

As a result of the above, it is considered that the development would adhere with Policy BE.3 of the Local Plan.

Affordable Housing

The applicant proposes that all of the proposed 4, 2-bedroomed apartments within the locally listed building would be used as affordable housing.

The Council's Housing Officer has advised that there is a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 in the Haslington and Englesea sub-area within which Winterley falls.

Cheshire Homechoice has 126 active applicants who selected Haslington as their first choice.

As the proposal is for 4 two-bed apartments to be provided as social rented accommodation, it is deemed to be acceptable that more than 30% affordable housing is provided.

Subject to this provision being secured via condition, it is considered that the affordable housing provision would adhere with the requirements of the Interim Affordable Housing Statement.

CONCLUSIONS

In conclusion, the proposed changes to the disused, locally listed building would be done in a sympathetic manner that would not compromise its listing.

The proposed 6 new dwellings would also be of an acceptable design that would respect the local character of the area.

The scheme would not create any significant issues in terms of neighbouring amenity, trees, protected species or highway safety and sufficient affordable housing shall be provided. As such the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; 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), BE.13 (Buildings of Local Interest), RES.2 (Unallocated Housing Sites), RES.3 (Housing Densities), RES.4 (Housing in Villages within Settlement Boundaries), RES.7 (Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species). The proposal would also accord with the NPPF.

RECOMMENDATION

APPROVE subject to the following conditions

1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of hard or soft surfacing materials
5. Hours of construction
6. Hours of piling
7. Prior submission of a piling method statement
8. Prior submission of lighting details
9. Affordable Housing requirement – 4 two-bed apartments
10. Tree protection
11. Tree pruning specification
12. Landscaping – Details
13. Landscaping – Implementation
14. Boundary Treatment
15. Bat mitigation - Implementation
16. Prior submission of drainage
17. Prior submission of bin storage details
18. PD removal A-E of Locally Listed Building
19. PD removal for retention of garage spaces on plots 1 & 2

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 has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Informatives

1. NPPF Informative
2. Section 184 and 278 Agreements (Highways)

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Application No: 13/4911C
Location: LAND OFF MOSS LANE, SANDBACH
Proposal: Outline application for 13 new dwellings (Resubmission)
Applicant: Mr Peter Richardson
Expiry Date: 20-Feb-2014

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

- Principle of the development
- Housing land supply
- The acceptability of the Layout, Scale, Appearance, Landscaping and Access
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a 'departure' from planning policy.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an agricultural field located on the northern side of Moss Lane, Sandbach within the Open Countryside.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 13 new dwellings.

All matters are reserved. As such, the application seeks permission for the principle of the erection of 13 dwellings on this site.

This application is a like-for-like re-submission of application 13/2841C which was refused for the following reasons;

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework 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.*

RELEVANT HISTORY

13/2841C - Outline application for 13 new dwellings – Refused 19th September

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR19 - Infrastructure

GR20 – Public Utilities

GR22 – Open Space Provision

H1 & H2 - Provision of New Housing Development

H6 – Residential development in the Open Countryside and the Green Belt

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation – Statutory Sites

NR3 - Habitats

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development

The EC Habitats Directive 1992

Conservation of Habitat & Species Regulations 2010

Circular 06/2005 - - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Affordable Housing Statement: Affordable Housing
Sandbach Town Strategy

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to a condition requiring that the off-road parking standards adhere with the Draft Local Plan and an informative that the developer will enter into a S184 Agreement for the construction of the vehicular accesses.

Environmental Protection – No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, hours of construction and a contaminated land informative.

United Utilities – No objections, subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Canal & River Trust - No objections

Greenspace (Cheshire East Council) – Advise that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development. The contributions sought are;

Enhanced provision: £2,113.20

Maintenance: £4,730.00 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,662.80

Maintenance: £11,940.00 (25 years)

Total: £22,446

Housing (Cheshire East Council) – Advise that the 4 units to be provided for social rent would be acceptable. Recommend that the affordable housing should be provided no later than the occupation of 50% of the open market dwellings.

Public Rights of Way – No objections, subject to an informative advising the land owner of their obligations.

Ramblers Association – Recommend that the developer show the position of the Public Footpath FP34 on their plans

VIEWS OF THE PARISH COUNCIL:

Sandbach Town Council – No objection, however concerns are raised about the increase in the volume of traffic on Moss Lane/London Road.

OTHER REPRESENTATIONS:

Objections have been received from 7 neighbouring properties. The main areas of objection relate to;

- Development is in the Open Countryside
- Design
- Drainage concerns/capacity
- Loss of habitat / ecology
- Loss of hedgerow
- Highway Safety – Increase in traffic
- Loss of agricultural land
- Lack of facilities and jobs

Other issues raised which are not material considerations include; the proposal would set a precedent and there is no need for further housing.

SUPPORTING INFORMATION:

Design and Access Statement
Tree Report
Hedgerow Searches
Sustainability appraisal
Agricultural land classification

OFFICER APPRAISAL

Principle of Development

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

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

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6.

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

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

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms 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 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31

December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

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

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Location of the site

To aid the assessment as to whether the application site is located within a sustainable location, 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 facilities 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) – 450m
- Amenity Open Space (500m) – 450m
- Children’s Play Space (500m) – 450m
- Primary School (1000m) – 750m
- Outdoor Sports Facility (500m) – 450m
- Local meeting place (1000m) – 750m
- Public House (1000m) – 270m
- Child Care Facility (nursery or crèche) (1000m) - 750m
- Bus Stop (500m) – 450m
- Public Right of Way (500m) – 50m
- Pharmacy (1000m) – 600m
- Railway station (2000m where geographically possible) – 550m
- Any transport node – 550m

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

- Bank or cash machine (1000m) – 1448m
- Bank or Cash machine (1000m) – 1100m
- Supermarket (1000m) – 1270m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1960m
- Medical Centre (1000m) – 2310m
- Convenience Store (500m) – 1100m

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 Sandabch, within the recommended standards for the majority of the amenities listed, it is considered that this site is a locationally sustainable site.

However, it is not considered that the locational sustainability of the site is outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Layout

The proposed development is for 13 new dwellings.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a linear pattern fronting Moss Lane, following a similar building line to the existing dwellings to the east of the site.

The dwellings would be inset from Moss Lane between 4.5 and 10 metres. The plots would be elongated in nature and extend between 34 and 40 metres in depth.

To the adjacent sides, the dwelling proposed to the far east of the site would be approximately 11.5 metres from the side elevation of No.32 Moss Lane. The dwelling proposed to the far west would be approximately 54 metres from the side elevation of Sunnyside.

Due to the linear pattern of development along this side of Moss Lane to the east and the regular building line that these properties have been constructed at, it is considered that the addition of the 13 dwellings along this frontage would respect the local character with regards to layout.

For the above reasons, it is considered that the indicative layout of the proposed development would be acceptable and would subsequently adhere to Policy GR2 of the Local Plan.

Access

The indicative layout plan shows that the proposed dwellings would be served by their own individual accesses onto Moss Lane which would lead to private driveways which are large enough to accommodate 200% parking.

The applicant has submitted a Highways Report in support of their proposal.

This report advises that due to the small number of units sought, the traffic generation would be low. The report quotes the NPPF in that because the impact would not be severe, there is no reason to refuse the application on highways grounds.

In response, the Council's Strategic Highways Manager (SHM) has concluded that the report's conclusions are correct and *'...on balance the SHM must advise that whilst the highway report does not present ideal information it would not be sustainable at inquiry to try to uphold a reason for refusal on highway grounds for this site.'*

The SHM recommends that a condition be added to the decision notice, should the application be approved, advising that the development will provide off-road parking in accordance with the emerging CEC draft parking standards as described in the new Draft Local Plan.

Given that the Local Plan is in a draft format at this time and therefore given limited weight, it is not considered that this condition would be enforceable. Furthermore, access is not sought for approval at this stage.

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

Appearance & Scale

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.

In terms of its form, the indicative layout plan indicates that the applicant seeks to erect 5 detached dwellings and 8 semi-detached dwellings on the northern side of Moss Lane, Sandbach.

The indicative streetscene plan shows that all 13 dwellings would be two-storey in nature, consist of dual-pitched roofs and include dual-pitched-fronted features such as half-dormers, porches or gables. 7 of the 13 units would include subordinate, two-storey side outriggers which would include integral garages. 2 of the units would include detached garages.

It is detailed within paragraph 3.6 of the submitted Design and Access Statement that *'The scale and appearance of the proposed properties will be in keeping with the surrounding properties using facing brickwork and tile roofs.'*

Given that the majority of the surrounding properties are two-storey, detached or semi-detached with open brick finishes and dual-pitched tiled roofs, it is considered that the form and appearance of the proposed scheme would respect the local character.

With regards to scale, the indicative streetscene plan shows that the proposed dwellings would range between 7.8 and 8.2 metres in height. These heights would reflect the heights of the surrounding two-storey properties, as would the proposed footprints. As such, it is not considered that the height of the proposed dwellings would appear incongruous.

As a result, it is considered that the proposed development would adhere with Policies GR1 and GR2 of the Local Plan.

Amenity

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

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

In terms of the separation distances, between the new dwellings themselves, all 13 units would lie parallel to each other.

No details regarding the position of openings are proposed on the side elevations of these units have been provided as this application seeks outline permission only.

In order to be deemed as acceptable, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of

directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling.

In relation to the impact upon the neighbouring dwellings outside of the development site, the closest units are; No.32 Moss Lane to the north-east, Sunnyside to the southwest and the properties on the opposite side of Moss Lane to the development.

The gap between the dwelling proposed closest to No.32 and the side elevation of No.32 would be approximately 11.5 metres.

On the relevant side elevation of this neighbouring property there is a first-floor side window which serves a landing.

Given that this opening does not serve a principal habitable room, subject to their not being any openings on a relevant side elevation of the proposed closest dwelling which would represent a sole window to a principal room, it is not considered that the development would create any loss of privacy, light or be visually intrusive for this neighbour.

Sunnyside would be positioned approximately 54 metres to the southwest of the closest property proposed on the site. Given this large separation distance, it is not considered that the proposal would result in a loss of privacy, light or visual intrusion for this neighbour.

On the opposite side of Moss Lane, the properties would be over approximately 25 metres away. Again, as a result of this large separation distance, it is not considered that the development would create any amenity issues for the occupiers of these properties.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions. These suggested conditions include; including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction and a contaminated land informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has advised that the application will result in the loss of hedgerow along Moss Lane. As hedgerows are Biodiversity Action Plan priority habitats, they are a material consideration.

It is recommended that the loss of these hedgerows be compensated for by creating new native species hedgerows as garden boundaries for the proposed houses.

Furthermore, should the application be approved, it is recommended that a condition to safeguard breeding birds and a condition for the prior submission for details for the incorporation of features into the scheme suitable for breeding birds be imposed.

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

Open Space

No open space is to be provided as part of the scheme.

The Council's Greenspace team, have broken down the assessment of what is required into Amenity Greenspace and Children's and Young Persons Play provision.

With regards to Amenity Greenspace, it is advised that if the development were to be granted planning permission, there would be a deficiency in the quantity of provision, having regards to the local standards set out in the Council's Open Space Study.

As such, the Council would request a sum of money in order to provide enhanced provision and maintenance of local space (£6,843.20).

In terms of Young Persons Play provision, again, should planning permission be granted, there would be a deficiency in the quantity of provision and a financial contribution would be sought to account for this deficiency (£15,602.80).

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

Affordable Housing

The application allocates the provision of 4 of the 13 dwellings to be affordable dwellings which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Interim Planning Statement advises that there should be a 30% on-site affordable housing requirement on sites over 0.4 hectares within settlements of 3000 or more. Furthermore, a tenure split of 65% affordable or social rent and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Sandbach sub area in the 2013 SHMA update.

