

Southern Planning Committee

Agenda

Date:	Wednesday, 4th June, 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/Pre-Determination

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

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

To approve the minutes of the meeting held on 7 May 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. **14/1027N 7, Chesterton Drive, Wistaston CW2 8EA: Extension to dwelling for Mr D Gridnley** (Pages 11 - 18)

To consider the above planning application.

6. **14/1091N 535/537, Fircroft, Crewe Road, Wisaston CW2 6PY: Outline application for a proposed detached 2 storey dwelling to the rear of 535 Crewe Road and vehicular access from Crewe Road for Mr N Edwards** (Pages 19 - 28)

To consider the above planning application.

7. **14/0001N Land To The Rear Of 447/449 Newcastle Road, Shavington CW2 5JU: Demolition of 449 Newcastle Road and construction of 28 residential properties with associated access for Prospect GB LTD** (Pages 29 - 52)

To consider the above planning application.

8. **14/0710C Dingle Farm, Dingle Lane, Sandbach, Cheshire CW11 1FY: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C) for Beneficiaries the Estate of J M Goodwin** (Pages 53 - 74)

To consider the above planning application.

9. **14/0711C Dingle Farm, Dingle Lane, Sandbach, Cheshire CW11 1FY: Listed building consent for alterations to an existing Grade II Listed farmhouse, demolition of 2no. outbuildings, conversion of barn into 1no. dwelling, construction of 6no. dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2552C) for Beneficiaries the Estate of J M Goodwin** (Pages 75 - 92)

To consider the above planning application.

10. **14/0055C Nunu Plc, 32, Crewe Road, Sandbach, Cheshire, CW11 4NE: New fascia and site signage for Busy Bees Group Ltd** (Pages 93 - 96)

To consider the above planning application.

11. **14/0657C Church Lawton Gate Primary School, Cherry Tree Avenue, Church Lawton, Stoke: Extension and alteration to the former Church Lawton Primary School in connection with its use as a specialist school (Class D1 Non Residential Institution), together with car parking, landscaping and other associated works for C Nagle, NAS Academies Trust** (Pages 97 - 106)

To consider the above planning application.

12. **14/0676C Sandbach County High School for Girls, Middlewich Road, Sandbach, Cheshire, CW11 3NT: 1) Development of a new 6th form building to consolidate all the 6th form teaching facilities into one building; 2) part demolition and refurbishment of existing building G8way1 & G8way2 to improve learning facilities and provide opportunity for G8way2 to provide a wider community resource; and 3) associated public realm works for John Leigh, Sandbach High School & Sixth Form College** (Pages 107 - 114)

To consider the above planning application.

13. **12/2556N Peckforton Castle, Stone House Lane, Peckforton, Tarporley, Cheshire CW6 9TN: Proposed Woodland Experience - Multi Purpose Yurt, Ancillary Accommodation and Temporary Camping Yurts in the Woodland to the West of Peckforton Castle for Mr T Naylor, Majorstage Ltd** (Pages 115 - 130)

To consider the above planning application.

14. **12/3263N Peckforton Castle Hotel, Stone House Lane, Peckforton, Tarporley, Cheshire CW6 9TN: Listed Building Consent for Woodland Experience - Erection of Freestanding Glazed and Wooden Balustrade in Front of Existing Low Stonework Wall at Table Rock Viewing Platform in Connection with Planning Application 12/2556N for Mr Tony Naylor, Majorstage Ltd** (Pages 131 - 140)

To consider the above planning application.

15. **13/5241N Laurels Farm, Crewe Road, Walgherton, Nantwich CW5 7PE: Erection of new chimney to house boiler flues, erection of gas meter housing for Joseph Heler Cheese** (Pages 141 - 146)

To consider the above planning application.

16. **14/0400N 1, Vine Cottages, Wrexham Road, Burland, Nantwich CW5 8LR: Conversion of garage and rear addition to garage to form special needs unit for Mr S Granville** (Pages 147 - 152)

To consider the above planning application.

17. **14/0956N 3 & 4, Orion Way, University Way, Crewe CW1 6NG: Variation of Conditions 2 and 16 on Approved application 10/4760N for Black & White (NW) Ltd** (Pages 153 - 160)

To consider the above planning application.

18. **14/0971C 38, Brooklands Drive, Goostrey, Crewe, Cheshire CW4 8JB: New dwelling in the grounds of 38 Brooklands Drive, Goostrey for Steven Occleston** (Pages 161 - 172)

To consider the above planning application.

19. **14/1708N Sir William Stanier Community School, Ludford Street, Crewe CW1 2NU: Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N for Mr Chris Bent** (Pages 173 - 180)

To consider the above planning application.

20. **14/1908N 1, Stanley Boughey Place, Nantwich, Cheshire, CW5 6GQ: Relocation of previously approved Studio Garage on application 12/4741N, within existing plot boundary, to ensure adequate clearance of existing foul sewer for David Major, Stewart Milne Homes** (Pages 181 - 188)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 7th May, 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, R Cartlidge, J Clowes,
W S Davies, A Kolker, D Marren, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors S Corcoran, I Faseyi, A Moran and M Simon

OFFICERS PRESENT

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

Apologies

Councillors M A Martin and S McGrory

Apologies due to Council Business

Councillor P Groves

176 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 14/1125C, Councillor Rhoda Bailey declared that, as a Ward Councillor, she had been contacted by local residents and the parish council but had kept an open mind.

With regard to application numbers 14/0640N and 14/0641N, Councillor J Clowes declared that, as Cabinet Member for Health and Adult Care Services, she would not take part in the debate or vote.

With regard to application number 13/4656N, Councillor P Butterill declared that she was a member of Nantwich Town Council and Nantwich Civic Society, but that she had kept an open mind.

With regard to application number 13/4857C, Councillor G Merry declared that she was a member of Sandbach Town Council.

With regard to application number 14/1185N, Councillor G Merry declared that she was a member of the Methodist Church.

177 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 9 April 2014 be approved as a correct record and signed by the Chairman.

178 **14/0640N MOSS SQUARE, CREWE, CHESHIRE: REDEVELOPMENT OF EXISTING CAR PARKS FOR THE ERECTION OF A LIFESTYLE CENTRE (7,682 SQM) INCORPORATING A LIBRARY (D1), DAY CENTRE (D1) WITH ASSOCIATED OFFICES (B1), LEISURE CENTRE (D2) WITH A 4 COURT MULTIFUNCTION SPORTS HALL, GYM, STUDIOS, 25M AND 17M POOLS; WITH VEHICLE AND CYCLE PARKING PROVISION, MEANS OF VEHICULAR AND PEDESTRIAN ACCESS, SERVICING, BIN STORAGE, PLANT, ELECTRICITY SUB-STATION AND ASSOCIATED LANDSCAPING AND PUBLIC REALM PROVISION; INVOLVING THE REMOVAL OF THE CHURCH HALL AND ITS COVERED WALKWAY LINK AND PARTIAL STOPPING-UP OF CREWE STREET AND OPENING-UP OF MOSS SQUARE AS A THROUGH ROUTE FOR STEVE COTTLE, CHESHIRE EAST COUNCIL**

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

Note: Having made a declaration, Councillor J Clowes moved from the Member seating area to the public gallery for the duration of the Committee's consideration of this and the following item.

Note: Following the planning officer's introduction, Councillor A Kolker declared that he was Chairman of the new charitable trust that operated the Council's leisure centres. Councillor Kolker moved from the Member seating area to the public gallery for the duration of the Committee's consideration of this and the following item.

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council), Mr J Hannon (objector) and Mr J Paul (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 3 years
2. Approved Plans
3. Prior to the commencement of development involving facing or roofing materials details of the external materials shall be submitted to the LPA for approval in writing.
4. Within 3 months of the commencement details of landscaping (hard and soft) shall be submitted to the LPA for approval in writing.
5. Completion of Landscaping
6. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.
7. Demolition of the Church Hall and canopy to follow the submitted method statement
8. No development excluding the demolition of the Church Hall shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
9. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
10. Within 3 months of the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
11. Implementation of the submitted tree protection measures and method statement
12. Prior to first development the developer will provide a detailed signing strategy for the site. Prior to first occupation the schedule of signs contained within the signing strategy will be provided and erected on site at the agreed locations, to the satisfaction of the LPA.
13. Within six months of occupation the developer will provide a detailed travel plan for the development to the satisfaction of the LPA.
14. Prior to first occupation all new and dedicated parking will be provided and marked out and the dedicated parking controls will be in place.

15. Prior to first occupation the real time information facility will be operational within the development facility.
 16. Prior to first development the developer will provide a construction management plan for the proposals to the satisfaction of the LPA.
 17. Hours of Construction
 18. Lighting to be completed in accordance with the approved scheme
 19. Details of external plant noise
 20. Amplified music level set at 80 dB $L_{Aeq,T}$.
 21. Public Announcement System set at 80 dB $L_{Aeq,T}$.
 22. Electric Vehicle Charging Infrastructure
 23. Dust Control Measures
 24. Contaminated Land
 25. Details of cycle parking.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, 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.

179 **14/0641N MOSS SQUARE, DELAMERE, CREWE, CW1 2DF: LISTED BUILDING CONSENT FOR REMOVAL OF THE CHURCH HALL AND ITS COVERED WALKWAY LINK FOR STEVE COTTLE, CHESHIRE EAST COUNCIL**

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

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council) and Mr J Hannon (objector) had registered their intention to address the Committee on this matter but had left the meeting prior to consideration of this application.

Note: Mr J Paul had registered his intention to address the Committee on behalf of the applicant but indicated that he no longer wished to speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be referred to the Secretary of State with a recommendation to APPROVE subject to the following conditions:
1. Standard 3 years
 2. Approved Plans
 3. Demolition of the Church Hall and canopy to follow the submitted method statement
 4. No development excluding the demolition of the Church Hall shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, 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.

180 **11/2720C SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CHESHIRE CW4 8BE: OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY FOR FISONS LTD, TRADING AS SANOFI AVENTIS**

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters
 2. Application for approval of reserved matters to be made within 3 years
 3. Submission of reserved matters
 4. Development to be carried out in accordance with approved plans
 5. Reserved Matters to be no greater than set scale parameters
 6. Details of Temporary office portacabins to be submitted
 7. Temporary office portacabins shall be temporary and removed from site after a period no greater than 2 years
 8. Materials / finishes to be submitted
 9. Hours of construction limited
 10. Hours of piling limited
 11. Details of Floor floating to be submitted
 12. Submission of a scheme for surface water regulation
 13. Scheme of electromagnetic screening measures to avoid interference with Jodrell Bank
 14. Acoustic Enclosure of any Fans / Compressors to be submitted
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

181 **13/4656N GREENBANK COTTAGE, WELSHMANS LANE, NANTWICH, CHESHIRE CW5 6AB: DEMOLITION OF GREENBANK COTTAGE AND ERECTION OF 19 DWELLINGS FOR RENEW LAND DEVELOPMENTS LTD**

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

Note: Mr R Lee had registered his intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED

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

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and

the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, 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 30% affordable housing with a tenure split of 4 rented units and 2 intermediate units and a contribution to education in line with an updated consultation response from the Education Department.

182 **13/4857C LAND AT ROSE WAY, OFF HASSALL ROAD, SANDBACH, CHESHIRE CW11 4HN: TO DEVELOP PROPOSED SITE TO INCLUDE 4NO. TWO STOREY DETACHED HOUSES, WITH OFF ROAD PARKING AND LANDSCAPING TO THE FRONT AND GARDEN TO THE REAR. THE ACCESS ROAD WILL BE AN EXTENSION OFF THE EXISTING ROSE HILL ROAD FOR M STYLES**

Note: Councillor S Corcoran (Ward Councillor) and Mr M Styles (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 authority be DELEGATED to the Planning and Place Shaping Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:
 - consultation with the Council's Ecologist and no objection being received

- the imposition of any additional conditions suggested by the Council's Ecologist
- the following conditions:
 1. Standard Time limit – 3 years
 2. Approved Plans
 3. Materials
 4. Submission of an Environmental Management Plan
 5. Hours of construction to be limited
 6. Details of pile driving operations to be limited
 7. Submission of contaminated land survey
 8. Submission of details of bin storage
 9. Details of drainage (SUDS) to be submitted
 10. Only foul drainage to be connected to sewer
 11. Retention of important trees
 12. Tree and hedgerow protection measures
 13. Arboricultural Specification/Method statement
 14. Landscape scheme
 15. Implementation of landscaping scheme
 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
 17. Removal of permitted development rights for classes A-E
 18. Details of ground levels to be submitted
 19. Bin drop off point details to be provided
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

183 **14/1027N 7, CHESTERTON DRIVE, WISTASTON CW2 8EA:
EXTENSION TO DWELLING FOR MR D GRINDLAY**

Note: Councillor M Simon (Ward Councillor) and Mr R Howarth (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

184 **14/1125C 31, SPRING BANK, SCHOLAR GREEN ST7 3LA:
REGULARISATION OF ALTERATIONS TO GARAGE CONSTRUCTION
FOR RUTH REEVES**

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

The Committee considered a report regarding the above planning application.

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

1. Plans
2. Within 2 months of this decision a scheme of landscaping for the site shall be submitted to the LPA for approval in writing
3. The approved landscape scheme shall be implemented by 1 December 2014

185 **14/1185N NORTH STREET METHODIST CHURCH, NORTH STREET,
CREWE CW1 4NJ: VARIATION OF CONDITION 2 (PLANS) INCLUSION
OF BALCONIES TO APPLICATION 13/0136N - DEMOLITION OF
EXISTING CHURCH BUILDING, ERECTION OF CHURCH COMMUNITY
CENTRE AND 18 AFFORDABLE RETIREMENT APARTMENTS AND
ASSOCIATED ACCESS AND CAR PARKING PROVISION FOR ANN
LANDER, WULVERN HOUSING LTD**

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

The meeting commenced at 1.00 pm and concluded at 3.50 pm

Councillor G Merry (Chairman)

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Application No: 14/1027N
Location: 7, CHESTERTON DRIVE, WISTASTON, CW2 8EA
Proposal: Extension to dwelling
Applicant: Mr D Gridnley
Expiry Date: 21-Apr-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Residential Amenity
- Design

REASON FOR REPORT

This application was deferred at the Southern Planning Committee meeting on 7th May 2014 to enable Members to carry out a site visit.

This application has been referred to the Southern Planning Committee by Councillor Margaret Simon for the following reason:

"Over domination of neighbouring properties and the proposals are not in keeping with the character of neighbouring properties."

DESCRIPTION OF SITE AND CONTEXT

The application site is a detached dormer bungalow situated on the residential Chesterton Drive within the Settlement Boundary for Crewe.

DETAILS OF PROPOSAL

The proposed development is for a two storey rear extension. This will project from the existing rear elevation by 3.7 metres, with a width of 6.1 metres and a roof ridge height of 6.7 metres to match the existing.

The east elevation will have a dormer window which will be obscure glazed. The proposed development also includes the provision of a pitched roof to the existing dormer.

RELEVANT HISTORY

None

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD.1 Sustainable Development in Cheshire East
SD.2 Sustainable Development Principles
SE.1 Design
MP.1 – Presumption in Favour of Sustainable Development

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity
BE.2 – Design
RES.11 – Extensions and Alterations to Existing Dwellings

National Planning Policy Framework

Other Material Considerations

Supplementary Planning Document – Extensions and Householder Development

CONSIDERATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council object for the following reasons:

The proposal is out of character with existing properties in the area. It would over dominate and create lack of privacy to neighbouring properties 5 and 9 Chesterton Drive and properties to the rear at 4, 6 and 8 Swift Close.

OTHER REPRESENTATIONS

Five letters of representation have been received from the occupiers of neighbouring properties which object for the following reasons:

- Design is not in keeping with surrounding dwellings
- Proposal is too big for the size of the plot
- Reduction in privacy to 9 Chesterton Drive, 4, 6, and 8 Swift Close
- Reduction in house value
- Over domination
- Approval would set a precedent
- Impaired visual outlook and loss of light to 5 Chesterton Drive
- Proposed side window would infringed on privacy
- Impact on the amount of heat generate by sunlight to 5 Chesterton Drive

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The proposal is for a rear extension to a dwelling within the Settlement Boundary for Crewe which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or the surrounding streetscene.

Amenity

The application dwelling is situated on a residential cul-de-sac with surrounded with neighbouring dwellings on all sides.

To the north are the neighbouring dwellings of Chesterton Drive which lie on the opposite side of the road to the application dwelling. It is not considered that the proposed development will have a detrimental impact upon these properties.

To the east stands the neighbouring dwelling of 5 Chesterton Drive and to the west 9 Chesterton Drive.

Number 5 is set back from the application dwelling and is separated by approximately 1.5 metres, plus the attached single storey garage of number 5 is in between. The glazing of the side dormer window of the proposed development faces towards 5 Chesterton Drive, however this is to be obscure glazed and conditioned as such. Therefore, this will mitigate any potential privacy issues from this perspective.

The proposed ground floor window to the east elevation will face onto the blank garage elevation of number 5. Further to this, there will not be a breach of the 45 degree code when applied to the rear principal windows of number 5. With the above in mind it is not considered that the proposed development would lead to a significantly detrimental impact upon the amenity of 5 Chesterton Drive either through loss of privacy/light or over domination. The potential on loss of heat generated by the sun is not a material planning consideration that can be considered as part of this application.

The neighbouring dwelling to the west, number 9 Chesterton Drive, has a rear elevation that is set forward of that of the application dwelling by approximately 1 metre. These two dwellings are also separated by approximately 1.5 metres with the single storey garage of number 7 in between.

There would be no breach of the 45 degree code when applied to the rear principal windows of number 9. Therefore, it is not considered that the proposed development will lead to a detrimental impact upon the amenity of number 9 Chesterton Drive.

To the south of the site lie the neighbouring dwellings of Swift Close, the closest being numbers 4, 6 and 8. The rear elevation of number 4 lies approximately 20 metres from the application site, the principal first floor windows of number 6 are approximately 19 metres. It is accepted that the distance between the proposed development and the single storey rear extension of 6 Swift Close will be less than this (approximately 16 metres), however the existing boundary vegetation stands in between, thus mitigating any serious impact. Number 8 is approximately 21 metres away. The rear boundary of the application dwelling consists of a 1.6 metres high timber fence and semi-mature hedging/shrubs standing at a height greater than the fence.

Paragraph 3.32 of the SPD states that:

'As a general indication, to protect the privacy and living conditions of neighbouring properties, a distance of 21 metres should be achieved between any proposed principal window and a directly opposing principal window in a neighbouring dwelling.'

Paragraph 3.34 concludes by stating that:

'These distances are given as general guidance and there may be situations where mitigating measures or circumstances e.g. difference in levels, which mean that the distances can be reduced. Such a judgement will be dependent upon the context and character of the site or the proposal put forward.'

A similar application at Shorthorn Close, Middlewich (11/4598C) to the proposed development was allowed by a Planning Inspector at appeal (APP/R0660/D/12/2174898). This application was for a two storey side extension which projected beyond the existing rear elevation of the application dwelling. The distance between the principal windows of the proposal and those of directly facing neighbouring dwellings was approximately 18 metres, sharing much the same relationship as the neighbouring dwellings to 7 Chesterton Drive.

In allowing the appeal the Inspector reasoned that:

'...In my experience, some overlooking of this type is a common characteristic of the relationship between houses in residential areas. Given that a reasonable distance would still separate the proposal and the existing properties and the partial screening provided by existing vegetation and boundary treatment, it is my assessment that the additional overlooking in this case would not be so great as to significantly harm the living conditions of the occupiers of the Longhorn Close properties.'

Given the separation distances and boundary treatment involved, as well as the above mentioned appeal decision it is not considered that the proposed development will have a significantly detrimental effect upon neighbouring residential amenity to sustain a refusal.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

Policy BE.2 states that new development will be permitted provided that it:

- Respects the pattern, character and form of the surroundings, and
- Does not adversely affect the streetscene by reason of scale, height, proportions or materials used.

Policy RES.11 states that development should:

- Respect the setting, design, scale and form and materials of the original dwelling.

In terms of design the proposed development is to be situated at the rear of the existing dwelling and, therefore, would not have a detrimental impact upon the surrounding streetscene.

The proposed materials are to match those of the existing dwelling as closely as possible which is considered to be acceptable.

The scale and form of the proposed development is considered to be acceptable in terms of its relationship with the host dwelling and those in the surround area. As mentioned above it is not considered that the design of the proposal will lead to a significant effect upon neighbouring residential amenity.

With regards to the setting of a precedent each application is judged on its own individual merits.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The potential devaluing of neighbouring dwellings is not a material planning consideration which cannot be considered as part of this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

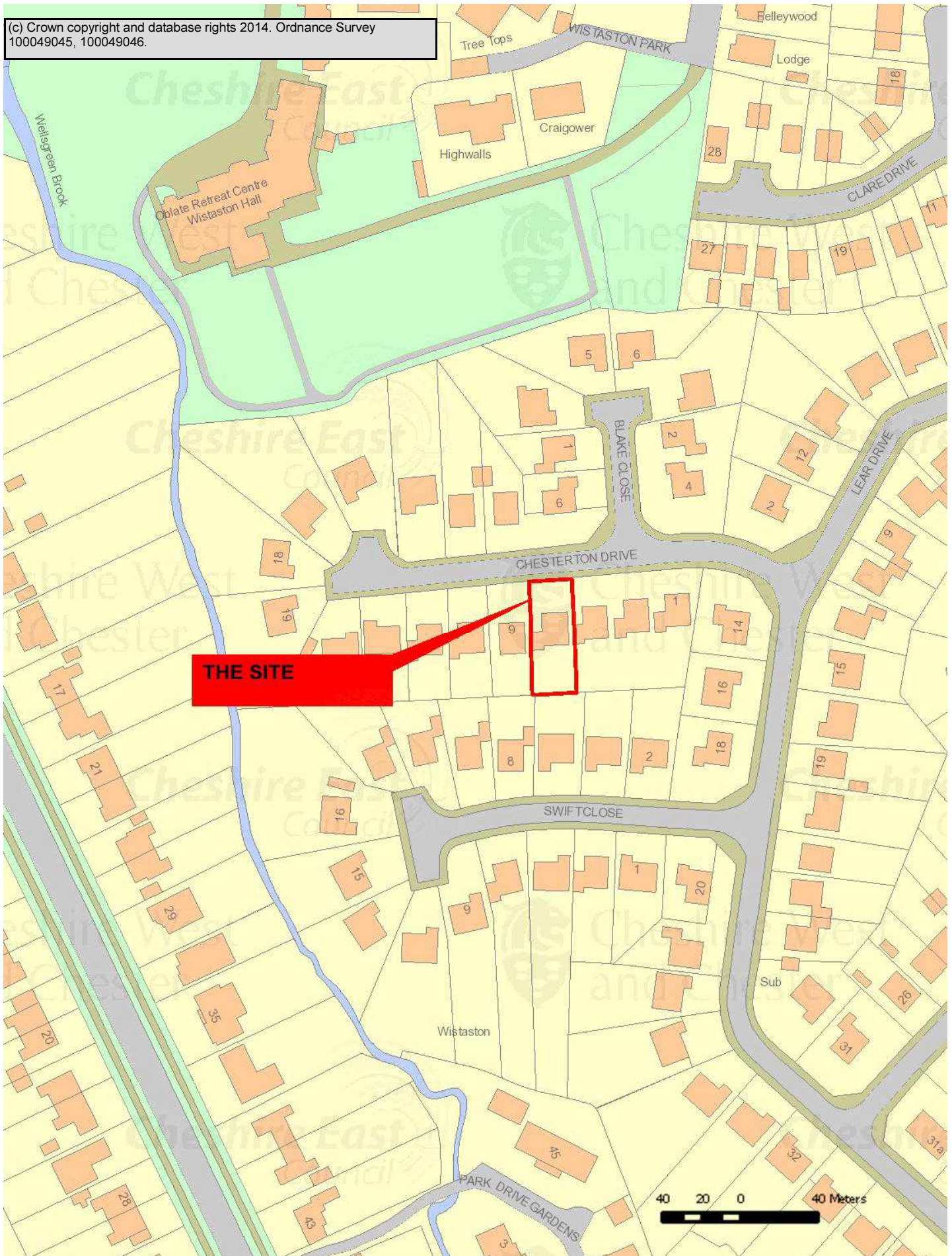
The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy SE.1 (Design). The proposal therefore complies with Policy BE.1 (Amenity), Policy SE.1 (Design), and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Emerging Local Plan Strategy Policy.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials**
- 3. Plans**
- 4. Obscure glazing to the first floor window facing No. 5 Chesterton Drive.**