Within this area the update illustrated an affordable housing requirement of 94 units between 2013/14 and 2017/18.

Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 174 live applicants who have selected one of the Sandbach letting areas as their first choice.

The 4 units proposed adhere with the 30% requirement figure; however the tenure split does not. The applicant proposes that all 4 units shall be social rented.

Notwithstanding this, the Council's Housing Officer has concluded that *'...we would be willing to accept this on site.'*

It is further advised that the 4 units should be pepper-potted throughout the site and be tenure blind. Furthermore, it is recommended that the affordable housing should be provided no later than the occupation of 50% of the open market dwellings.

A legal agreement will be required to secure the delivery of this housing and trigger its release.

As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable.

Footpaths / Public Right of Way

The proposed would not directly impact an existing public right of way. However, there is an existing footpath to the west of the site (Public Footpath no.34).

The Council's Public Rights of Way Officer has advised that they have no objections to the proposed development but recommend an informative be added to the decision notice, should the application be approved, in order to remind the applicants of their responsibilities.

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

Landscape

The proposed development is enclosed on the southern (front), eastern (side) and western (side) boundaries by hedgerow.

There are no protected trees on the site.

The application is supported by a Tree Survey, Arboricultural Impact Report and a Landscape Assessment

Visual

The application site is an elongated shaped area covering one field. To the north and west, the site is bounded by further fields, to the south by Moss Lane and to the west be residential development.

The site is relatively flat-grassed land with both hedgerow and fenced boundaries.

The applicant has advised that 'The existing hedgerow would be retained and punctured only by new drive gateways. The development does not project into the open field system beyond. A new hedge will be planted to continue along from the rear of the existing properties on the north side of Moss Lane.'

The development would only be visible from the distant viewpoint to the north, when it will be seen against the backdrop of the new housing on the former Foden site.

The land is flat, and with the proposed housing level with the existing properties in Moss Lane or the new houses opposite, it would have no significant visual impact on the setting. The proposed site completes a natural boundary to the existing houses to the north of Moss Lane and is part of the built-up residential nature of Moss Lane. The new houses proposed would be appropriate and a natural continuation of the linear form of development along Moss Lane.'

In response, the Council's Landscape Officer has advised that; *'There are no landscape designations on the site but the site is located within open countryside outside the settlement zone line as identified in the relevant Local Plan. In the Cheshire Landscape Character Assessment the site is located on the edge of the East Lowland Plan Landscape Character Type in ELP 5 Wimboldsley Character Area. The site has several of the key characteristics of the character type.'*

It is further advised that *'No landscape appraisal or visual impact assessment has been provided however, I consider encroachment of built development into the open countryside would at this location would be regrettable.'*

This adds weight to the concerns expressed above in respect of loss of Open Countryside, which should be protected for its own sake.

Trees

The report advises that there are 2 Category A trees along Moss Lane. It is advised within the report that these features merit retention and the design of the individual driveways can be configured to utilise existing gaps in hedgerow and laid out to allow the retention of these 2 trees.

As such, subject to the appropriate tree protection conditions to protected these 2 trees, it is not considered that the proposed development would have a detrimental impact upon trees.

Hedgerows

If the hedgerow fronting Moss Lane is over 30 years old, it should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'important'. If they are deemed to be 'important', this would be a material consideration.

In response to the above the applicant provided a letter from the 'Cheshire Archive and Local Studies Service' who confirmed that the south side of the site boundary, directly fronting Moss Lane is considered to be an 'important' hedgerow.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In response to this policy, given that this 'important' hedgerow would be retained, but punctuated in order to provide individual domestic accesses, the historical line of the hedge would remain unchanged. Therefore, the impact upon the landscape is considered to be limited. This line is further supported in the landscape by the orientation of Moss Lane itself which lies parallel to this hedgerow. As a result of this, in addition to the fact that the Cheshire Archaeology Service have raised no objections to the proposal, subject to protection conditions, it is considered that the proposed impact upon this 'important' hedgerow would be acceptable in this instance.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

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.

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 a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £6,842.20.

The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £15,602.80.

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

CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no over-riding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 which is considered to be up-to-date and in accordance with the NPPF.

As such, it is considered that the proposed development would be unacceptable in principle.

Notwithstanding the above, in terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to conditions to protect and support breeding birds.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards off-site public open space and children's play space on site and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, it is considered that the proposed application should be recommended for refusal.

RECOMMENDATION:

REFUSE

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework 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 and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

This report is predicated on the basis that SPB approve the position statement.

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 has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

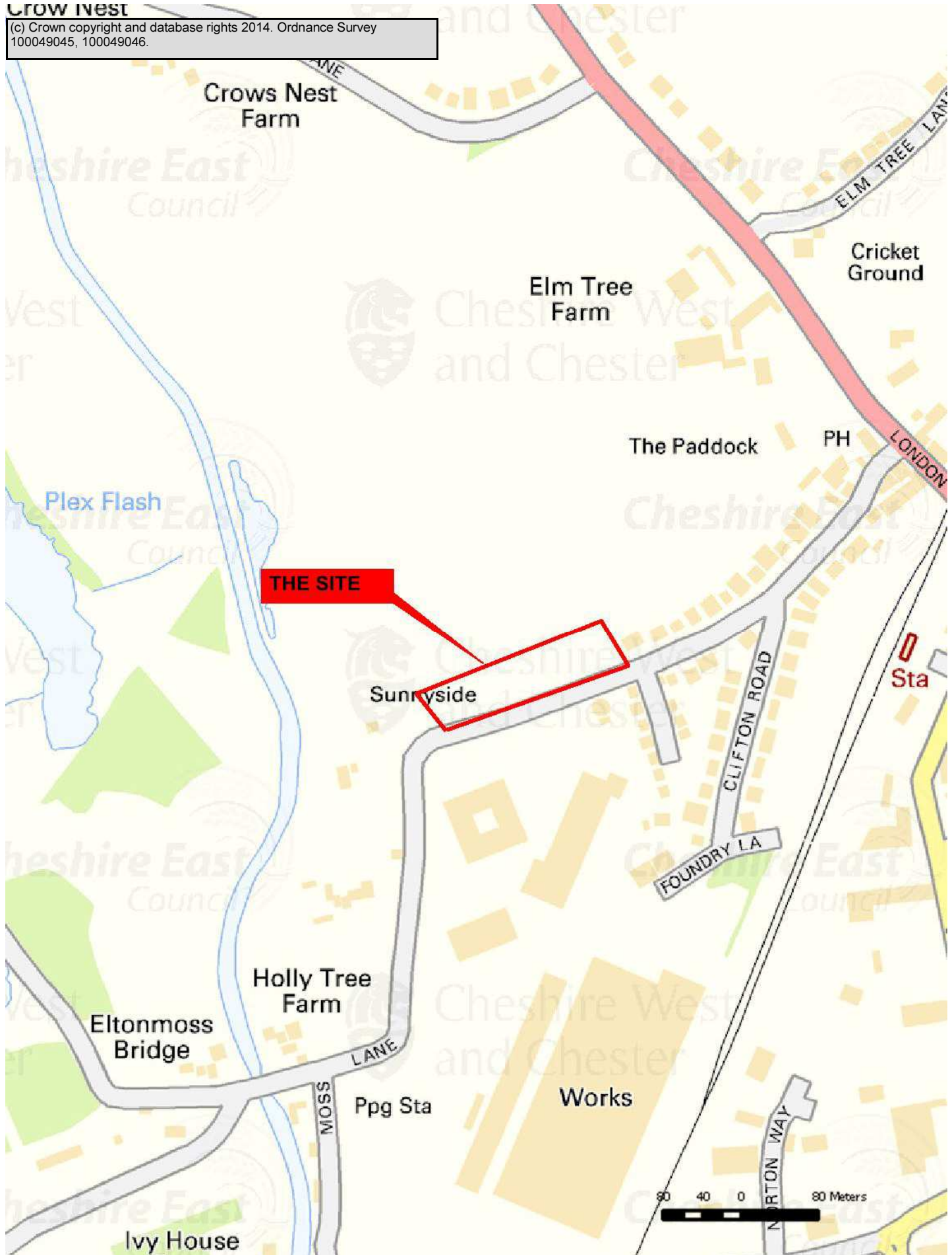
Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Heads of terms;

1. A commuted payment of £6,842.20 towards off-site Public Open Space enhancement and maintenance
2. A commuted payment of £15,602.80 towards off-site Children's Play Space enhancement and maintenance
3. 30% Affordable Housing provision – All 4 units to be socially rented. Pepper-potted and tenure blind, provided no later than 50% occupation. Transferred to registered provider.

Crow Nest

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Application No: 13/4968N
Location: 157, Crewe Road, Haslington, Crewe, CW1 5RG
Proposal: 10 no. Detached Houses
Applicant: Renew Land Developments Ltd
Expiry Date: 06-Mar-2014

SUMMARY RECOMMENDATION

Approve subject to the completion of a S106 Agreement and conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Affordable Housing

Highway Implications

Amenity

Design

Trees

Landscape

Ecology

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a backland site to the rear of properties 153 and 157 Crewe Road, Haslington. This is accessed via a relatively unmade public right of way known as Gutterscroft which bounds the site to the south. A public footpath (Haslington PF45) also forms the western boundary leading from Gutterscroft to 'the Dingle'. Surrounding land uses are predominantly residential, with access to local amenities within Haslington. Properties within the locality are of varying types, design and age. To the north of the site is United Reformed Church which is locally listed.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 10 detached dwellings within the site. Two properties would face on to Crewe Road whilst the remaining eight properties would be to the rear of the site with three facing on to Gutterscroft and five arranged around the turning head of the access road from Gutterscroft, which would give vehicular access to all the proposed dwellings. Two detached double garages are proposed within the site.

RELEVANT HISTORY

P02/1298 Demolition of Dwelling and Erection of Nine Dwellings (Refused June 2003) Refused due to the proposed site access from Crewe Road being too close to the junction of Gutterscroft and substandard levels of visibility.

P03/0049 Outline Application for 43 Dwellings (Refused March 2004) Refused due to the following reasons: failure to secure affordable housing provision. Development allowed at Appeal (APP/K0615/A/04/1147933) 15th December 2004.

P06/0498 Land off Crewe Road / Gutterscroft Haslington Crewe 17 Houses and 6 Apartments (Refused July 2006) Refused due to the following reasons: failure to secure affordable housing provision; failure to provide public open space; and design issues.
Appeal submitted and withdrawn.

P07/1103 Demolition of the Existing Buildings and Construction of 44 Dwellings and Associated Works (Approved with conditions January 2008).

P07/1693 Reserved Matters Application for the Demolition of Existing Buildings and Construction of 44 Dwellings and Associated Works (Duplicate Application) (Withdrawn).

11/3867N 11 three storey dwellings (Approved March 2012)

POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

RES4 (Housing in Villages with Settlement Boundaries)

NE5 (Nature Conservation and Habitats)

NE9 (Protected Species)

BE1 (Amenity)

BE2 (Design Standards)

BE3 (Accessing and Parking)

BE4 (Drainage, Utilities and Resources)

BE5 (Infrastructure)

TRAN9 (Car Parking Standards)

Other Material Considerations

Supplementary Planning Document 'Development on Backland and Gardens'

CONSULTATIONS (External to Planning)

United Utilities:

No objection.