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Application No: 14/1091N

Location: 535/537, Fircroft, Crewe Road, Wisaston, CW2 6PY

Proposal: Outline application for a proposed detached 2 storey dwelling to the rear of 535 Crewe Road and vehicular access from Crewe Road.

Applicant: Mr N Edwards

Expiry Date: 02-May-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site history;
- Principle of development;
- Impact on the character and appearance of the streetscene;
- Amenity;
- Private amenity space;
- Drainage;
- Landscape;
- Parking and access; and
- Ecology

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Simon has requested that it be referred to Committee for the following reason:-

'Backland development that would have a negative impact on surrounding properties due to its close proximity to them'

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application forms part of the rear garden of 535 Crewe Road. The proposal is flanked on all sides by residential properties which are 2 storeys high. The area is predominately residential in character and the site is located wholly within Wistaston. This is an outline application for one detached dwellinghouse with all matters reserved apart from scale and access at land to the rear of 535 Crewe Road, Wistaston, Crewe.

PREVIOUS RELEVANT DECISIONS

13/4176N - Outline application for proposed detached two storey dwelling to the rear of 535 Crewe Road and vehicular access from Crewe Road – Refused – 15th January 2014

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.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
RES.2 (Unallocated Housing Sites)
TRAN.9 (Car Parking Standards)

Other Material Considerations

C & NBC Supplementary Planning Document – Development on Backland & Gardens

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 – Energy Efficient Development

The above Policies are consistent with the Crewe and Nantwich Local Plan

OBSERVATIONS OF CONSULTEES

Environmental Health: No objections subject to conditions relating to pile foundations, hours of construction, no external lighting.

United Utilities: No objections

VIEWS OF THE PARISH / TOWN COUNCIL:

No objections

OTHER REPRESENTATIONS:

Letters of objection have been received from the occupiers of Orchard House and 10 Herrick Close. The salient points raised are as follows:

- The proposed development would be very close to site boundaries and result in a cramped form of development;
- The proposed property will have a very small rear garden;
- The proposal due to its close proximity will result in an un-neighbourly form of development;
- The proposal fails to identify a window in our property reducing the separation distance to 12.4m;
- The proposed development is garden grabbing;
- The proposal is contrary to advice advocated within the NPPF;
- The development site is residential garden and not brownfield land;
- The proposal will have a detrimental impact with regards to loss of light and privacy;
- The proposal does not sit well within the streetscene and is out of character;
- The proposal will have a detrimental impact on the natural environment;
- The drainage in the area is inadequate and the proposal if approved will exacerbate the problem;
- The proposal will have a detrimental impact on protected wildlife in the locality;
- The proposed development may have a detrimental impact on highway safety as there as already been a number of accidents and an additional drive will exacerbate this issue;
- Loss of amenities to neighbouring properties; and
- Development too big for plot resulting in over cramped appearance

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

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

OFFICER APPRAISAL

Site History

A similar proposed development was recently refused on the 15th January 2014 under delegated authority for the following reason:

'In the opinion of the Local Planning Authority the proposed dwelling which would be sited immediately close to the site boundaries would result in an overly cramped form of development to the detriment of the character and appearance of the streetscene. Consequently the proximity of the development to the boundary of the neighbouring property would result in an un-neighbourly and overbearing form of development on the private garden space of that property causing demonstrable harm to the amenity of the occupants of that property. The proposal is therefore considered to be an inappropriate development of a residential garden which is an unsustainable form of development. The proposed development would therefore be contrary to Policies BE.1 (Amenity), BE.2 (Design Standards) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, guidance contained within the Local Development Framework Development on Backland and Gardens SPD (2008) and guidance contained within the National Planning Policy Framework 2012'.

The current application has been subject to extensive negotiations in order to overcome the reason for refusal.

Principle of Development

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety.

Impact on character and appearance of streetscene

This is an outline planning application with all matters reserved apart from access and scale. The proposal is a two storey detached dwellinghouse which will be located in the rear garden

of 535 Crewe Road, Wistaston. The applicant as part of their submission has submitted an illustrative plan demonstrating how the dwelling could be sited on the plot. The case officer noted that the neighbouring properties are all two storey in height. According to the submitted plans the proposed dwellinghouse will measure approximately 8.2m wide by 7.9m deep (at the widest point including the porch) and is 5.1m high to the eaves and 7.1m high to the highest part of the roof. The plans also indicate that the proposal will could be centrally located within the proposed plot with car parking located to the side and a turning head to the front so that vehicles can enter/leave in a forward gear. It appears from the submitted plans that the footprint of the proposal would be similar to other properties within the local environment. Furthermore, it appears that no. 537 Crewe Road has also constructed a similar property within their rear garden.

Following on from negotiations, the applicant has reduced the footprint of the proposed development from that which was previously refused. It is considered that a dwelling could be accommodated within the applicants curtilage as shown on the indicative layout plans and not result in overly cramped form of development and would not cause demonstrable harm to the character and appearance of the streetscene. The proposed dwelling as indicated on the indicative layout plan is situated well away from the boundaries and does not appear out of place, when read in conjunction with the neighbouring properties.

Overall, it is considered that the proposal as shown on the indicative plan respects the pattern and character of the locality. As previously stated this application is in outline format solely and all matters are reserved (apart from Access and Scale) therefore, details regarding the design of the proposed dwellinghouse will be considered at the reserved matters stage. It is considered that the proposal complies with policy BE.2 (Design Standards) and an acceptable design and layout can be secured at the reserved matters stage.

Amenity

It is considered that the construction of new dwellings within an established predominantly residential area is compatible with surrounding land uses. However, the physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration.

It is considered given the location of the proposed development could result in the would result in an un-neighbourly and overbearing form of development on the private garden space of the neighbouring properties causing demonstrable harm to the amenity of the occupants of these properties.

Nevertheless, according to the Councils SPD on Backland Development there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to a habitable room and a blank elevation. According to the submitted illustrative plans there is a distance of approximately 21m from the front elevation of the proposed dwellinghouse to the rear elevation of 535 Crewe Road and a distance of 13.5m from the side elevation (of the proposal) to the front elevation of the detached property (Orchard House) located to the north east of the application site. However, the residents of Orchard House state that there is a window on the rear of their property which has not been identified and the distance between the two properties is approximately 12.4m. It is noted that

there is a small short fall in the separation distances and the boundary treatment (which will be conditioned) will help to alleviate any problems associated with the proposed development. Overall, it is considered that the proposed development will not cause any significant demonstrable harm to the residential amenities of the occupiers of these properties.

Turning to the impact that the proposed development will have on the residential properties located to the rear of the application site on Herrick Close will be marginal. According to the submitted plans the properties on Herrick Close are located to the north of the application site. Furthermore, it is noted that the proposed dwellinghouse is sited well off the common boundary with no. 10 Herrick Close. It is considered that an appropriately designed property will not result any direct overlooking of private amenity space of this property. The indicative plans of the proposed property show a window on the rear elevation at first floor level serving a bedroom which will overlook the drive serving the properties on Herrick Close. The other windows on this elevation (at first floor level) all serve non habitable room windows. Consequently, given the separation distances, juxtaposition and orientation of the properties and boundary treatment will all help to mitigate any negative externalities caused by the proposed development and as such the proposal accords with policy BE.1 (Amenity).

Private Amenity Space/Density

According to the submitted plans the dwellinghouse would have a proportion of private amenity space located to the rear and side. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed indicative layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m² and would be commensurate with other properties in the immediate locality.

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).

Landscape

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

Parking and Access

The application dwelling is located in at the rear 535 Crewe Road and a new access will be formed onto Crewe Road. There is sufficient space to the front of the proposed property to provide for 2 off street parking spaces and a turning head so that vehicles can access/egress the site in a forward gear. The creation of a new access onto Crewe Road is considered to be acceptable and should not result in any considerable harm on highway safety. At the time of writing this report no comments have been received from the Highways Engineers. Once these comments have been received Members will be provided in the update report.

Ecology

At the time of writing this report no comments had been received from the Councils ecologist. Once the comments are received Members will be provided in the update report.

CONCLUSIONS AND REASON(S) FOR THE DECISION

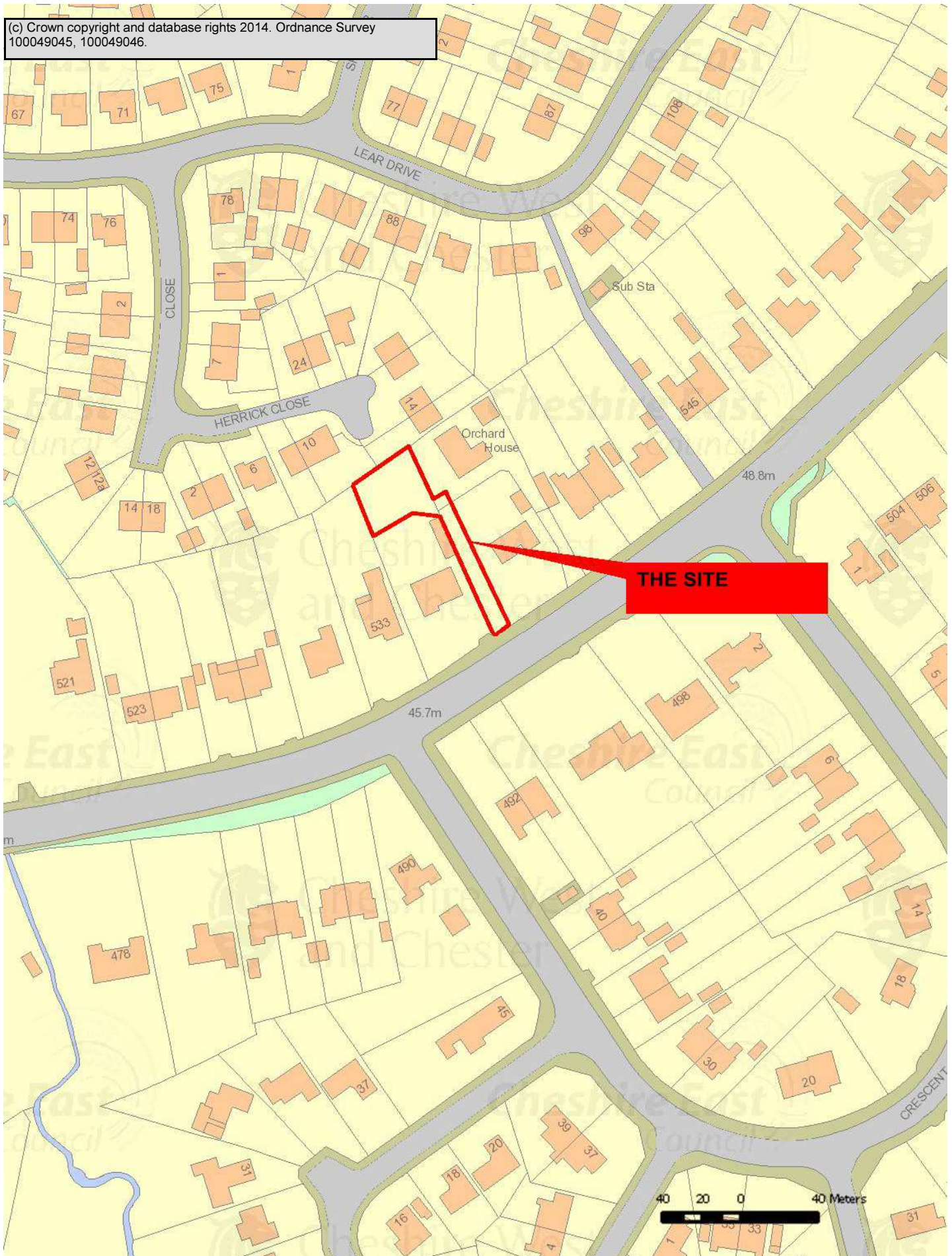
The Local Planning Authority considers that the proposed residential development is an appropriate form of development. The proposed dwelling (as conditioned) would be sympathetic to the surrounding area and would not be harmful to the amenities of neighbouring properties and has provided satisfactory parking provision Therefore the proposed development complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), NE.5 (Nature Conservation and Habitats) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**
- 4) Remove Permitted Development Rights**
- 5) Access and Scale to be in accordance with the approved plans**
- 6) Car Parking**

- 7) Piling
- 8) Hours of Construction
- 9) No External Lighting

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Application No: 14/0001N

Location: LAND TO THE REAR OF 447/449 NEWCASTLE ROAD, SHAVINGTON, CW2 5JU

Proposal: Demolition of 449 Newcastle Road and construction of 28 residential properties with associated access

Applicant: Prospect GB LTD

Expiry Date: 18-Mar-2014

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

Principal of the Development
Location of the Site
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Education
Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.9 ha and is located to the north of Newcastle Road. The site is T-shaped and includes the residential properties at 447 & 449 Newcastle Road. The large majority of the site is within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan although the residential properties at 447 & 449 Newcastle Road and their immediate curtilage are located within the Shavington Settlement Boundary.

The rear portion of the site appears to include a paddock, ancillary buildings including sheds and pigeon lofts and the remains of a former orchard. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Newcastle Road. To the west of the site are residential properties fronting Crewe Road. To the north of the site is open countryside and to the east of the site is curtilage to dwellings which front Newcastle Road.

2. DETAILS OF PROPOSAL

This is a full application for a residential development of 28 dwellings.

The proposed development would be served via a single access point off Crewe Road which would involve the demolition of the dwelling at 449 Newcastle Road. The development would involve the creation of a T-shaped cul-de-sac with the proposed two storey dwellings sited around this cul-de-sac.

3. RELEVANT HISTORY

P04/1179 – Erection of nine dwellings – Withdrawn 26th November 2007

P03/1282 - Demolition of 449 Newcastle Road and Erection of 18 dwellings – Appeal for Non-Determination. Appeal Dismissed 11th June 2004

P03/0884 - Demolition of One Dwelling and Erection of 22 Dwellings – Appeal for Non-Determination. Appeal Dismissed 11th June 2004

P02/0806 - 24 No. 2 Storey Dwellings – Refused 10th December 2002. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

P01/0903 - Erection of 23 No. Dwellings with Associated Highway Access – Refused 4TH December 2001. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

United Utilities: No objection providing that the following conditions are met:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.

Strategic Highways Manager: Approval has been given for a residential development on the south side of Newcastle Road; the access point identified was almost opposite the proposed access location for this site. Clearly, given the scale of these development proposals, a cross road situation and turning conflicts that would occur would not be acceptable to the Highway Authority.

Therefore, the Strategic Highways Manager would have to object to the proposed access location serving this particular development of 28 residential units.

Environmental Health: Conditions suggested in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, electric vehicle infrastructure and contaminated land. Informative suggested in relation to contaminated land.

Public Open Space: A commuted sum payment of £20,000 for off-site provision should be secured. Specifically, to make improvements to the existing equipped children's play area at Wessex Close, Shavington which is 250 metres to the north-west of the site.

Natural England: Statutory Sites – No objection. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which West Midlands Mosses SAC, Midland Meres & Mosses Phase 1 Ramsar has been classified.

The application is in close proximity to the Wybunbury Moss SSSI Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which this site has been notified. Natural England advise that this SSSI does not represent a constraint in determining this application.

For all other advice protected species refer to the Natural England standing advice.

Education: Based on works which the Council has already begun in light of approved development and due to a need for places in this area then no contribution is required from this application.

Cheshire East Flood Risk Manager: The content of the submitted FRA is duly noted. Given the acknowledged risks of surface and groundwater flooding at this location and known maintenance issues and problems associated with the watercourse and downstream culverted lengths on the boundary of the site, it will be essential that the developer can clearly demonstrate this proposal will not exacerbate flooding and flood risk to neighbouring property.

The impacts of land raising need to be assessed in context of potential loss of existing flood storage during extreme storm and flood events. In addition, assumptions being made for the assessment of Greenfield run-off appear to reflect runoff for clay soils rather than more permeable soils indicated by BGS data and any specific detailed Site Investigation carried out and referred to under the Brownfield Solutions Limited report reference RW/C2386/4324. A copy of this latter

report should be made available. In view of this a more realistic assessment of allowable greenfield run-off should be made which will have implications for any subsequent on site flood storage volumes required.

The hydrobrake controlled discharge of 7.9 l/s is considered inappropriate at this stage pending further investigation of known off site drainage capacity problems on third party owned watercourse and culvert infrastructure.

Sustrans: If this land use is considered appropriate and is approved by the council's planning committee Sustrans comments are as follows:

- Given the scale of proposed developments in Shavington, we would like to see them all, including this one, contribute to improving the cycling route to Crewe station and the town centre.
- The design of any smaller properties without garages should include storage area for residents' buggies/bikes.
- Even though this is a relatively small development we would like to see travel planning set up with targets and monitoring.

6. VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: Object to the application on the following grounds:

- Despite the Parish Council's robust arguments and objections Shavington-cum-Gresty Parish has seen over 800 new dwellings approved during the last two years. Applications for a further 1,300 are currently at appeal and applications for an additional 400 dwellings are currently being considered. There are approximately 1,700 dwellings in the parish at present, and with the numbers already approved for construction the size will increase by almost 50%; and if all of the applications were to be approved the numbers of properties in the parish will more than double. The infrastructure simply will not cope.
- It is the Parish Council's view that these additional 28 houses are a further unnecessary intrusion into yet another greenfield site especially since in very close proximity a 39 dwelling development has just been approved on the other side of Newcastle Road; and the Shavington Triangle site has also now received approval just a few hundred metres away. The Triangle site and the other approved developments in Shavington already meet the required numbers locally for affordable units.
- The property run off water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development and the recently approved development directly opposite. It will put unacceptable levels of pressure on the ground water levels.
- The Parish Council already has much concern over road safety along this stretch of road where the white carriageway markings have been worn away to such an extent that overflow parking from Playworld and other businesses at the location of the filling station is using either side of Newcastle Road; and this coupled with traffic flow and emerging vehicles means it is only a matter of time before a very serious accident occurs.
- There have already been several traffic accidents involving vehicles emerging from the filling station because of poor visibility due to a bend in the road as vehicles approach from the direction of Hough. To add another junction on the opposite side of the road to the filling station and the development already approved at No.414 would create a crossroads in what is already a congested road and add a significant additional hazard. Traffic already regularly backs up along Newcastle Road from the Goodall's Corner traffic lights 300m away and the number of

vehicular movements is set to increase substantially with the construction of several hundred more houses at the Triangle site.

Hough and Chorlton Parish Council: Object on the following grounds:

- That there is no need for the development
 - 480 dwellings have been approved with 5 miles of the site. This equates to 15 times the local housing need identified by local housing surveys
 - The Council has a housing land supply figure of 7.2 years
 - There is no demand for this type of housing
- It is an unsuitable location for a development of this size
 - The site is within the open countryside
 - The residential properties on Newcastle Road are of a substantial size and this development would not be in-keeping with the area
 - Back-land development
 - Concern over the possible creation of a crossroads following the resolution to approve the residential development on the site opposite
- The layout is inappropriate
 - Over-engineered design. Cramped development.
 - No provision of vehicular turning for utility or emergency vehicles.
 - No green space of children's play provision.
- There is insufficient infrastructure to support this development
 - The local primary schools are over-subscribed. This would add to a further shortfall
 - Similar problems with Doctors and Dentists
 - Local road infrastructure is inadequate and will be exacerbated by the approved developments within Shavington. This development will add to the problems when entering Crewe at the junction of Gresty Road/Nantwich Road/South Street.
- Road safety Issues
 - There is a petrol filling station/leisure development opposite the site. This is a dangerous access point and there have been several accidents involving vehicles leaving this site in the past. Visibility is poor at the bend in the road.
 - Various developments on the site of the petrol station have had to go to appeal on access grounds, safety, air pollution and screening was a condition due to the open countryside on the south side.
 - Pedestrian access at the traffic lights in close proximity to the site is unsafe and children would need to use this crossing to get to school.
- Environmental Impact
 - The highways design is over-engineered and gives misleading picture of the impact upon Newcastle Road
 - This development together with the Triangle will result in cumulative ground water drainage problems
 - The hedgerows, trees and grassland on the site have significant wildlife value.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 61 local households raising the following points:

Principal of development

- There is no need for more housing
- The development is not sustainable

- Irreversible damage caused by this development
- Not enough jobs in this area
- Cheshire East now has a housing land supply
- Small sites cause visual harm along Crewe Road and Newcastle Road
- The Council has successfully defended an appeal on this site in the past. Nothing has changed since this decision
- There are too many housing developments proposed in Shavington
- The site is agricultural land
- Financial gain for the developer
- Loss of village identity
- Edward Timpson MP is against this type of development
- The proposal is backland development
- Contrary to Local Plan Policies. The development is outside the settlement boundary.
- Loss of open countryside
- Contrary to Local Plan Policy NE.2 as it is outside the Settlement Boundary

Highways

- Local roads cannot cope with this increased population
- Cumulative impact of the approved developments in the area including the industrial scheme at Wardle which will impact upon M6 Junction 16.
- The access will be opposite the recently approved development off Newcastle Road between the petrol station and traffic lights
- Increased vehicular movements
- Increased traffic within the village
- The development will be car dependent
- The access is onto a busy 40mph road
- The proposed access is dangerous
- Destruction of Open Countryside
- Cumulative highways impact
- Poor public transport in this area
- Problems with parking at the Playworld site which obstructs traffic along Newcastle Road
- Proximity to the Esso garage