Strategic Highways Manager:

The key issues for the Strategic Highways and Transport Manager (SHTM) relate to:

1. Achieving appropriate highway access;
2. Achieving sufficient parking provision; and
3. Ensuring adequate refuse collection

Access

In order to ensure appropriate vehicular access to the development, the proposed widening works on Gutterscroft will be necessary and the development should not be occupied until these works have been completed to the satisfaction of the LPA and SHTM. The SHTM will seek to adopt a section of Gutterscroft from Crewe Road to the northern boundary north of property 01 as shown on drawing number 1855-111-0. Meadow Bank should also be adopted and will need to include a turning head as shown in drawing number 1855-111-0. To this end, a suite of drawings should be provided to the satisfaction of the LPA and SHTM, under s.38 of the Highways Act 1980.

Parking

As a minimum, parking should be provided to the quantum shown in drawing number 1855-111-0.

Refuse Collection

An area for refuse collection should be provided at the boundary of each property (this could be a 2X2 flag within the property curtilage) and is to prevent the highway from being cluttered on refuse collection days.

Recommendation

Subject to the above comments, the SHTM would raise no objection to the proposals.

Environmental Health:

Conditions suggested in relation to construction hours and piling works.

Parish Council:

Haslington Parish Council have various concerns with the proposed development on what is substantially a greenfield site in the centre of the village of Haslington, in close proximity to existing established dwellings. Any approval needs to address the potential for conflict between the new dwellings and the existing users of the Gutterscroft and neighbours. Haslington Parish Council do however welcome the improvements to the access point with Crewe Road as this will benefit the many existing users of The Gutterscroft and The Gutterscroft Community Centre.

- The Gutterscroft road needs to be brought up to adoption standard, with the replacement of the existing parish council lights conditioned into any planning permission - with future maintenance responsibility passing to Cheshire East Council.

- The major concern is how the proposed development could conflict with the existing users of the Gutterscroft Centre. The Gutterscroft Centre hosts a pre-school and many evening groups such as the Brownies, this results in a large number of vehicles and pedestrians using the existing road. Plots 1, 2 & 3 are very close to the existing access road, and only appear to have very poor levels of off road parking provision. Facilities need to be included in any approved design to allow vehicles accessing the Community Centre to turn, together with the provision of additional parking for vehicles displaced by the new access points (private driveways) onto the Gutterscroft.
- The application does not clearly demonstrate how refuse lorries can access and turn within the development.
- Whilst the principle of residential development on this greenfield site has been established in previous applications - that permission included agreement to provide a resurfaced road up to the Gutterscroft Community Centre - this agreement needs to be included as a condition with this application.
- As with the previous development proposals, any construction needs to take account of the existing users of The Gutterscroft, i.e. many cars delivering and collecting small children to the pre-school, and sessions of Brownies etc, children also use this route to school. A high priority needs to be given to minimising mud during the construction period, and keeping deliveries and construction traffic away from the existing road.
- The replacement vehicle access to 153 Crewe Road needs to be clarified.
- Need to restrict future development rights to protect the privacy of existing properties on The Dingle, Plot 6 needs to retain obscure glazing to the first windows on the NW elevation, and again with Plot 5 on the N elevation.

OTHER REPRESENTATIONS

At the time of report writing, three representations have been received from local residents expressing the following concerns:

- Impact on the condition of the surfacing on Gutterscroft
- Risk to pedestrians using Gutterscroft
- Surface water run off
- Loss of hedges
- Noise
- Privacy
- Highway safety
- Parking
- Pressure for further development
- Loss of property values

These can be viewed on the application file.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement
- Protected Species Appraisal
- Ecological Addendum Report
- Contaminated Land Assessment
- Arboricultural Impact Assessment
- Planning Statement

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.

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.

The principle of residential development has previously been accepted on this site under applications 11/3867N (this remains extant) and P03/0049. The site is situated within the Haslington Settlement Boundary where the key issues in the determination of this application is whether or not the proposal accords with Local Plan policies NE9 (Protected Species), NE5 (Nature Conservation and Habitats), BE1 (Amenity), BE2 (Design Standards), BE3 (Accessing and Parking), BE4 (Drainage, Utilities and Resources), BE5 (Infrastructure) and TRAN9 (Car Parking Standards)

Affordable Housing

This is a site within the settlement boundary of Haslington which is a settlement with a population in excess of 3,000 and the proposal is for only 10 dwellings. There is therefore no requirement for the provision of any affordable housing within the development.

Highways Implications

The application has been assessed by the Strategic Highways Manager (SHM) and he is satisfied that the access to the site would be satisfactory. The proposed widening works and surfacing of Gutterscroft and the new cul-de-sac should be completed prior to the first occupation of the dwellings. The parking provision is also considered to be acceptable.

Having regard to refuse collection, it is recommended that an area for refuse collection should be provided within the curtilage of each of the dwellings in order to ensure that bins do not clutter the highway. This should be secured by condition.

Subject to the imposition of the recommended conditions, the proposal is considered to be acceptable in highway safety terms and in compliance with Policies BE.3 and TRAN.9.

Amenity

In terms of residential amenity, due to the siting of the dwellings and the distances between those proposed and those existing, there would be no significant adverse impact on the amenity of the existing dwellings.

Having regard to the residential amenity of future occupiers of the dwellings, all would have adequate private amenity space.

There would be some disruption during the construction phase of the development; however it is considered that this could be adequately controlled by conditions limiting the hours of construction and any piling that may be necessary.

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 dwellings would be 2 storey and of a mix of 3 styles. They would all be of a relatively traditional design having brick and render finishes with tiled roofs. Plots 1, 2 and 3 would face on to Gutterscroft with Plot 3 sited at the corner of the access road. This would be a large four bedroom property with integral double garage. Plots 1 and 2 would be smaller 4 bedroom properties with a

single integral garage. Five of the dwellings would face on to the newly formed cul-de-sac with a double garage set between plots 5 and 6.

Two of the dwellings would face on to Crewe Road with parking to the rear, accessed from the cul-de-sac (plots 9 and 10).

The design and layout of the development is considered to be in keeping with the character and appearance of the local area.

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

Ecology

Bats

No evidence of roosting bats was recorded on site and it is considered that this species group is unlikely to be present or affected by the proposed development.

If planning consent is granted it is recommended that a condition be attached to ensure some additional provision is made for roosting bats as part of the proposed development.

Reptiles

Whilst the potential presence of common reptile species on this site cannot be entirely ruled out it is considered that reptiles are not reasonable likely to be present or affected by the proposed development.

Breeding Birds

The proposed development site has the potential to support breeding birds including widespread BAP priority species which are a material consideration for planning. It is considered that the proposed development is not however likely to have a significant impact upon breeding birds other than in the local context, however if planning consent is granted it is recommended that conditions are attached requiring protection for breeding birds and the incorporation of features for breeding birds.

Grassland Habitats

Grassland habitats on site do not present a significant constraint upon development however a small number of botanical species which are indicative of higher quality grassland habitats have been recorded onsite.

Trees and Landscape

The main area of the site of the proposed development is a field together with some properties to the east. There is an unmanaged hedge to the west, some trees and scrub to the south west, an overgrown Leylandii hedge and a mature Lime tree to the rear of 153 Crewe Road, and a Holly tree to the rear of a church to the north.

Should consent be granted conditions should be imposed to secure protection and retention of the boundary hedge on the western boundary of the site and the submission of landscaping details including boundary treatments.

Other Matters

Gutterscroft

The Parish Council has requested that additional parking and turning provision is provided for the Gutterscroft Centre. This however is not considered to be a reasonable requirement commensurate with the scale of the development.

CONCLUSIONS

The site is within the Haslington 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 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 significant ecological issues raised as part of this application.

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

RECOMMENDATIONS

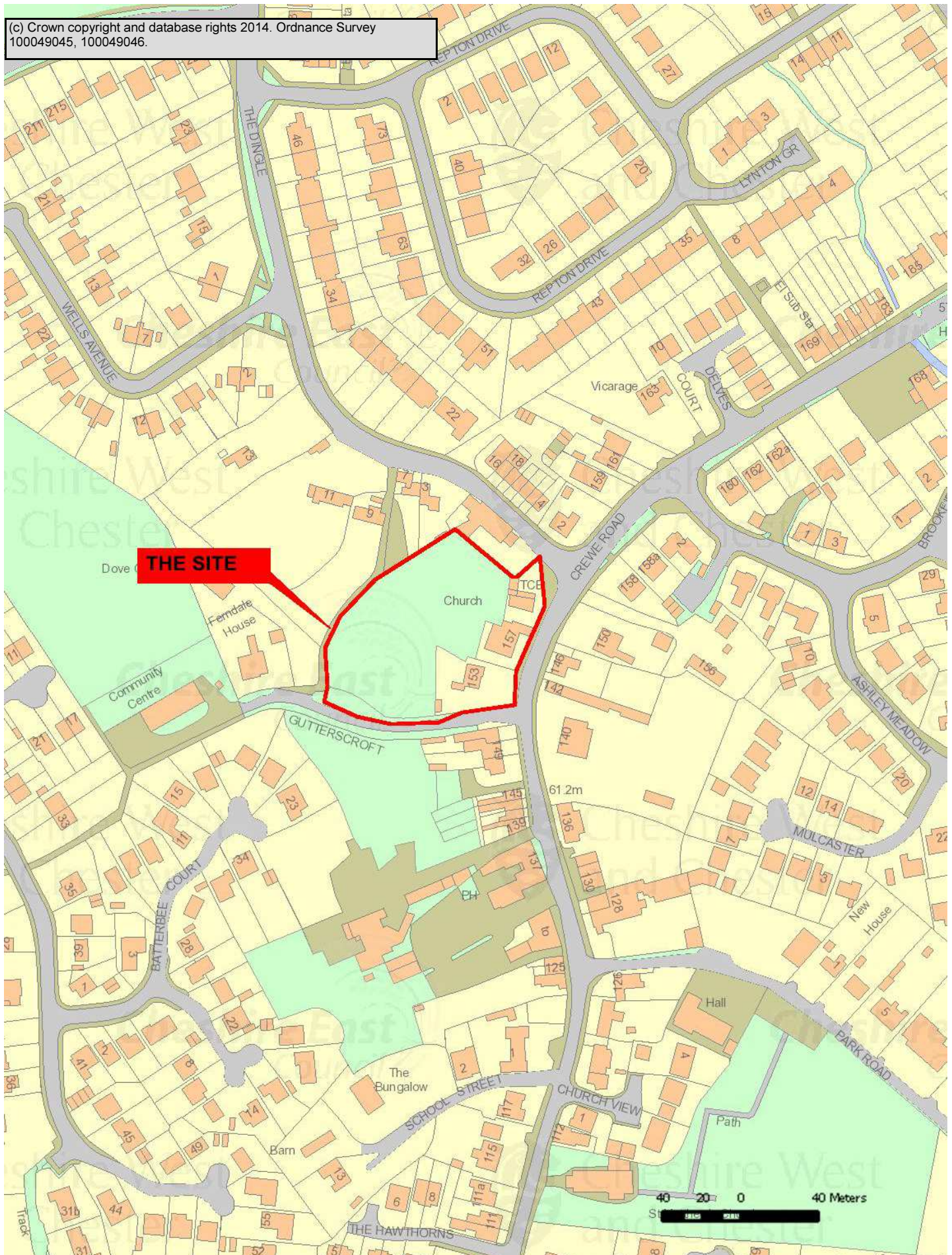
APPROVE subject to the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Construction method statement**
- 6. Materials to be submitted for approval**
- 7. Landscaping details including boundary treatments to be submitted and approved**
- 8. Implementation of landscaping**
- 9. Prior to the commencement of development details of existing and proposed levels are to be provided.**

10. Protection of birds during the breeding season
11. Incorporation of features to house roosting bats and breeding birds, including House Sparrows and Swifts.
12. Protection of retained trees and hedgerows
13. Completion of the widening of Gutterscroft and the surfacing of Gutterscroft and the new cul-de-sac including parking spaces prior to first occupation of the dwellings
14. Submission of external lighting details
15. Submission of foul and surface water drainage details

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Application No: 13/5053C

Location: THE BARN, Brook Farm, NEWCASTLE ROAD, BETCHTON, CW11 2TG

Proposal: Erection of timber clad gatehouse, access steps and underground sewage treatment plant. Resubmission of 13/4292C

Applicant: Denise Coates, and Mr Richard Smith

Expiry Date: 22-Jan-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Principle of Development
Impact on Character of the area
Impact on Amenity
Forestry implications

1. REASON FOR REFERRAL

The application was called-into committee by Cllr Wray for the following reasons; "1) The gatehouse is essential for security purposes, 2) The structure is modest and will not be inhabited, 3) The construction is of wood and therefore could be considered of a temporary nature, 4) The police consider it a very necessary measure for security purposes since the family have been subjected to threats etc"

1. DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of an agricultural field located to the south east of the access road to The Barn and Brook Farm.