Green Issues

- Impact upon Badgers
- The site was formerly an orchard
- Impact upon Owls
- Impact upon Bats
- The developer does not make adequate provision for the Poplar trees which adjoin the site
- The previous Inspector found that the development would result in an intrusion into the landscape.
- Impact upon breeding birds
- Impact upon protected species
- Loss of agricultural land
- Loss of wildlife
- A number of trees have previously been removed on this site by the land owner

Infrastructure

- Local schools are already full

- The Doctors surgery is full
- Lack of infrastructure
- Infrastructure is overloaded in the village
- Sewage disposal problems in this area
- Lack of services in Shavington
- Loss of power/electricity supply problems

Amenity Issues

- Increased pollution
- Impact upon air quality
- Loss of outlook
- Noise and disruption
- Loss of a view
- Noise caused by construction works
- Loss of privacy
- The proposed dwellings are too close to the boundaries with the existing residential dwellings
- Potential damage to the two Poplar Trees adjoining the site
- The development would impact upon the roots of the adjoining Poplar Trees
- The development is too close to the Poplar trees

Other issues

- Increased flood risk
- The site has problems with standing water and drainage
- The ditch along the boundary of the site is prone to flooding
- The new gardens to the north-east of the site will be subject to flooding
- Increased hard-standing on the site will increase water run-off and flooding
- Flooding will cause the sewage system to overflow
- The existing sewage system is in a poor state of repair
- SUDS needs to be considered on this site
- Maintenance of the ditch to the boundary of the site
- Properties to the north-west of the site have had previous height restriction and this should be applied to this development
- Increased risk of flooding to the existing residential properties
- The Inspector found that the previous schemes did not pay sufficient regard to the character or appearance of the landscape. Crammed development.
- There is a high water table on this site
- Potential Foot and Mouth Contamination on this site
- The plans are inaccurate
- If approved the existing boundary treatments should be improved
- Inappropriate design
- The development is too dense
- The submitted FRA is inadequate

The full content of the objections is available to view on the Councils Website.

An e-mail has been received from Cllr Brickhill making the following request:

- The photos provided by Mr Martin Andrews should be shown in any presentation to committee
- I would also request a report from United Utilities about the ground water from the ditch and the fields going into the main sewer and whether this can be allowed to continue. If not, could

the ditch be made to flow the other way so that it joins the swill brook and if it does what will be the effect on that watercourse which is already prone to flooding.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by GL Hearn)
- Planning Statement (Produced by GL Hearn)
- Highway Statement (Produced by SCP)
- Ecology and Bat Survey (Produced by ERAP Ltd)
- Desk Study Assessment Report (Produced by Prospect GB Ltd)
- Arboricultural Impact Assessment and Method Statement (Produced by TBA Landscape Architects)
- Flood Risk Assessment (Produced by Prospect GB Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

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.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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 emerging Local Plan, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the

inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that 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/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government* and *Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as *Weston Lane, Shavington* is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Location of the site

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

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

- Post office (1000m) – 965m
- Cash Point (1000m) – 150m
- Primary School (1000m) – 1000m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 150m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 235m

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

- Public House (1000m) – 1100m
- Amenity Open Space (500m) – 800m
- Children's Play Space (500m) – 800m
- Post Box (500m) – 965m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m
- Secondary School (1000m) – 1770m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1770m
- Leisure Centre (1000m) – 1770m
- Outdoor Sports Facility (500m) – 1770m

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 Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The application site covers an area of approximately 0.9 hectares and is located to the rear of a number of dwellings along Newcastle Road; it is currently extended rear garden for no's 447 and 449 Newcastle Road. The application site is currently characterised by boundary hedges to the north and fencing along the western, southern and western boundaries by fencing, beyond which are the gardens of adjacent properties; to the north is agricultural land. It appears that much of the existing boundary hedgerows and trees will be retained, although a number of trees and shrubs will need to be removed from within the site for the proposed layout arrangement.

No Landscape appraisal or Landscape and Visual Impact Assessment has been submitted as part of the application. Much of the application site is identified in The Cheshire Landscape Character Assessment 2009 as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; while the application site has some of the characteristics of this character area, the current condition of the land is greatly influenced by its use as gardens, nevertheless it is an attractive area that bounds the agricultural land to the north.

There are intermittent views of the site from the surrounding properties; there are no footpaths in close proximity to the application site. There are no landscape designations on the site.

As part of the application a Landscape proposal Plan has been submitted (Drwg no. 4597.03), this indicates that much of the existing boundary vegetation will be retained.

It is noted that at the appeals as part of applications P03/0884 and P03/1282 the Inspector raised concerns about the impact upon the landscape through potential loss of the rear boundary hedgerow and trees. In this case it is considered that this site has the capacity to support this development and the design as part of this application includes longer rear gardens which would allow for the retention of the rear boundary hedgerow/trees.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that in areas with a population exceeding 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 53 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 23 x 1 bed, 17 x 2 bed, 9 x 3 bed & 3 x 4 bed properties (1 applicant hasn't set the number of bedrooms they require).

If this application is approved there is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings.

The proposal is for 28 dwellings, this equates to a requirement for 8 affordable units providing 5 units as social or affordable rent and 3 units as intermediate tenure. The applicant in their accompanying planning statement states that the site will provide the full policy requirement of 30%. However little further detail is provided including the tenure proposals for the affordable units. As this is a full application the housing officer would expect to see the tenure proposals for the affordable units, including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity including the intermediate units and confirmation that

the affordable homes to be let or sold to people who are in housing need and have a local connection.

The application includes a planning layout however this does not show which units are affordable. As a result it is not considered that the application demonstrates a suitable level of pepper-potting on the site. A plan is required marking where the affordable units are located and which are the rented and which the intermediate tenure.

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The supporting documentation does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards and this is not acceptable.

Highways Implications

In terms of the highway impact of development the NPPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

In this case the development would include a single point of access which would be formed following the demolition of the property at 449 Crewe Road. In this case it should be noted that there is an outline consent for the site opposite which has an outline approval for 39 dwellings (13/4675N) which was approved by the Strategic Planning Board. The consent for application 13/4675N is outline with all matters reserved but includes a condition which states that the access should be taken from the centre of the site (this was due to concerns over a conflict with vehicular movements at the nearby petrol filling station site).

The issue that this permission and condition creates is that it would result in the formation of a crossroads from the access point as part of planning permission 13/4675N and the application site. Given the scale of this proposed development and the approved development opposite the cross roads would create turning conflicts to occur onto Newcastle Road which would not be acceptable in terms of highway safety and will form a reason for refusal.

There have been some minor concerns raised regarding the size of garages to some units and the design of the footways/kerb radii. It is considered that these issues could be dealt with as part of a planning condition.

Amenity

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the south of the site and to Crewe Road to the west of the site.

The submitted plan shows that the proposed dwellings would have a rear garden depth of 10 metres with a distance between principal elevations varying from 28 metres to 35 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site there would be a distance of approximately 75 metres between the rear elevations of the proposed dwellings and the rear elevations of the dwellings fronting Crewe Road. As a result the impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, electric vehicle infrastructure and contaminated land. These conditions will be attached to the planning permission.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Impact Assessment and Method Statement. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention but are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The Councils Tree Officer is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The application site is formed by extended rear gardens associated with number 447 & 449 Newcastle Road. 34 individual trees 11 groups and 3 hedges have been surveyed. 12 individual trees have been identified for removal along with 5 groups and a single hedge. All have been identified as C2 low value in terms of BS5837:2012. The Councils tree officer would concur with this categorisation with the majority not clearly visible from any public vantage point by virtue of their rear garden aspect. A significant number are also categorised as small ornamental specimens with limited growth potential.

The development seeks to occupy the central aspect of the site retaining both the trees and hedges associated with the northern eastern and western boundaries some of which stand outside the site edged red.

The Lombardy Poplars located within the south west corner of the development plot are visually the most prominent specimens on the site, but given their age maturity and probable issues of stem hollowing, a characteristic of the species, formal protection is not considered appropriate

The majority of the development footprint has been accommodated outside the respective RPA's with only minor incursions associated with Plots 19, 20, and 21. The use of a no dig solution has been suggested and accepted in accordance with the details provided.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

In this case there would be no loss of hedgerows to the northern boundary of 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."

In this case the density of the site at 31 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington. The development would have adequate separation distances to the surrounding dwellings and would not appear cramped.

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing, plinth detailing and brick banding. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Wybunbury Moss SSSI

The proposed development is located within 1km of Wrenbury Moss which holds a number of statutory nature conservation designations. Natural England have been consulted on this application and have advised that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an appropriate assessment under the Habitat Regulations is not required.

A Habitat Regulations Screening Assessment has been undertaken by the Councils Ecologist and this has concluded that the proposed development is not likely to have a significant impact upon Wybunbury Moss and its designation as a SAC and RAMSAR site.

Habitats

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. There are currently hedgerows along the northern and southern boundaries. The hedgerow along the northern boundary would be retained as part of this development and this could be secured as part of a condition.

Traditional Orchard

Traditional orchards are a UK Biodiversity Action Plan priority orchard and hence a material consideration. The eastern portion of the application site is provisionally included on the Natural England inventory of traditional orchards. The listing on the NE dataset advises that there is insufficient evidence to assess whether the site is in fact a traditional orchard.

The ecological assessment submitted by the applicant states that the site is not typical or wholly representative of this priority habitat type. The Councils Ecologist is satisfied with this conclusion and advises that whilst the site may meet the definition of a traditional orchard its nature conservation value is relatively limited. The submitted assessment recommends that the fruit trees present on site are incorporated into the proposed development. This recommendation does not appear to have been taken forward.

Hedgehog

The application site may potentially support this BAP species, although it was not recorded during the submitted survey. In order to ensure this species is not adversely affected by the proposed development a condition could be attached requiring any boundary fencing be raised 10cm of the ground in accordance with the recommendations of the submitted ecological survey.

Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

Other Protected Species

No other protected species would be affected by this development.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £20,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

There is no requirement for education contributions as part of this application.

Flood Risk and Drainage

The latest information made available by Environment Agency indicates that this site is in part, subject to surface water flooding risks during extreme storm and flood conditions (Updated Maps for Surface Water published December 2013). Available data also suggests that the site may be susceptible to groundwater flooding risks. United Utilities have also indicated that there are off-site capacity issues within their public sewer systems. The photographic evidence supplied by a local resident would also further substantiate these local flood risk concerns.

As a result the Councils Flood Risk Manager considers that it is essential that the developer can clearly demonstrate that this proposal will not exacerbate flooding and flood risk to neighbouring properties. It is also considered that the following issues should also be addressed:

- The impact of raising the land level within the site needs to be considered in the context of the loss of existing flood storage during extreme storm and flood events
- The assumptions of the assessment of the run-off need to be clarified
- A detailed Site Investigation should be carried out on this site
- The hydrobrake system is considered to be inappropriate at this stage pending further investigation of known off site drainage capacity problems

Until these issues are addressed there is insufficient information contained within this application to consider the flood risk/drainage implications. This issue will form a reason for refusal.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

In terms of the flood risk/drainage implications insufficient information has been submitted with this application and this issue will form a reason for refusal.

The access to the site would result in the creation of a crossroads with a site that has consent on the opposite side of Newcastle Road. This would result in conflict in terms of vehicular movements and will form a reason for refusal.

In terms of affordable housing a lack of information has been submitted with this application and this issue will form a reason for refusal.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and design 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 amenities and 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.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there is little detail in relation to the tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. The application does not show which units are affordable as a result it is not considered that the application demonstrates a suitable level of pepper-potting on the site and the supporting documentation does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 3. The proposed vehicular access would be opposite an access point to serve a development of 39 dwellings which has outline consent as part of application 13/4675N. It is considered that the access proposed as part of this application would**

result in the creation of a crossroads at the site opposite which would result in turning conflicts to occur on Newcastle Road to the detriment of highway safety. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

4. Part of this site is subject to surface water flooding risks during extreme storm and flood conditions and is also be susceptible to ground water flooding with off-site capacity issues within the public sewer system. Insufficient information has been submitted with this application to demonstrate that the local flood risks and site drainage issues can be managed without exacerbating flood risks both on and off-site. In the absence of this information, to allow this development would be contrary to the NPPF, and Policy NE.20 (Flood Prevention) of the Borough of 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 Principal Planning Manager has delegated authority to do so in consultation with the Chair 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 Principal Planning Manager in consultation with the Chair 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: 14/0710C

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

Proposal: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C)

Applicant: Beneficiaries the Estate of J M Goodwin

Expiry Date: 02-Apr-2014

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

MAIN ISSUES:

Principle of the Development

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee at the request of the Principal Planning Manager

DESCRIPTION AND SITE CONTEXT

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

The List description of the Farmhouse is as follows:

"Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles."

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

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of the existing barn into one dwelling, and the construction of 6 dwellings together with associated garaging, car parking and landscaping works.

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

RELEVANT HISTORY

12/2552C 2013 Refusal for Listed Building Consent for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

12/2551C 2013 Refusal for full planning permission for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

These applications were refused for the following reasons:

12/2552C

The Local Planning Authority considers that the proposed development would have an adverse impact upon the Listed Building. As a result the proposed development is contrary to Policies BH4 and BH5 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

12/2551C

The Local Planning Authority considers that the proposed development would result in an over intensive form of development that would have an adverse impact upon the setting of the Listed Building and the character of the area. As a result the proposed development is contrary to Policies GR1, GR2 and BH4 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG 1 Economic Prosperity
SE 7 The Historic Environment

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

PS4 Towns

H1 & H2 Provision of New Housing Development
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats
BH4 & BH5 Listed Buildings
BH8 & BH9 Conservation Areas

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD 14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

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

Highways:

No objection subject to a s106 contribution to highway improvements and conditions as set out in the Highways section of this report.

VIEWS OF TOWN COUNCIL:

Members object to demolition of any part of a Listed Building.

Documents provided were misleading in parts, with inconsistencies in stated number of outbuildings to be demolished and number of proposed houses; never the less, Members feel 6 or 8 houses to be over intensive for the site area.

Contravening Policies GR1 (iv & v) and GR6 (iv & v), the development will have adverse impact on neighbours through increased traffic via poor access and will cause harm to existing building foundations.

Members offer no objection to conversion of the barn.

OTHER REPRESENTATIONS

At the time of report writing, approximately 71 representations have been received relating to this application. These can all be viewed online on the application file. 55 were opposed to

the development and 15 in favour and 1 petition with 15 signatories objecting to the proposal. The objections express concerns about the following issues:

Land Use

- This is a popular civic amenity used by many people
- Reduction in the number of dwellings does not reduce the harm
- Development would not enhance the landscape character of the area
- Farmhouse are supposed to have fields around them
- Will ruin the view from the lane to the town centre
- Loss of a lovely area used by children and walkers
- As there is less development there would only be half the public benefit

Highways

- Dingle Lane is too narrow for more traffic and would become more dangerous
- Dangerous access
- Junction of Dingle Lane and Dingle Bank is already very dangerous
- Adverse impact of construction traffic on highway safety
- The SHLAA allocation does not take account of the need to demolish part of the Listed Building
- Proposals do not take into account the impact on footpath 11

Amenity

- Loss of privacy
- Noise during development

Design

- Changes to boundary treatments

Ecology

- Adverse impact on the wildlife corridor

Heritage

- Part demolition of a Grade II Listed Building should not be allowed to gain access to the site
- Damage to the setting of the Listed Building
- Adverse impact on the Conservation Area
- Adverse impact of construction traffic on the Listed Building
- Loss of the TPO tree
- Damage to a heritage asset contrary to the NPPF
- The benefit does not outweigh the harm as required by the NPPF

Other

- The application should just be refused again
- Plenty of housing is already planned for Sandbach
- Land stability
- Drainage and flooding

- There is obviously a plan A and Plan B where the previous proposal on the north side of Dingle Lane would come back in
- Previous application was objected to by over 700 people

Those in favour of the application made the following observations:

- Important to bring this type of housing into the area
- Would significantly improve the area
- Would like to move back to Sandbach and live in such a sustainable location
- Would help to reduce anti social behaviour
- We need more housing of this type as close to the town centre as possible
- Will make use of a plot of land that will become unkempt
- The land is no longer required for agricultural purposes
- Sandbach should be allowed to evolve, age and grow
- Will secure the renovation of the Listed Building
- The proposed houses would complement the farmhouse
- Very sustainable location and in keeping with the Conservation Area
- Surprised that the development was not approved previously. This committee needs some younger members who are not afraid of change
- Would reduce the need for car use

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

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

Paragraph 14 of the NPPF states:

*At the Heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, 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*

*For **decision-taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*

- *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.*

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle subject to compliance with other relevant policies in the adopted local plan and the NPPF.

DESIGN AND LAYOUT

The previous proposal was for 5 two-storey dwellings in what is being called 'Paddock View', opposite the existing barn, 4 dwellings were proposed to create the feeling of a courtyard to a traditional farm complex and to the rear of these two cottages were proposed, facing 'Paddock View'.

This proposal does not include the 5 dwellings in 'Paddock View' but still includes the 4 dwellings to create the courtyard area, the conversion of the existing barn, the erection of 2 cottages at the southern end of the site and the partial demolition and renovation of Dingle Farmhouse.

In terms of the design and layout of the proposed development, it is considered that this is acceptable and would not have any significant detrimental impact on the character and appearance of the site, the Listed Building or the Conservation Area. This is subject to the use of appropriate high quality materials, which should be controlled by condition. The design and layout are discussed further in the Heritage section of the report.

HERITAGE

NPPG

Conserving and enhancing the historic environment

Appropriate conservation of heritage assets is one of the core planning principles. It further identifies that heritage assets are irreplaceable and that conservation is an active process of maintenance and managing change. The Framework provides a clear basis for decision making to conserve, and where appropriate enhance, in a manner consistent with their significance. Part of the public value of heritage assets is the contribution they can make to understanding and interpreting the past.

It highlights the importance of understanding significance and the contribution of setting. It reinforces the need for assessment of the impact and whether changes enhance or detract from significance or the ability to appreciate it. In regard to setting it advises that it is the surroundings within which an asset is experienced and that it may be more extensive than curtilage. The multi facets of setting, in addition to visual considerations, are highlighted. It further emphasises that setting does not depend on public access.

In assessing the degree of harm, it refers to both the physical asset but also its setting and that assessing whether a proposal causes substantial harm will be for the judgement of the decision maker. It comments however that substantial harm is a high test and unlikely to occur in many instances.

Design

The guidance stresses that good design is integral to sustainable development and that planning should drive up standards across all forms of development. Good design is considered to be about achieving development that works well in terms of aesthetics, longevity, functionality and adaptability. It highlights both the function and identity of a place, both short and long term and that planning authorities should refuse poor design.

The guidance sets out design objectives including local character (including landscape setting), as well as other functional, environmental and social objectives. In respect to local character, it stresses the need to respond to and reinforce local distinctiveness and local man-made and natural heritage. Successful integration is seen as an important design objective. In designing new development, landform, natural features and local heritage are highlighted as place shaping considerations.

Local building form and detail reinforces distinctive place qualities and can be successfully interpreted in new development without slavish reproduction. It states *“Standard solutions rarely create a distinctive identity or make best use of a particular site”*. High quality hard and soft landscape helps to successfully integrate development in the wider environment.

In regard to what makes a well designed place, achieving a distinctive character is emphasised, relying on physical attributes such as the local grain, building forms, detail/materials, style and vernacular, landform and landscape. It stresses that distinctiveness is not solely about the built environment but also function, history, culture and its potential for change. The guidance also provides more detailed advice in relation to various design considerations: layout, form, scale, detailing and materiality.

The site is that of Dingle Farmhouse and its associated land to the south east of Dingle Lane. Dingle Farmhouse is a Grade II Listed Building and is located on the edge of the Sandbach Town Centre Conservation Area, the boundary of which is drawn quite tightly to the north east of the farmhouse and Shippen. The status of the Conservation Area and its review is discussed later in the report. The entire application site is located within the town settlement boundary.

Dingle Farm, listed grade II is described in the list description as:

DINGLE LANE 1. 5144 Dingle Farmhouse (Formerly listed under Back Street) SJ 7660 2/33 11.8.50. II 2. C17. Timber frame with painted brick nogging; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.

Dingle Farmhouse originated as a 17th century timber framed building, but has undergone several phases of development, evolving from a simple, 2 roomed single storey, timber

framed building to a building significantly enlarged and altered over time, as explained in the heritage statement. These phases extended it to the east, north and latterly the west, namely the mock painted brick wing, that, along with single storey additions to the rear of the timber framed part of the building, are subject to the applications. The house was also enlarged by creating attic accommodation within the roof space and the insertion of dormer windows.

The building is referred to briefly in *The History of Sandbach* by Cyril Massey, describing it as being of *"timber frame, black and white, with three gabled dormers, good chimney stacks, wood mullioned windows with leaded lights. Formerly it had a thatched roof and stone flag floor"* (p25)

Dingle Farm was part of the Estate of Lord Crewe, whose land and estate holdings included large parts of Sandbach and surrounding parishes and settlements. The Sandbach part of the Crewe estate was sold off during World War I. Many of these former estate properties became owned by their former tenants.

The building's phasing and its associated social history contribute toward its understanding and thereby its heritage significance. They also assist in the understanding of the development of farming practices into and through the Victorian period. This is assessed more fully below.

To the east of the farmhouse, there is a 19th century Shippen, constructed in an L plan form; it has a more ornate southern gable, which reads with the more ornate southern elevation of the farmhouse. This evidences that the principal, more decorative elevation was intended to be the southern elevation, as at that time there was a much more open aspect toward Church Street. The working end of the farm was to the north.

The Shippen is a clearly a curtilage structure, as is a Bull pen to the south east of the Shippen and a modest outbuilding to the north east. The latter is considered to have no heritage significance, whilst the prefabricated garage building to the north is of a more recent date and therefore is not considered an historic curtilage structure.

The site has an extensive open curtilage immediately to the north of the farmhouse and barn and an open aspect beyond that to the north that is contained by a now wooded area of open space (historically it was much more open than it is today). To the east lies Dingle Lake and its associated landscape. To the south east of the site is Dunham Close, a late 20th century housing development, whilst to the northwest of the site further 20th century housing is present.

During part of the latter 20th century, a large building occupied the open area north of the farm, separated from the farmhouse and shippen by a partly enclosed yard or hard standing (this building was located approximately where the more modern garage is now located, but on a significantly larger footprint).

Dingle Lane is a narrow, informal access that changes into a green lane to the north of the farmyard. It has no formal designation in respect to the definitive map but is clearly a longstanding and historic route into Sandbach as evidenced on the Tythe Map and subsequent OS map editions. There are views into the conservation area, principally of the Church from the Lane. This is recognised in the draft Conservation Area Character Appraisal.

The proposal is for alterations to the existing grade II listed farmhouse, demolition of 2 outbuildings, conversion of the barn to one dwelling and construction of 6 new dwellings, (4 as part of a courtyard closest to the farm and Shippen and 2 detached cottages on the open land to the north), together with access, parking, garaging and landscape works. A full planning application and an application for Listed Building Consent have been submitted for the proposed works.