The site falls within an area of Open Countryside as defined within the Local Plan.

The existing site area is comprised of a compound area and portacabin which do not have the benefit of planning permission.

2. DETAILS OF PROPOSAL

The application seeks planning permission for the construction of a gatehouse with external access staircase and the addition of an underground sewage treatment plant.

3. RELEVANT HISTORY

13/4292C	2013	Erection of a timber clad gatehouse, access steps and underground sewage treatment plant Withdrawn 25/11/2013
12/0964C	2012	Extension to form training room, plant room and enclosure
12/0966C	2012	Listed Building Consent for Extension to Form Training Room, Plant Room and External Plant Enclosure Approved
11/2485C	2011	Approval for replacement of link building
11/2372C	2011	LBC for replacement of link building Approved
11/1555C	2011	LBC for new external openings Approved
11/1554C	2011	Approval for new external openings
10/2455C	2010	Approval for refurbishment of garage and barn
10/2459C	2010	LBC for refurbishment of garage and barn Approved

4. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Congleton Borough Local Plan (2005)

Local Plan Policy

PS8	Open Countryside
GR1	New Development
GR2	Design
GR4	Landscaping
GR6	Amenity and Health
BH3	Listed Buildings

BH4 Effects of Proposal

5. CONSULTATIONS (External to Planning)

Environmental Health – No objections to the proposal

Environment Agency - No objections, request that their advice letter is forwarded to the applicant.

Highways – No objection to the proposal

6. VIEWS OF THE PARISH COUNCIL

No comments received

7. OTHER REPRESENTATIONS

None received

8. APPLICANT'S SUPPORTING INFORMATION

A Planning, Design and Access Statement submitted with the application and can be viewed on file.

9. OFFICER APPRAISAL

Policy

As one of its Core Planning Principles, Para 17 of the NPPF affirms the need to '*recognis[e] the intrinsic character and beauty of the countryside*'; choosing land of lesser environmental value for development; encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value; promoting mixed use developments; managing patterns of growth. This is consistent with the aims of Policy PS8 Open Countryside which seeks to protect the countryside (i.e. land outside Settlement Boundaries) from development.

As stated, it is a Core Planning Principle of the NPPF to take account of the different role and character of different areas, recognising the intrinsic character and beauty of the countryside. The NPPF therefore requires us to recognise the very essence of the countryside in our plan-making and decision taking. The defining characteristic that exemplifies the countryside is that it is not developed: it is distinct from the built and the urban. The notion is deep-seated and the countryside is inherently a place set apart from the town, principally by virtue of the fact that it is free from significant built development.

Policy PS8 seeks to protect the countryside from most forms of new development, limiting the scale and type of buildings that can be constructed within it. Amongst other things, it states that only ‘facilities for outdoor sport, recreation and tourism, cemeteries and other uses of land which preserve the openness of the countryside and maintain or enhance its character’ will be permitted. Accordingly, it corresponds to the Core Planning Principles by recognising the intrinsic character and beauty of the countryside. Its function goes beyond the containment of settlements. All of this is predicated by the need to secure sustainable development and maintain the openness of the countryside. Accordingly, it supports and enhances the principles established in paragraph 17. If protection of the countryside was not an important consideration, then there would be no need to avoid isolated building in the rural areas.

Under the heading ‘The Presumption in Favour of Sustainable Development’, it is stated (para 14) that *‘for decision taking this means (unless material considerations indicate otherwise) (1) approving development proposals that accord with the Development Plan without delay (2) 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 this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.’*

In this case, the Development Plan is clearly not absent: the saved policies of the Congleton Borough Local Plan are in place and remain part of the Development Plan. Equally, the Plan is not silent on the subject of open countryside.

Adopted in 2005, the Congleton Borough Local Plan was intended to cover the period to 2011. The NPPF emphasises that Plans should not be considered out-of-date simply because they pre-date the NPPF and then goes on to apply two principal tests as to whether a policy is ‘out-of-date’.

The second test arises in paragraph 215, which indicates that ‘due weight’ should be given to policies in existing Plans according to their degree of consistency with the Framework. Indeed, the closer the policies are to the NPPF, the greater the weight that can be attributed to them. As stated above, Policy PS8 is consistent with the NPPF.

Policy PS8 should be viewed as being up-to-date and accorded due weight in line with the advice of the Framework. The final bullet point of paragraph 14 is not engaged. The Development Plan is neither absent, silent nor is it out-of-date.

Given that this is the case, the correct course of decision-making is to determine the application in accordance with the Development Plan.

Principle of Development

The application site is situated within an area of Open Countryside (PS8) as defined within the Local Plan, as such, development will only be permitted for the following types of development;

- Agricultural & forestry

- Facilities for outdoor sport, recreation, tourism and cemeteries which preserve openness
- New dwellings in accordance with policy H6 & alterations and extensions to dwellings in line accordance with policy H16
- Limited infilling in settlements in accordance with H6
- Affordable Housing
- Development for employment purposes
- The re-use of existing buildings in accordance with policies BH15 & BH16
- The re-use or re-development of an employment site

The justification to policy PS8 states that development in the Open Countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements.

The proposal seeks permission for the construction of a timber clad gatehouse with a 15sqm footprint, located approximately 50m into the site. Due to the increasing land levels, a staircase to the building is also proposed providing access between the gatehouse and access drive to the residential properties. The boundary also includes boundary fencing within the agricultural field, and an underground sewage system.

The Planning Statement submitted with the application states that the gatehouse is required in order to enhance the security on site. An email has been submitted from the Police regarding security. The Planning Statement submitted says that the gatehouse is required to be positioned outside the curtilage of The Barn in order to provide maximum security for the applicants. The gatehouse itself would contain an office area, kitchen and toilet facilities. The proposed development does not fall into any of the exception criteria listed within policy PS8 of the Local Plan. The development would result in the addition of a new building within an agricultural field, which in principle is not acceptable. The fact that the applicant seeks additional security measures on site is noted, however little weight is attributed to this in assessing the acceptability of the principle of the proposal. Whilst the application states that the gatehouse has to be located within the field to provide 'maximum security', no details have been provided in order to state why this location is the only suitable location.

The development does not fall into any of the exception criteria listed within policy PS8 (Open Countryside) as listed above. Whilst it is appreciated that the occupiers of the properties may seek additional security measures to both properties, it is not considered that the addition of a gatehouse within an agricultural field is the only option available to them. The personal circumstances of the applicants do not offer sufficient weight to agree that the principle of development is acceptable, or that the benefits to the applicant would out-weigh the harm to the character of the rural area.

Impact upon the Character of the Countryside

The gatehouse would be small in scale with a footprint of approximately 15sqm. The appearance of the building would be a single storey flat roofed structure, fabricated in timber. The building would be set towards the edge of an agricultural field, adjacent to the existing private driveway which is lined with mature trees and vegetation. Steps would provide pedestrian access to the structure from the existing access. The gatehouse would be located within an existing compound

area with grasscrete surfacing and fencing. The compound was created without the benefit of planning permission, and is considered to be an encroachment into the countryside and would have a detrimental impact upon the character and appearance of the Open Countryside. Taking into consideration the building, compound, railings and stairs, it is considered that the original character of the agricultural field would be altered.

The site itself is well screened from the A533 (Newcastle Road), however as the compound area, that does not have the benefit of planning permission, is used for the parking of vehicles. When viewing the site from the A533, the vehicles parked with the compound and portacabin located to the front of this area can be viewed from public vantage points. The character of the original rural field has now been altered, with the encroachment of development into it.

Impact upon setting of the Listed Building

Brook Farm within the site complex is a Grade II Listed building. The siting of the building is over 100m from the Listed Building on site, as such it is unlikely that the development would adversely affect the setting of the Listed Building.

Impact on Residential Amenity

The site is set within substantial grounds surrounded by agricultural fields, as such the proposed development would not adversely affect the amenities of neighbouring residents.

Forestry Implications

The impact on trees relates to possible construction impact damage only with no trees scheduled for removal to facilitate the proposed security hut. The recommendation has been made to make provision for a ground beam and pile foundation to avoid deep trench excavation within the Root Protection Areas (RPA) as identified within BS5837:2012. This is an acceptable approach enabling the construction of the proposed security hut without detracting from the trees which are visible from the adjacent Newcastle Road. No post development issues are envisaged given the proposed usage.

The proposed underground sewage treatment plan has been located outside the respective RPA of the adjacent trees. The access pipe can be facilitated in a linear form in a direction which it is envisaged that negligible impact will be accrued in respect of T5 identified on the submitted plan.

Other Issues

Pre-application advice was sought with regards to the development, limited information was submitted for the assessment. Even so, advice was given from the Local Planning Authority that the proposal would be unacceptable, and an application was not invited.

11. CONCLUSIONS

The proposed development has a significant impact upon the character of the rural field where the building as associated paraphernalia would be located. The visual impact of the development is considered to out-weigh the benefits provided to the owners of the property with regards to personal safety. The application is therefore recommended for refusal.

12. RECOMMENDATIONS

Refuse approval on the following grounds:

The proposed development by reason of its isolated siting and design would have a detrimental impact upon the rural character of this site. Furthermore there is not considered to be an essential need for this development and the proposal is contrary to policy PS8 (Open Countryside) and GR1 (New Development) of the Congleton Borough Local Plan First Review 2005 and guidance within the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.

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Application No: 13/5091N

Location: REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE, CW5 6DF

Proposal: Outline application for new sports hall, 3G and MUGA pitch

Applicant: Mr S Kennish, Reaseheath College

Expiry Date: 19-Mar-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

REFERRAL

This application is included on the agenda of the Southern Committee as the proposed cumulative floor area of the development exceeds 1000m² and therefore constitutes a major proposal.

DESCRIPTION OF SITE AND CONTEXT

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51 ring road. The application site is located on the periphery of the college campus in a prominent position adjacent to Located immediately to the north of application site is the main college campus. The application site is located primarily on an existing 9 hole golf course and incorporates a number of trees, with more significant specimens located around the periphery. The application site is located just outside the Reaseheath Conservation Area and is wholly within the open countryside.

DETAILS OF PROPOSAL

The current proposal is an outline application (with all matters reserved) for works to construct a 6 court sports hall, a floodlit MUGA pitch & floodlight 3G pitch for use by the college and community, located on part of the college's existing golf course located within the college grounds, involving the re-location of 2 existing grass pitches, 1 existing football pitch and 1 existing rugby pitch at Reaseheath College, Nantwich.

RELEVANT HISTORY

P06/0507 - Demolition of Shed and Erection of Construction Workshop. Approved 4th July 2006

P06/0512 - Change of Use from Manufacturing Building to IT Centre including Demolition of Oil Store and Erection of New Entrance. Approved 4th July 2006
P06/0991 - 96 Bed Two Storey Student Accommodation Building With Associated Car Parking And Landscaping. Approved 4th December 2006
P07/0024 – Erection of Electricity Generation Facility. Approved 26th February 2007
P07/0380 – Erection of Milking Parlour. Approved 21st May 2007
P07/0412 – 4 Isolation Pens. Approved 1st May 2007
P07/0517 – Replacement Animal Care Centre. Approved 20th July 2007
P07/0508 – Extension to Existing Calf House. Approved 31st May 2007
P07/0541 – Demolition of Store and Maintenance Buildings and Construction of Learning Resource Centre and Alterations to Parking. Approved 4th June 2007
P07/0638 – Demolition of Temporary Classroom Block and Construction of a New Estates Maintenance Workshop to Replace Facilities Demolished to make way for the New Learning Resource Centre. Refused 25th June 2007.
P07/0761 – New Engineering Academy Building Approved on 29th August 2007.
P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – Approved – 11th December 2008
09/1155N - Demolition of the Cross College Building including Student Union Office to make way for the New Student Hub approved under application P08/1126 (Crewe & Nantwich) Conservation Area Consent – Approved – 5th June 2009
09/2160N - Refurbishment and Extension of the Existing Food Processing Department to Accommodate a New Student Training Facility – Approved – 22nd September 2009
10/0279N - Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use – Approved – 16th April 2010
10/1345N - Removal of the Existing Flue (1m Diameter by Approx 10m High) and the Addition of Three Smaller Flues (1 x 514mm Diameter by Approx 10m High, 2 x 378mm Diameter by Approx 10m High) – Approved – 11th May 2010
10/3339N - Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff - Approved
11/2450N - Construction of a New 2 Bay Silage Clamp Extension on Hall Farm within the College Grounds – Approved – 15th August 2011
11/2449N - The Construction of a New Calf House on Hall Farm within the College Grounds – Approved – 26th August 2011
12/1175N – Proposed 3 Storey 150 Bed Residential Student Accommodation Building – Refused – 16th August 2012
12/3548N – Proposed 3 Storey, 150 Bed Residential Student Accommodation Building and Associated Landscape Works – Approved – 30th October 2012
13/1688N - Variation of condition No 2 of permission 12/3548N – Approved – 27th June 2013

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
BE.7	(Conservation Areas)
BE.9	(Listed Buildings: Alterations and Extensions)
BE.16	(Development and Archaeology)
NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)
RT.9	(Footpaths and Bridleways)
TRAN.5	(Provision for Cyclists)
TRAN.6	(Cycle Routes)
TRAN.9	(Car Parking Standards)

CONSIDERATIONS (External to Planning)

Environment Agency: No objections

United Utilities: No objection subject to condition regarding drainage

Sports England: No objection subject to conditions relating to pitches to be laid out in accordance with the submitted plans, design and construction of the pitches and sports hall in accordance with Sports England guidance documents, use of the playing pitches and lighting, details of community agreement, details of management and maintenance of the development to be submitted and agreed in writing and restrict use of the pitches.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

1 letter of objection received from the occupiers of Church Cottage. The objector raises the following points:

- There is already planning permission given for 1000 dwellings in the Nantwich area, which has caused considerable local disquiet. The Reaseheath application to build accommodation for some 300 students would add the equivalent of some 50 or more

houses to this total apart from adding to the already considerable traffic congestion in the area; and

- If however, planning permission is given to Reaseheath College it should not be on the proposed site which includes the golf course. This would involve the wanton destruction of some lovely mature parkland (apparently subject anyway to a restrictive building covenant) and it would also remove a valuable facility for some 300 local Nantwich men and women who play golf. The college already has an alternative plan on land to the north of existing college buildings. This should be the preferred option.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Tree Survey

Sports Statement

OFFICER APPRAISAL

Policy

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Car Parking and Access), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), TRAN.9 (Car Parking) and CF.2 (Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to ensure that the proposed development respects the scale, form and design of the existing buildings and the general character of the area.

In summary, these policies seek to protect the character and appearance of the open countryside whilst allowing for appropriate development. Policies also protect residential amenity and ensure safe vehicular access and adequate parking. A new building will not be permitted unless it harmonises with its setting and is sympathetic in scale, form and materials to the character of the built form and the area particularly adjacent buildings and spaces.

Loss of Golf Course

As part of the application the applicant has submitted a Sports Planning Statement which concludes that the Green Space Strategy makes no reference to golf provision, but recognises the need for additional pitch facilities in Nantwich. Nantwich does not benefit from a central wet/dry facility. Nantwich Pool provides swimming opportunities but there is no large public sports hall for community use. The current proposal will provide this opportunity for the community, and will be conditioned accordingly, in the event that planning permission is approved.

The applicant goes on to enunciate that the original purpose of the golf course was for student training is no longer relevant as course numbers have dwindled and work place training has taken over. Membership of the golf course has also declined steadily to a current low of approximately 300.

Furthermore, there has never been a pro or coaching structure at the golf course. Membership has been in decline and the course has an elderly membership profile.

However, against this backdrop provision in the Reaseheath area for golf is high, and even the loss of the Reaseheath course would leave the area well supplied compared with the average. The applicant acknowledges that participation is difficult to estimate in detail. Nevertheless, according to current statistics national and regional participation is on a downward trend, and regional participation is lower than the national average.

Overall, it is considered that the loss of a nine hole course, which may have a niche role in catering for those with less time for a full round or learning opportunities. It is not considered to be crucial in view of the presence of 2 alternative nine hole courses in the immediate area, and others within a 20 minute catchment area. It is therefore considered likely that the loss of the Reaseheath course would not have a detrimental effect on local golf course provision. Colleagues in Sports England have been consulted regarding the application and acknowledge that the Sports Planning Statement is robust and raise no objection in principle to the loss of the golf course given the factors cited above.

Playing Fields and Sports Hall

The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Colleagues in Sport England have been consulted and they considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities.

Sports England state that ‘the proposals could not be considered as ancillary to the principal use of the playing field as the land is currently part of the playing pitches’. However, the creation of the new rugby pitch and smaller football pitch do help in part compensate for some of the loss. It is considered that the proposed 3G and MUGA (Multi Use Games Area) will add significant playing capacity to the college sports facilities. The 3G pitch is rugby compliant and will be of great benefit to the local community due to the current lack of adequate provision in

the locality and should get greater use than natural turf pitches. The MUGA, can be used to promote netball, and because it is floodlit will help promote opportunities for women who are not so keen on rugby and football. It is considered that the proposed AGP and MUGA are of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field. This view is also shared by colleagues in Sports England.

The Sports Hall

The proposed sports hall is to replace the existing gym, which is tired and not really fit for purpose. It is also larger which we welcome. This gives greater opportunities for a wider range of sports, including futsal, archery, indoor cricket and volleyball. The new sports hall is located on part of the golf course. It is considered that the new sports hall and the pitches retain sports use. Nevertheless, the bulk of the sport land will be lost to the new teaching facility etc. (application 13/5093N). Therefore, in order to mitigate for the loss of sports provisions a community use agreement for the sports facilities will compensate for these losses. This view is also shared by colleagues in Sport England.

Design Standards and Impact on the Conservation Area

This application has been subject to extensive negotiations between officers and the applicant and his agent.

Guidance advocated within NPPF supports well designed buildings. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

Whilst the proposed construction of the two replacement pitches will introduce uses which are potentially open in nature as they are located adjacent to the boundary of the conservation area it will be important that when viewed from afar that their visual impact is minimal, in order to preserve the setting of the conservation area. Like the existing pitches on part of this site.

As previously stated this application is in outline form with all matters reserved, it is noted that the current proposals do not appear to indicate whether the pitches will have perimeter netting. In order to mitigate any negative externalities regarding the possible erection of the

perimeter netting, a condition will be attached to the decision notice in order to visually protect the setting of the adjacent conservation area.

Furthermore, the current proposals indicate that the pitches will be floodlight there do not appear to be any details of the appearance or the height of the proposed units or their level of illumination, and so any decision notice permitting such development will be conditioned also require the submission of such details.

In order to help assimilate the proposal into the local environ and so that they do not appear stark the pitches should be green in colour. Therefore, to protect the setting of the adjacent conservation area and the character and appearance of the locality a condition will be attached requesting full details of the construction of the pitches and including their colour.

According to the submitted plans the location of the proposed new sports hall is located further away from the conservation area and adjacent to existing buildings lying outside the conservation area and as such helps to consolidate the built form. As this is in outline format the sports hall will measure approximately 51m by 27m and the footprint of the building is rectangular in form. A condition will be attached to the decision notice regarding materials, surfacing materials and landscaping to help minimise its impact on the locality. Overall, it is considered that the proposal complies with policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Building: Alterations and Extensions).

Amenity Considerations

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The development of the site for pitches and sports hall within an existing college campus area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the residents of cottages located to the south east of the application site. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

It is considered that the proposal will have a marginal impact on the residential amenities of the occupiers of these cottages. According to GIS there is a distance of approximately 130m separating these dwellings from the application site. Therefore, considering the separation distances and the intervening boundary treatment will help to mitigate any negative externalities. It is considered that the proposal complies with policy BE.1 (Amenity).

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved. Furthermore, colleagues in United Utilities have been consulted and raised no objection subject to the imposition of a drainage condition. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Sustainability of the site

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes on to enunciate that

'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'. (paragraph 34).

The site would be sited in a sustainable location alongside the existing buildings on the campus. The site would have easy access to the college, a shop and food outlets. Furthermore, the college is within walking distance of Sainsburys supermarket and Nantwich town centre. A condition relating to secured, covered cycle provision should be attached to any approval. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plan stating:

'All developments which generate significant amounts of movement should be required to provide a travel plan' (Para 36).

Overall, it is considered that the site is in a sustainable location and the proposal is in accordance with Policy BE.3 (Access and Parking) and advice advocated within the National Planning Policy Framework.

Landscape

The development subject of this application (in conjunction with wider development proposals) would result in the closure and loss of the existing 9 hole golf course and alter the existing parkland setting of this area of the college. It is appreciated that the college seeks to meet present and future needs. Nevertheless, the Conservation Area, the landscape setting of the college and its position in the wider landscape all need to be considered.

The proposed development would be outside the Reaseheath Conservation Area although the sports pitches would be close to its eastern boundary. To protect the landscape setting of the Conservation Area, it is essential that any development is sensitive to the location.

The MUGA and proposed pitches would be closest to the Conservation Area, separated by trees on the eastern boundary of the existing drive. Whilst no details are provided at this stage, there is the potential for the hard surfaced pitches and any ancillary fencing and lighting to be viewed as unsympathetic and should the location be deemed acceptable. There would be direct conflict between the proposed 3G pitch and a mature Oak tree which is identified for removal.

The location of the proposed sports hall would be adjacent to existing buildings to the north although it appears the building would be of far greater scale. Existing vegetation could soften views of the building from the road to the east. Any reduction in tree cover could impact on screening and the prominence of the building.

Overall it is considered subject to landscaping conditions (which will be conditioned) the proposal would not detract from the character and appearance of the setting and as such the proposal is in accordance with policies BE.2 (Design Standards) and NE.5 (Nature Conservation and Habitats).

Forestry

A tree survey report dated 14 September 2013 has been provided. The survey covers trees on the eastern side of the college campus. The survey is supported by a topographic survey plan which appears to show tree positions, crown spread and root protection areas although the plan has no title, key or scale. The submission provides no other arboricultural information and does not meet the guidelines contained within BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design.