The works of alteration to the listed building entail partial demolition to the western gable end of the western 19th century wing of Dingle Farmhouse, reducing its length by circa 1 metre and demolition and re-siting of a garden and yard boundary wall to facilitate access improvements and the demolition of a single storey lean to. There are also certain minor works proposed to the interior and exterior of the building including replacement of certain windows and making good as a consequence of the modifications.

Previously, a planning and associated listed building application was refused for a larger proposal that included the paddock to the north west of Dingle Lane, comprising a total of 11 new dwellings (13 proposed dwellings in total with the re-use and conversion). The current application is essentially the same, except for the removal of the housing in the north western paddock (5 units).

The issues associated with the proposals can be broken down as follows:

Built Heritage Considerations

In regard to proposals affecting heritage assets, the National Planning Policy Framework (NPPF) identifies that Local Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the asset's setting, taking account of the available evidence and any necessary expertise.

A heritage consultant acting for the developer has prepared a heritage assessment to establish the asset's significance. It also considers the impact of the development on this significance. This report has regard to the English Heritage documents, Conservation Principles and The Setting of Heritage Assets in considering its findings and this assessment.

For ease of consideration, these are summarised this in the tables in Appendix 1 of the Listed Building report (14/0711C) more generally in relation to heritage values relating to fabric and setting in table 1, and then more specifically in relation to setting of the listed building and the conservation area in table 2.

The Draft Conservation Area Character Appraisal and Management Plan

This is a draft document and has not been approved for adoption as yet by the Council. In the document it seeks to extend the conservation area boundary to include the curtilage of Dingle Farm, whilst the remaining land ownership (the paddocks) would remain outside the boundary. The management plan identifies a proposal to identify an area of potential sensitivity with regards to the setting of the conservation area. These 2 parcels of land are suggested to be included in this area of sensitivity.

It should be stressed that these suggested changes to the boundary and identifying an area of sensitivity in respect to setting should not be interpreted to mean no change. It is part of the management strategy to help manage and shape change in and on the periphery of the conservation area, not to stifle it.

Negotiations on the previous applications brought about amendments to the scheme to improve the scheme, being mindful of the conservation area review and management plan, with the objective of accommodating development as sensitively as possible having regard to the relationship to the listed building, to Dingle Lane and the wider conservation area. This influenced negotiation on scale, height and density, on the architectural detail, landscape design and materials palette, the retention of hedging where possible and supplementary hedge and tree planting. In this respect therefore, and on balance, it is considered that the proposals are within the spirit of the draft conservation area appraisal and management plan.

Design

The recommendations made previously in relation to the detailed design of the scheme (except those in relation to the element of the scheme now omitted and the amendments secured) are still relevant and require the attachment of appropriate conditions, should it be considered appropriate that planning permission be granted.

As stressed in relation to the previous planning application, a key issue affecting the quality and success of the development will be the quality of the open space and landscaping within the scheme, not least the character and quality of the courtyard and the quality of the palette of surface materials for that area and surfacing of Dingle Lane. Indications of this palette have been submitted with the application. Whilst the general palette is considered appropriate, there is still scope for refinement. Cobbles should be used extensively to reinforce sense of place. This final landscape detail could be secured by condition.

New walling should be of a characteristic bond such as English Garden Wall Bond and include a quality coping detail to reinforce the quality of the space.

There is also the potential to secure more tree planting and hedging to help further soften the development. Also the respective plans need to show the same detail. Currently the landscape details plan and the Landscaping materials plan conflict in relation to certain aspects of detail.

Consideration of Third Party Comments

In respect to heritage issues third party comments essentially centre on 2 main issues: the principle of demolition of part of the west wing of the building and the impact of the development on the setting of the listed building and the conservation area, principally arising from the relationship of the courtyard housing in proximity to the listed building, the formalisation of Dingle Lane and impact on important views from Dingle Lane.

As a point of clarification, the proposed works to the west wing do not directly affect fabric of the 17th century phase of the building. The demolition to the rear to remove the lean to elements will also better reveal the timber frame of the oldest part of the building. The west

wing is essentially the latest phase of the building, circa mid 19th century and therefore, its individual significance is weighted accordingly. In short it holds less importance in heritage value terms than earlier fabric for the reasons explained above.

The conclusion reached in regard to the impact of the development on fabric and setting is that it would lead to less than substantial harm individually and cumulatively. In the context of the NPPF any harm to significance has to be clearly justified and then weighed against the public benefits derived from the development if that harm is less than substantial. This needs to be considered in relation to the policy framework, taking account of the NPPF as a whole and any other material considerations: In essence by weighing the various material considerations.

It has been commented that the reduction in the number of units from the previously refused scheme has weakened the public benefit argument, effectively by halving the benefit. The public benefit derived from the scheme does not just relate to housing supply and therefore this argument is a little simplistic.

The comments also make reference to the future development of the omitted paddock. That is not part of the application and therefore cannot be taken into consideration.

Conclusions

The previous application resulted in a number of refinements to the scheme to address concerns raised at officer level. These included:

- Modification to the design to enable retention of part of the western wing of Dingle Farmhouse, including retaining a chamfered gable end
- A less formal access design and improved palette of surfacing materials, including natural stone, re-claimed cobbles and Tegula setts
- Refinements to the architectural design of new houses
- Reduction in the scale and change in the housing type and positioning of building on the northern paddock area
- Retention and enhancement of areas of hedging, new hedge planting and the planting of trees
- Refinement to the design and materiality of the courtyard area to the north of the listed building.

Having assessed again the impacts of the proposal, it is considered that individually and cumulatively the proposed development would result in less than substantial harm to the listed building and the associated setting and that of the conservation area. The NPPG stresses that substantial harm is a high test affecting few cases and therefore this reinforces the view that the harm arising from the proposals would be less than substantial.

In the context of the NPPF, as part of the planning balance members need to be convinced that there is clear and convincing justification for the harm and that the public benefits justify the harm being caused.

This is quite a finely balanced case between harm and benefit , but one aspect of that public benefit is the investment in and sustaining the long term future of the listing building and the Shippen. Consequently, on balance it is considered that the proposal is acceptable.

AFFORDABLE HOUSING

This application is for 7 additional dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

AMENITY

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

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

HIGHWAYS

The site is situated on a piece of land off the adopted end of Dingle Lane in Sandbach. It proposes the retention of the existing farmhouse plus the conversion of a barn to a residential unit and 6 additional new build units. This will give a total of 7 additional residential units for the site.

The developer would prefer the proposed access road to remain private and this is an acceptable position providing the site is built to an adoptable standard. To this end the Strategic Highways Manager (SHM) has been negotiating an adoptable level of design on the internal layout for this site since December 2010.

The site would be served from Dingle Lane which is an adopted public highway and which is the only adoptable frontage to the site.

At previous Southern Planning Committee meetings the decision was made by the committee that an independent Road Safety Audit be commissioned by CEC Highways to verify the Road Safety Audit (RSA) provided by the developer against the larger development proposal of 12 dwellings. The independent Road Safety Audit found the site access strategy to be acceptable against an amended plan and on this basis the committee decided not to include a highway reason for refusal on the previous and larger scale application: 12/2551C. A reason for refusal on highway grounds was not considered to be sustainable if challenged at inquiry.

Existing site access route via Dingle Lane.

Dingle Lane is a very old highway which has a junction with Well Bank served by good visibility in the leading direction but slightly restricted visibility in the non-leading direction

however approach speeds are slow. The entry junction has an initial width of 6.75 metres but which then narrows quickly to a little over 3 metres as it passes No.4 Dingle Lane.

Immediately on the left after No.4 is the junction into Dingle Bank which was originally private but which is partly made up and adopted since numbers 1 – 11 Dingle Bank were built some years ago. The junction of Dingle Bank with Dingle Lane is steep and currently has no give way junction marking with Dingle Lane.

Two site visits were conducted for the previous application: the first to make a general assessment of the site and the route of access to it and the second to observe the peak morning traffic flows at the junction with Well Bank. A subsequent site visit for this application has confirmed site details.

On entering Dingle Lane the immediate narrowing and very short length prohibits the use of any material traffic speed and it was found that 10 mph was a comfortable pace when entering. The turn into Dingle Bank is steep and this further slows progress. This junction mouth is wide and leads to an open area of carriageway which serves not just the more recent dwellings at 1 – 11, but also the rear of some of the terraced properties which front Well Bank and the other properties which are still served from the private length of Dingle Bank to the right and beyond.

Leaving Dingle Bank demands lower vehicle speed than entering. Descending the steep approach to Dingle Lane requires use of the brakes and as you near the bottom of the slope the view to the right through the narrowed section of Dingle Lane is opened to view, however the view to the left is only partially visible from the top of the incline and becomes more restricted as you near Dingle Lane before opening a limited view as you meet the edge of carriageway of Dingle Lane.

The SHM has checked current injury accident statistics and there are none for Dingle Lane or Dingle Bank.

Local concern.

The previous application brought the following representations from objectors which expressed concerns and objections to the development proposal.

For completeness those concerns are repeated below along with the Strategic Highway Manager's response at that time:

- *'Access for construction vehicles will be problematic.'*

It is agreed that the tight entrance to the development site and the narrowing within the initial length of Dingle Lane are very narrow. These restricted points do however meet minimum dimensional requirements for a heavy commercial vehicle to pass.

In any event the use of a construction management plan is a likely requirement should this site gain a planning permission and this could be tailored to ensure suitable delivery traffic is used and that the traffic is appropriately managed.

- *'Pedestrian access along Dingle Lane would be dangerous.'*

Two safety audits have noted site conditions regarding the interaction of traffic and pedestrians and the developer has been able to address these issues with revised design proposals. Clearly this issue is further diminished as this application is for a lower number of units and the traffic generation is negligible.

- *'The junction of Dingle Bank with Dingle Lane is dangerous.'*

The SHM observes from the site visits that when leaving Dingle Bank and entering Dingle Lane that a view is afforded of Dingle Lane, to the left from the top of Dingle Bank. This view then disappears before becoming a limited view again as a driver reaches Dingle Lane. The guidance from Manual for Streets requires a visibility of just 9 metres for an approach speed of 10 mph, which is the observed speed from the site visit. For 12mph MfS requires 12 metres.

If a vehicle pulls out of Dingle Bank and turns right from the observed position for this movement at the site visit, a visibility distance of some 14 metres is available when looking to the left and this would cater for the observed traffic speeds for Dingle Bank/Lane.

The turning movements at this junction could be regularised by the introduction of a suitably placed give way marking should this development proposal gain a planning permission and in fact the developer has proposed an altered junction arrangement to serve the site where the Dingle Lane/Dingle Bank route will have priority over the entrance to the site.

- *'Large vehicles have difficulty negotiating Dingle Lane.'*

In fact a photograph has been provided by an original objector of a heavy commercial vehicle on Dingle Lane and it does show that the vehicle has its wheelbase within the carriageway before reaching the junction mouth of Dingle Lane with Well Bank where the junction is wide. The carriageway is 3 metres wide at this point which is wide enough to accommodate a heavy commercial vehicle.

- *'On Thursday, car parking for the market frequently obstructs the junction of Dingle Lane with Well bank.'*

A photograph has been provided of an example of this parking and this probably manifests itself because Dingle Lane is not protected by appropriate traffic regulation orders.

There is no reason why local traffic management orders cannot be provided and it could be required of the development proposal that a sum of money be provided and secured via a Section 106 Agreement to provide for this type of traffic management. This would ameliorate the concern over on-street parking.

Additional concern.

In addition to the above concerns and objections being stated against this current application, the following additional concern has also been expressed:

- 'The highway impact from this site has not had a thorough and detailed investigation...'