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective tree protection details

onto the proposed site plan and no evidence of Arboricultural Impact Assessment has been provided. As a consequence it is not possible to determine with confidence the direct or indirect impact of the proposed layout on retained trees.

Nevertheless, the Landscape Officer concludes that the following likely impacts have been identified:

- The location of the proposed sports hall would require the removal of part of a group of semi-mature trees on the existing golf course afforded Grade C in the tree report.
- The repositioned rugby league pitch would result in losses of semi-mature trees on the existing golf course afforded Grade C in the tree report.
- The proposed 3G pitch would be in direct conflict with a significant mature Grade A Oak tree which is shown with a dotted outline on plan A-01-002 suggesting removal is intended.

The tree losses need to be weighed in the wider planning balance. It is considered that the loss of Grade C trees is acceptable. However, the mature Oak tree is a significant specimen worthy of retention and it is recommended the siting of the 3G pitch is amended to make provision for the retention of this tree. The applicants agent has been requested to submit an amended plan relocating the 3G pitch and Members will be advised accordingly.

Highways

No comments have been received at the time of writing this report from the Highways Officer. Members will be updated in the update report once these comments have been received.

Ecology

No comments have been received at the time of writing this report from the Council Ecologist. Members will be updated in the update report once these comments have been received.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and that it would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

Approve subject to conditions:

1. Standard
2. Plans
3. Materials
4. Details of Surfacing Materials to be submitted and agreed in writing
5. Details of External Lighting to be submitted and agreed in writing
6. Details of Drainage to be submitted and agreed in writing
7. Restrict hours of use for the pitches and lighting
8. Dust Control
9. Contaminated Land Survey
10. Landscaping submitted and agreed in writing
11. Landscaping Implemented
12. Details of any netting including its colour to be submitted and agreed in writing
13. Details of the floodlighting to be submitted and agreed in writing
14. Details of the pitches including their construction to be submitted and agreed in writing
15. Details of covered cycle shelters to be submitted and agreed in writing
16. Travel plan to be submitted and agreed in writing
17. Tree Protection Measures
18. Within 12 months of the date of this planning permission a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."
19. Details of Management and Maintenance Scheme to be submitted and agreed in writing
20. The development hereby permitted shall not be brought into use until the area shown on Drawing No. 30104/A-01-001 has been cleared and laid out in accordance with Drawing No. 30104/A-01-002 so

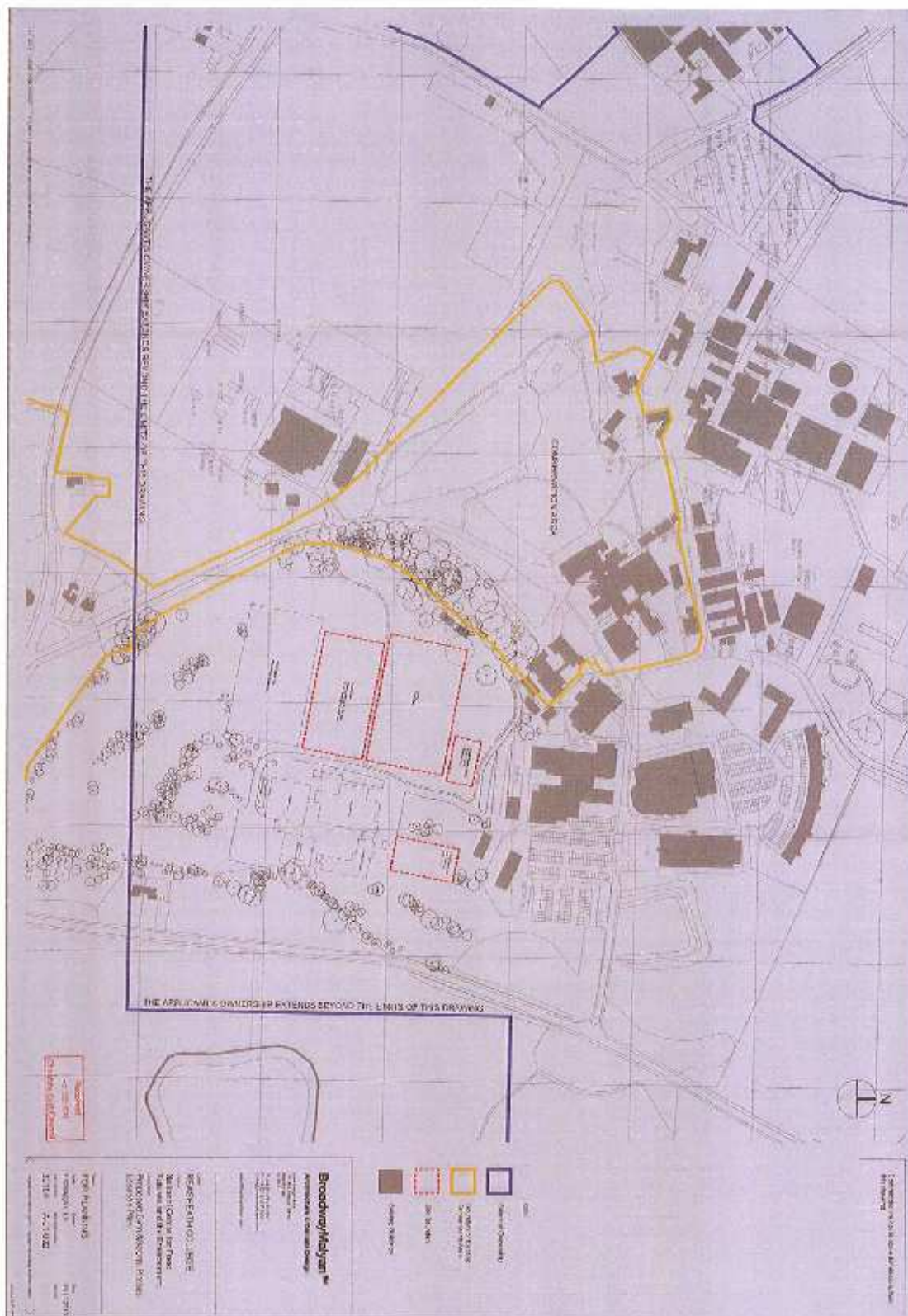
that it is available for use as a playing field and sports facility, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field and sports facility.

- 21. The Artificial Grass Pitch, The Multi Use Games Area and Sports Hall, hereby permitted shall be constructed in accordance with Sport England/National Governing Body Technical Design Guidance Notes**

INFORMATIVES:

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.



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Application No: 13/5104C

Location: OLD CHURCH HALL, VICARAGE LANE, 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: 27-Jan-2014

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 has been called-in to planning committee by Cllr Merry for assessment by Members of the Southern Planning Committee on the following grounds: 'I wish to call in the above mentioned application on the grounds of over intensification of the site'.

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

13/2613C Demolition of existing building and change of use to erect 4 no residential dwellings

Refused 17/10/2013; The proposed development would be out of keeping with the character of the area due to the height, size and scale of the proposed houses, contrary to policy GR2 of the Congleton Local Plan.

POLICIES

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity and Health
GR9	Accessibility, Servicing & Parking Provision
GR17	Car Parking
GR22	Open Space Provision
BH4	Effect of Proposals
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; Section 184 agreement informative to be added to any decision notice

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: Members Object to the application due to unacceptable height of proposed development contravening Policy GR2, and request the site remain as employment.

OTHER REPRESENTATIONS

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

- Loss of a business on site
- Height of the proposed units is out of keeping with the character of the area
- Design of the dwellings not in keeping with the character of the area
- Amenities of adjacent properties will suffer in terms of outlook, light and privacy
- Highway safety issues
- Impact upon parking in the area
- Insufficient parking provided
- Concern that the adjacent site will also be redeveloped in the future
- Loss of employment for existing staff to retail unit on site

Several objectors raised that they had not been informed of the application, however letters were sent to all relevant properties and a site notice was placed on site.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and Planning Statement were submitted as part of the application and can be viewed on file.

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.

Policy E10

The application site is comprised of a retail unit, therefore whilst concerns have been raised with regards to the loss of employment as a result of the development, the site is not held as employment land.

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. No.36 Vicarage Lane is approximately 8m tall, as can be seen on the submitted streetscene plan.

House types D and C are of similar design, with gable frontages onto Vicarage Lane. House type C differs in form due to a larger footprint providing a lean-to single storey extension to the rear. Each dwelling would provide accommodation over three floors, and would measure 8.4m in height. The proposal includes the reduction of ground levels within the site by approximately 0.6m, acting to reduce the visual impact of the properties within the streetscene.

The proposal has been redesigned in order to reduce the impact of the buildings within the streetscene by lowering the ground levels by 0.6m, (a further 0.3m to what was proposed under the previous refusal on site 13/2613C). Roof light windows have been removed from the front elevation of House types D and C in order to make their appearance more like two storey properties. Taking into consideration the reduction in the ridge height of the properties and the lower ground levels, House D & C would be 0.5m lower than the previous proposal.

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.

Residential 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.

A distance in excess of 10.7m would be retained between the proposed dwellings and No.36 Vicarage Gardens, therefore the proposal 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

A bat survey has been submitted with the application and viewed by the Council's Ecologist who does not envisage any ecological issues associated with the development.

A condition should be attached to the any Decision Notice ensuring that the site is checked for breeding birds during the months of March and August.

Other Matters

A 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 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.

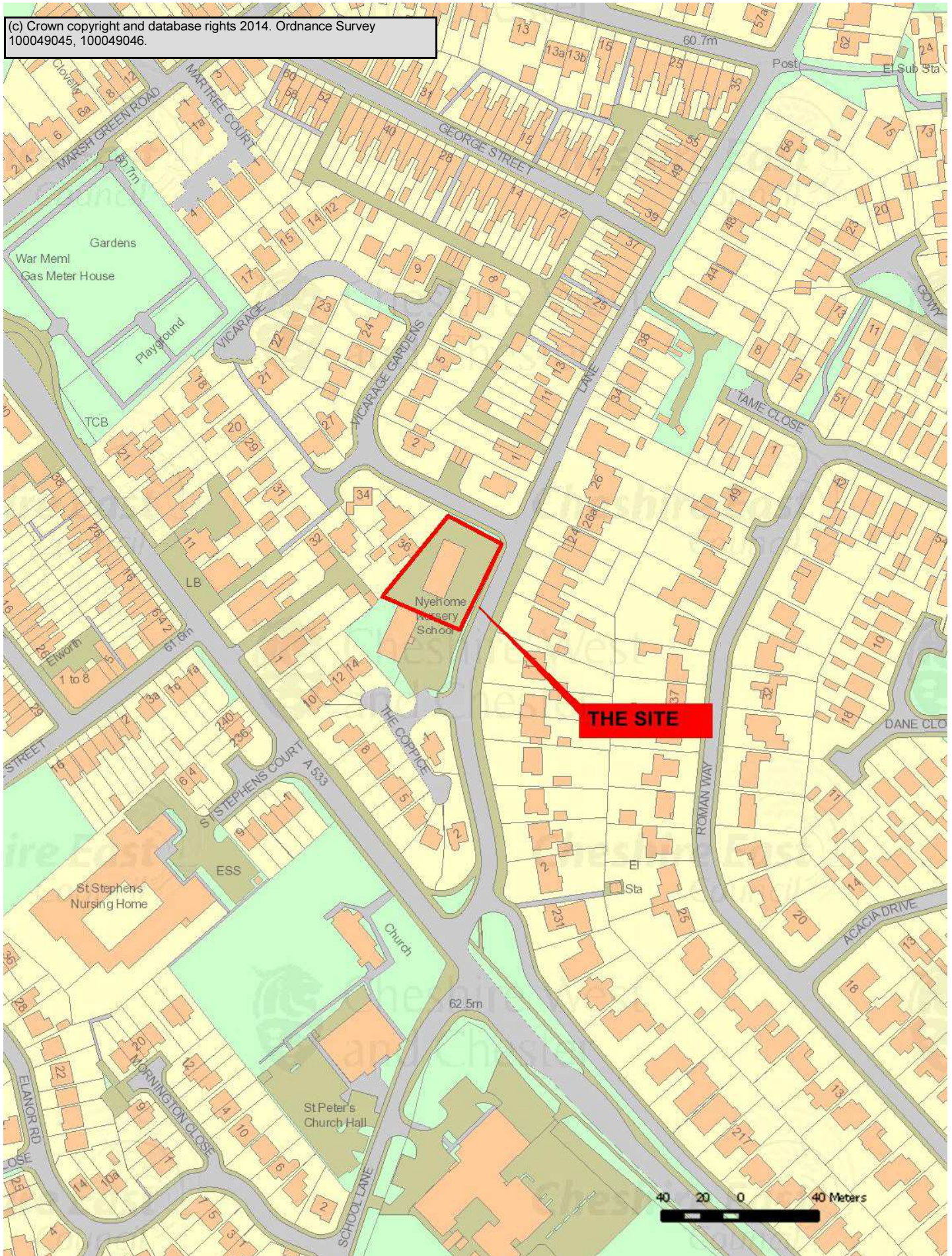
CONCLUSIONS AND REASON(S) FOR THE DECISION

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) Prior to the commencement of development details of the existing and proposed levels to be submitted to an approved in writing. These details implemented on site**
- 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) Submission of a major construction phase environmental plan**
- 11) Dust emissions scheme submitted to and approved by the LPA**
- 12) Contamination investigation and risk assessment to be submitted to and approved by the LPA.**

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Application No: 13/5114N

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

Proposal: Variation of condition 2 (approved plans) on application 12/4426N (proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's)

Applicant: Mr Garth Roberts, Bentley Motor Limited

Expiry Date: 06-Mar-2014

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

Principle of Development
Design Considerations and Landscaping
Impact On Protected Species
Impact on Residential Amenity
Drainage and Flooding

REFERRAL

This application is to be determined by the Southern Committee as it relates to a major development of over 1000sqm.

1. SITE DESCRIPTION

This application relates to an 8ha site situated on the south side of Pym's Lane, Crewe. The site is rectangular in shape and is relatively flat with field boundaries defined by hedgerows and post and rail fences.

The site is adjoined to the east by a large staff car park for Bentley Motors as well as 'The Legends Sports and Social Club'. The main production plant is further to the east across Sunnybank Road. On the opposite side of Pym's Lane to the north, is the Pym's Lane Waste Recycling Centre as well as other industrial and commercial units and associated parking further along. To the south is the Crewe to Chester railway line which runs within a cutting.

There is a domestic property situated along the western boundary of the site and the proposed development would wrap around the rear garden of this dwelling.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation as designated in the Cheshire Waste Replacement Local Plan.

1. DETAILS OF PROPOSAL

This application seeks permission to amend the scheme which was recently granted full planning permission under planning reference 12/4426N. This granted permission for 'a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's' adjacent to Bentley Motors, Pym's Lane, Crewe (planning reference 12/4426N).

This amendment seeks to relocate the approved balancing pond from the southwestern corner of the site over to the southeastern corner of the site where the proposed lorry park would have been positioned. To accommodate this relocation, the lorry park would be moved northwards along the eastern boundary and the parking spaces would be shifted further north on part of the site that was previously shown as a 'Marshalling Area'.

3. RELEVANT PLANNING HISTORY

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

P06/0022 - Outline Planning permission approved for Industrial Storage and Distribution (B1, B2 and B8) on 13th January 2006.

12/4373N - New build showroom with associated car parking approved on 6th February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30th November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1st May 2013

12/4426N - Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's – Approved 03-Jun-2013

4. PLANNING 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
TRAN.3 Pedestrians
TRAN.8 Existing Car Parks
TRAN.9 Car Parking Standards

Other Material Policy Considerations

The Cheshire Waste Local Plan

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Sport England:

No objection given that the proposal is on agricultural land adjacent to the sports ground and does not affect the pitches or any other sports facilities.

Natural England:

No objection

Environment Agency:

No objection – subject to a note that conditions 13 (surface water) and condition 14 (Overland Flow) of the original approval are still to be discharged.

6. VIEWS OF THE CREWE TOWN COUNCIL

No objection

7. OTHER REPRESENTATIONS

None received

8. OFFICER APPRAISAL

Main Issues

Considerations relating to the suitability of the site for use as a car park and the loss of a waste site allocation have been already accepted and therefore the principle of the development is acceptable. The main issues to consider as a result of the proposed amendments are:

- Impact on the character and appearance of the area
- Impact on protected species
- Residential amenity
- Drainage and flooding

The size, intensity and use of the proposals would not be increased and the means of access would not be altered. As such, the proposed amendments do not raise issues relating to highways, parking or traffic generation.

Design and Landscaping Considerations

The relocation of the proposed balancing pond from the eastern side of the site to the western side would not raise any design or landscape issue.

To accommodate the proposed changes, some of the car parking spaces would be shifted further north towards the boundary with Pym's Lane. This boundary is defined by a mix of post and rail fence and hedgerows. As such, the proposed changes will not appear intrusive from views of Pym's Lane as this will remain as car parking and can be screened by the boundaries and landscaping.

The proposed layout would remain respectful of existing site boundaries and the larger HGV vehicles would still be accommodated towards the far rear extent of the site where they would be less evident. The proposed changes will not cause detrimental harm to the visual appearance of the site and the scheme will be respectful of the surrounding landscape.

Impact on Protected Species

The Council's Nature Conservation has considered the proposed amendments and does not consider that they raise any concerns with respect to ecology and protected species. Consequently, the scheme is deemed to be acceptable in terms of nature conservation.

Impact on Residential Amenity

The nearest residential properties front onto Middlewich Road to the West, and include Brassey Bank, Bridge Farm and Oakleigh Farm. The latter would be mostly affected by the proposal given that the application site wraps around three of its boundaries. However, the proposed changes would not bring the development any closer to neighbouring properties and the balancing pond would be situated further away. The proposal would not materially harm neighbouring residential amenity and the scheme is deemed to be compliant with local plan policy BE.1.

Drainage and Flooding

The Environment Agency has confirmed that the amendments are acceptable with the use of appropriate conditions. Conditions requiring a scheme to limit surface water runoff and a scheme to manage the risk of flooding from overland flow of surface water will be added as per the original approval. With the imposition of such conditions, the impact that the development would have on flood risk would be acceptable.

10. REASONS FOR APPROVAL

The principle of the development is compatible with surrounding land uses and has already been accepted. The design of the proposals would not impact detrimentally on the character or appearance of the site subject to appropriate landscaping. The proposal is considered to

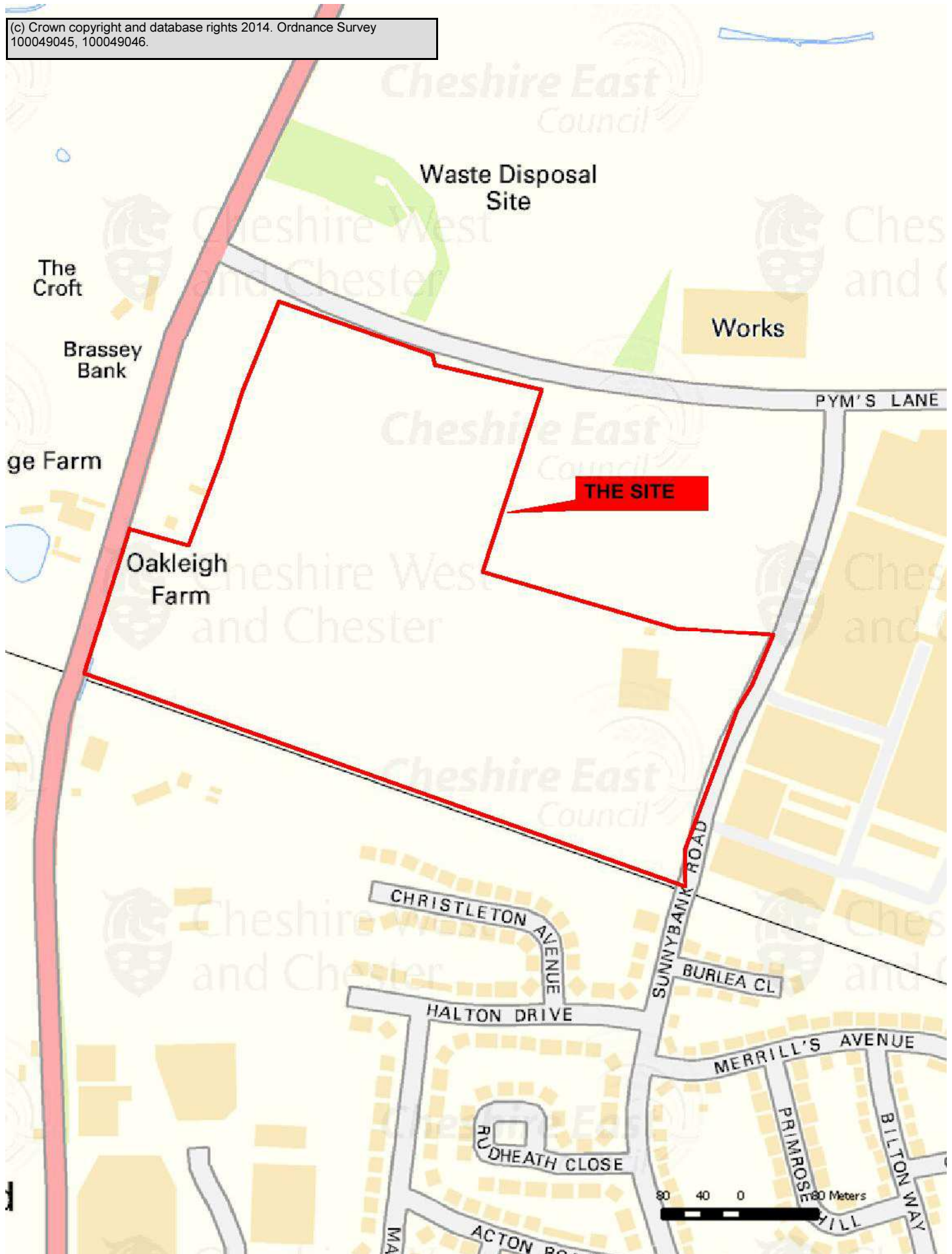
be acceptable in terms of its impact upon residential amenity, ecology, drainage and flooding and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Standard 3 year time limit**
- 2. Accordance with Amended Plans**
- 3. Materials to be submitted**
- 4. Landscaping submission – to include native species and details of any mounding**
- 5. Landscaping implementation**
- 6. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 7. Construction of Access in accordance with approved plans**
- 8. Hours of construction limited**
- 9. Hours of operation limited**
- 10. Submission of scheme to minimise dust emissions during demolition / construction**
- 11. In accordance with details of lighting**
- 12. Drainage details to be carried out in accordance with the submitted Flood Risk Assessment**
- 13. Scheme to limit surface water runoff**
- 14. scheme to manage the risk of flooding from overland flow of surface water**
- 15. Levels and ground modelling works**

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Application No: 13/5139N
Location: Land adjacent 9, Walthall Street, Crewe, CW2 7JZ
Proposal: Construction of 12no. apartments
Applicant: Mr Greenhouse, Greenhouse Property Management
Expiry Date: 05-Mar-2014

SUMMARY RECOMMENDATION

Approve subject to the completion of a S106 Agreement and conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Affordable Housing

Highway Implications

Amenity

Design

Trees & Landscape

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.

Members will recall that a previous application was refused by Southern Planning Committee in 2013, that application was for a four storey building containing 15 apartments. Members refused the application for the following reason:

“The Local Planning Authority considers that the proposed development by reason of its height and scale would result in an overbearing impact upon the character and appearance of the area and street-scene. As a result the proposed development is contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.”

DETAILS OF PROPOSAL

This is a full planning application for the erection of 12 apartments in one 3 storey building. The apartments would comprise 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. Twelve parking spaces are proposed to the side of the building in addition to a secure cycle storage facility. There would be an outdoor sitting area and provision for drying washing and bin storage.

RELEVANT HISTORY

13/3434N 2013 Refusal for 15 apartments

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:

No objection.

Strategic Highways Manager:

At the time of report writing, no response had been received from the Strategic Highways Manager (SHM). However on the previous scheme for 15 apartments the SHM was satisfied with the provision of one space per apartment and this is provided within this proposal.

Environmental Health:

Conditions suggested in relation to construction hours, piling works, contaminated land bin storage, external lighting and electric vehicle charging points.

Environment Agency:

No objection.

Crewe Town Council:

The Council notes the nature of the revised application and raises no objections subject to the comments of neighbours.

OTHER REPRESENTATIONS

None received at the time of report writing.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- 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.

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.

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 15 apartments and this has now been reduced to 12 and the site is 0.09 hectares in size. Therefore there is no requirement for the provision of affordable housing.

Highways Implications

Twelve parking spaces are proposed within the site which meets the requirements agreed by the Strategic Highways Manager (SHM) on the previous application. The access is also as proposed in the previous application which was considered to be acceptable by the SHM.

The proposal is therefore considered to be in compliance with Policies BE.3 and TRAN.9 of the adopted local plan.

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 previous scheme was for a four storey building containing 15 apartments and the Council considered that this would create an overbearing impact upon the character and appearance of the area and street-scene.

This application has sought to address these concerns by reducing the building to a three storey structure containing 12 apartments. The resultant building would be 2.72 metres lower than the previously proposed four storey building.

The building would have a traditional brick and render finish with contrasting blue brick string courses, with a tiled roof. Stone cills and heads would be used to articulate the window openings. It is considered that the use of these materials would create architectural interest on the elevations of the building that would be in keeping with the character and appearance of the area.

It is considered that the reduction in height of the proposed building has addressed the previous reason for refusal and that the proposal is now acceptable in terms of design, scale and massing.

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

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 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 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.

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:

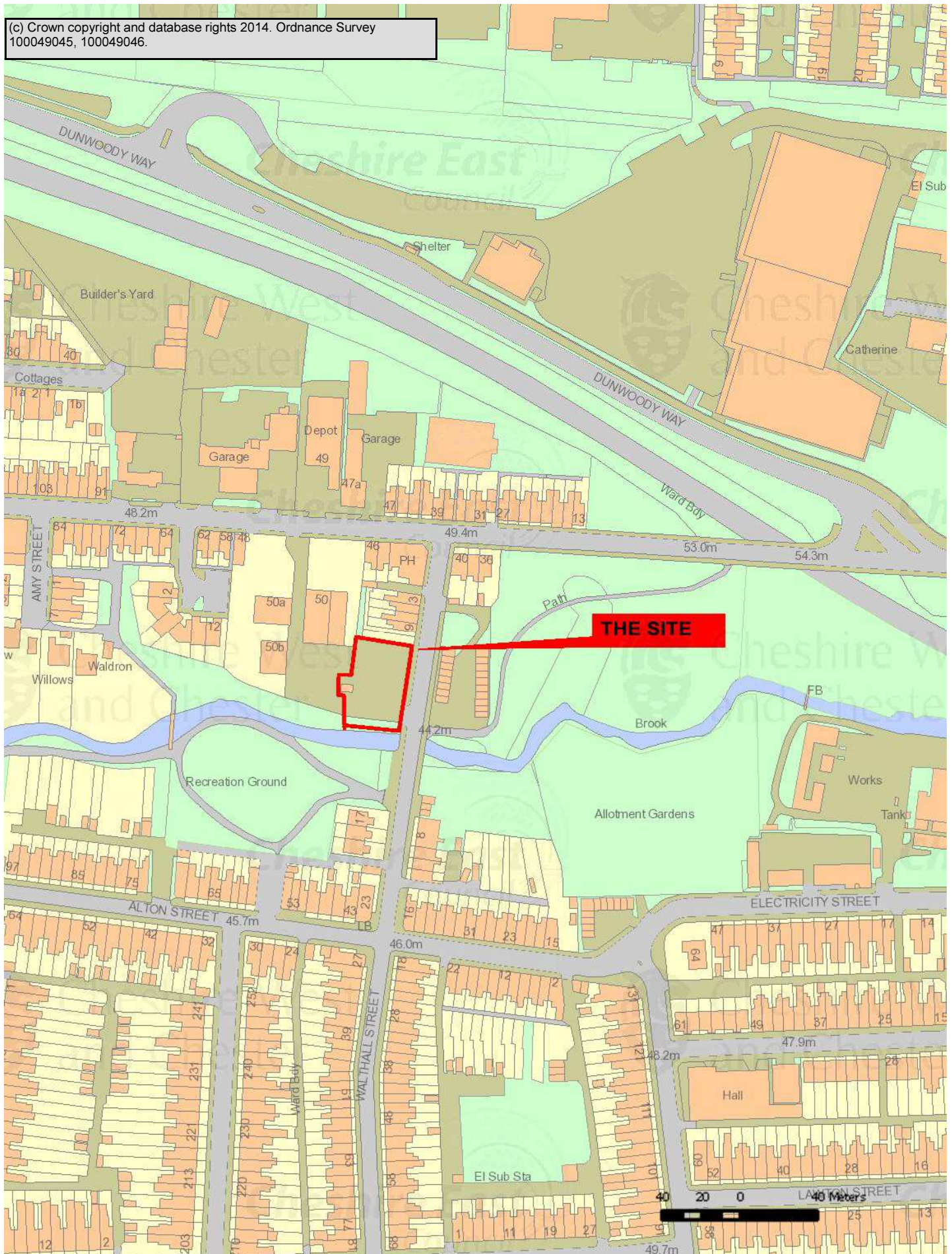
And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. No development shall take place until details of external lighting has been submitted to and agreed in writing by the Local Planning Authority.**
- 6. Submission and approval of details of materials**
- 7. Landscaping details including boundary treatment of car parking area to be submitted and approved**
- 8. Implementation of landscaping**
- 9. Submission of a Phase 1 Contaminated Land Survey**
- 10. Construction Management Plan**
- 11. Provision of 2 vehicle charging points**
- 12. Parking to be provided prior to occupation**

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 has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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CHESHIRE EAST COUNCIL**SOUTHERN PLANNING COMMITTEE**

Date of meeting:	12 February 2014
Report of:	Heritage and Design Manager
Title:	Application to fell protected Pine tree at Leyland Grove, Haslington (App. 13/5163T)

PURPOSE OF THE REPORT:

To consider an application (App 13/5163T) to fell a protected Pine tree sited on Council maintained open space land at Leyland Grove, Haslington, Cheshire, which is subject to the **Crewe and Nantwich Borough Council (Oaklands Avenue, Haslington) TPO 1997**, and to determine if the proposed works should be refused. The application has been submitted by a Council Officer from the Streetscape and Bereavement Service department and is being presented to Committee in accordance with the scheme of delegation to ensure appropriate decision making and in the interests of openness and probity as determined by the Councils constitution.

SUMMARY RECOMMENDATION:

It is recommended that a refusal is proposed to:

Fell a mature Pine growing on the boundary of Public Open Space/Number 52 Leyland Grove, Haslington to reduce risk of further/future damage to fence/pathway

WARD AFFECTED

Haslington Village

POLICIES

Corporate Plan – 3 year plan (Outcome four)

To protect the natural and recreational environment, for the benefit of local communities.

FINANCIAL IMPLICATIONS

For all tree preservation orders made before 2 August 1999, local planning authorities were able to issue an 'article 5 certificate' which removed their liability to pay compensation under the order. These certificates were issued where the authority was satisfied that their decision was made in the interests of good forestry practice or that the trees or woodlands were of outstanding or special amenity value.

The 1999 Regulations did not include this power, but introduced a revised and more clearly defined compensation framework for orders made on or after 2 August 1999.

Possible compensation claim and costs arising as a consequence of the damage to affected fence panel with possible replacement of the panel and reparation and re-laying of paving tiles.

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is an employee of the Council at Tier 2 or above, or is an elected member of the Council.

RISK MANAGEMENT

Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape. The reduction in the trees future life expectancy outweighs the tree's current modest contribution to the wider public amenity of the area.

CONSULTATIONS

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town Councils and Parish Councils on the weekly planning list.

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received.

OBJECTIONS/REPRESENTATIONS

None

APPRAISAL AND CONSIDERATION OF THE NOTIFICATION

The applicant has requested the felling of a Pine tree identified as part of Area 3 of the original Order and located within the grounds of Council maintained open space and adjacent to the property 52 Leyland Grove, Haslington. The tree forms part of a protected area of various species and age groups which is at the head of a cul-de-sac but is connected by foot pathways to various locations in the vicinity.

The Council's Assistant Arboricultural Officer carried out a site visit on 15th January 2013 to assess the proposals.

The Pine is of good form, condition and vigour, and currently exhibits no obvious signs of structural weakness or decay and is considered a suitable species for the location.

The Pine together with other protected trees within the immediate area is currently visually prominent from Leyland Grove, Jessop Way, Hamilton Close and surrounding vantage points.

This visual prominence contributes significantly to the well treed nature of the surrounding area. In addition the evergreen crown of the Pine affords welcome greenery throughout the winter period, adding character and diversity to the surrounding landscape.

The obvious high amenity value of the trees in the area is reflected in the relatively high numbers of protected trees and is acknowledged by their inclusion within Area 3 of the Crewe and Nantwich Borough Council (Oaklands Avenue, Haslington) TPO 1997.

It is considered that lateral stem expansion and more pertinently root development has caused the boundary fence to bulge and distort towards the adjacent property and for a paving tile to be lifted from level position to rise at one end by a height of approximately 50mm's. The disruption of the fence and tile is considered to be moderate, with a small indication of fracture evident to the lower section of the fence panel.

A balance has to be struck between the amenity value of the identified Pine, the influence the tree is having on the adjacent boundary fence, the paving tile and the ongoing maintenance implications.

It is accepted that the fence immediately adjacent to the Pine will have to be taken down and re-constructed even if the tree is removed, but a suitable engineered design construction technique could be implemented to bridge across the point of contact with the tree stem and roots, allowing the upper two thirds section of fence panel to remain intact.

A limited amount of root pruning may be required to address the disruption to the paving tiles which would result in an even and uninterrupted level paved surface.

These are considered to be a reasonable solution allowing the tree to be retained as an amenity feature whilst addressing the concerns of the applicant.

It is considered that the principle of justifying the premature removal of a protected tree where there is a reasonable engineered solution is inconsistent with prudent arboricultural management.

In my considered opinion the value and contribution of the tree to the wider amenity outweighs any likely costs due to damage and that in any event the damage can adequately be addressed by an engineering solution which may involve root pruning, which if carried out in accordance with current British Standards may be deemed acceptable to the Council.

RECOMMENDATION

It is recommended that consent is refused to fell the protected Pine tree.

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