The SHM considers that given the site was visited: twice for initial inspection, including existing traffic generation observations, plus two site meetings with local member and residents – the second with an independent Road Safety Audit professional, the site was originally the subject of a Transport Statement and initial Road Safety Audit, and the site was considered at committee on two occasions with full debate, that in fact this site has been thoroughly investigated in highway terms.

As a result of this level of investigation and the evidence provided, the Southern Planning Committee resolved not to include a highway reason for refusal on the previous application which was of greater scale than this current development proposal.

Traffic Generation.

Including the properties which front Well Bank, there are approximately 24 properties which take vehicular access from Dingle Lane under the existing arrangements. If this number of units was assessed in the TRICS database it would show that traffic generation would currently be approximately 16 vehicle trips in the morning peak hour. Observations on site showed the traffic generation to be slightly less than this however 16 trips would be the industry recognised standard. The new development proposal for 7 residential units would add approximately 4 more trips to that using the same method of analysis. This equates to one new vehicle every 15 minutes in the morning peak flow hour which is a negligible amount of traffic. It is important though to take into account the local concerns and they have been discussed in detail above.

Highways Conclusion.

This is a tight site and there are a number of objections from which the main highway concerns have been discussed earlier in these comments. Despite the concerns the design offered does meet the current design guidance within the DfT document Manual for Streets.

The Strategic Highways Manager recognises that in general the site looks at first difficult and some doubt has been cast on its merits by objectors concerns. It is a fact however that the proposal does meet design standards and it is clear that the very low traffic generation from this smaller scale development will have a low impact on Dingle Lane.

It is true that traffic conditions will be altered and that additional considerations will need to be managed by existing vehicle drivers and pedestrians. In considering this proposal the SHM has also considered the previous committee decision where it was decided not to refuse the application on highway grounds after the independent Road Safety Audit had been considered.

Clearly the smaller scale of this development proposal further ameliorates highway concerns and the SHM has confirmed that as before there is not sufficient valid concern to justify a sustainable reason for refusal on highway grounds if this proposal were to be the subject of an appeal.

The proposed design plan for the access strategy offered by the developer takes into account both Road Safety Audits and is accepted by the SHM. In addition the fact that the site is shown to meet standards and compliance with RSA assessment is considered to remove any likely highway position of objection.

The SHM has therefore recommended that conditions are imposed requiring that all access and parking arrangements are in place prior to any of the units being occupied and that a construction management plan is submitted prior to commencement of development. In addition the SHM has recommended that the sum of £10,000 is provided through a Section 106 Agreement to provide for the imposition of Traffic Management Orders and junction marking for Dingle Bank.

ECOLOGY AND PROTECTED SPECIES

Sandbach Wildlife Corridor

The proposed development is adjacent to, but outside, the boundary of the Sandbach Wildlife corridor. It is considered that the potential impacts of the proposed development on the wildlife corridor, if any, are likely to be very low.

Bats

Evidence of bat activity in the form of a minor roost of two relatively common bat species has been recorded within the buildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a negligible impact upon the conservation status of the species concerned as a whole. The proposed works do however pose the risk of killing or injuring any bats present when the works were undertaken.

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

If permission is granted, a condition should be imposed requiring the development to be carried out in accordance with the submitted draft Natural England License for bats.

Breeding Birds

The site has the potential to support breeding birds and evidence of house sparrow a BAP priority species was recorded in association with the barn on site. If planning consent is granted conditions should be imposed relating to breeding birds and the incorporation of features for use by breeding birds.

Reptiles

Potential habitat for grass snake was identified on site. Whilst the presence of grass snake cannot be ruled out it is considered that the available habitat is limited in extent and this

species is not reasonably likely to be present or affected by the proposed development and consequently no further survey effort is required.

Other Protected species

A updated survey has been received. There are two setts recorded outside but close to the application site boundary. These setts occur within the adjacent wildlife corridor.

One sett was considered inactive at the time of the survey and is likely to be far enough away from the proposed development that it is unlikely to be significantly directly affected by the proposed works. The applicant is proposing that this sett be resurveyed prior to the commencement of works and is also proposing that any works within 20m of the sett entrance are supervised by a suitably experienced ecologist.

The second sett was partially active at the time of the survey. To avoid any potential impacts on protected species utilising the sett it is proposed that it be temporarily closed under a Natural England license for the duration of the construction period. In the unlikely event that this sett is found to be a main sett an artificial sett will be constructed to provide alternative accommodation during the period that the existing sett is closed.

Whilst the setts occur within the wildlife corridor the potential impacts of the proposed works on the badgers usage of the wildlife corridor would be relatively low and temporary in nature. It is considered therefore that the proposed protected species mitigation, which has been amended at the request of the Council's Nature Conservation Officer, is acceptable and is proportional to the potential impacts of the proposed development.

If planning consent is granted a condition requiring development to proceed in accordance with the submitted Mitigation Report.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

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

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

(b) No satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning

Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

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

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

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

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

In this case the Council’s Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of bats, the proposed mitigation measures have been assessed and are acceptable to ensure the protection of this species. As result it is considered that the 3 tests have been met

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

It should be noted that the adjacent site of Waterworks House was the subject of a recent appeal that was allowed. The appeal related to a development of 12 dwellings. That site is actually **within** the Wildlife Corridor and the Inspector concluded that, taking into account the mitigation and compensation measures, the proposed development would have no overall adverse effect on nature conservation interest and that it would not result in any net loss of environmental value.

Given that this site is **not** within the Wildlife Corridor, but adjacent to it and that the Council’s Nature Conservation Officer is satisfied that mitigation and compensation measures would be acceptable, a refusal on these grounds could not be sustained.

Forestry

The proposals would result in the removal of a protected Oak tree adjacent to the access to the site. This tree is no longer a good specimen and has limited amenity value to the area. A suitable replacement is to be provided set a little further away from the access road and this is considered to be acceptable and in the longer term would contribute more positively in the long term to the visual amenity of the area.

Open Space Provision

The previous application was for a larger number of dwellings and triggered the requirement for a financial contribution to the provision of public open space. This application is for the creation of only 7 new dwellings and as such does not trigger this requirement.

LEVY (CIL) REGULATIONS

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

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

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

The request for contributions to traffic management and junction marking are considered to be necessary, directly related to the development or fairly and reasonably related in scale and kind to the development. As such it is in compliance with the CIL Regulations 2010 and should be required to be provided.

CONCLUSIONS AND REASONS FOR THE DECISION

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

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area would represent less than substantial harm.

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

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing £10,000.00 for highway works and the following conditions:

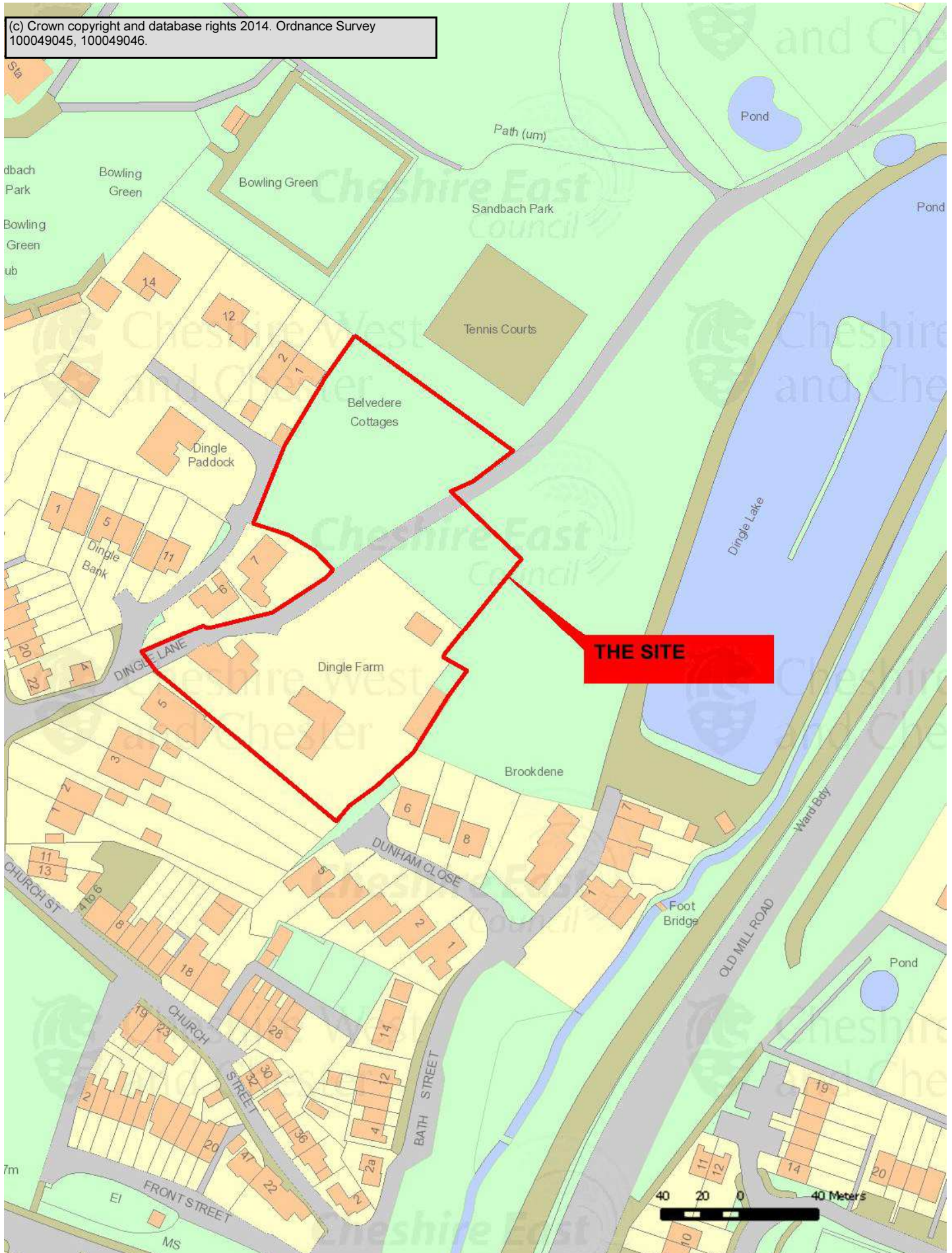
1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials.
4. Contaminated land Phase 2 investigation.
5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of drainage scheme.
7. Submission of an amended landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.

10. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations.
12. Protection measures for breeding birds.
13. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
14. Development to be carried out in accordance with the the Badger Mitigation scheme.
15. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.
16. Submission of details ground levels and floor levels.
17. Submission of a method statement for the demolition and re-building of the western gable wall of Dingle Farm and the garden wall including the means of support to the building during any development works on the site.
18. Working details of the re-built wall to be submitted.
19. Working drawing of windows to the farmhouse to be submitted.
20. A full schedule of internal works to the farmhouse and barn to be provided.
21. Full photographic survey of the farmhouse and barn to be submitted.
22. All fascias, barge and verge boards to be in timber.
23. Details of dormer windows including materials for faces and cheeks.
24. Details of conservation rooflights.
25. Full details of new internal doors, surrounds, flooring and skirting boards.
26. Full landscape/public realm scheme to be submitted.
27. All rainwater goods (farmhouse and barn) to be in cast metal and painted black.
28. Removal of permitted development rights for alterations to roofs, changes to windows, porches and outbuildings.
29. All internal and access roads shall be completed prior to first occupation of any of the new dwellings.
30. Submission of a construction management plan

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 Principal Planning 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 Principal Planning 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: 14/0711C

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

Proposal: Listed building consent for alterations to an existing Grade II Listed farmhouse, demolition of 2no. outbuildings, conversion of barn into 1no. dwelling, construction of 6no. dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2552C)

Applicant: Beneficiaries the Estate of J M Goodwin

Expiry Date: 02-Apr-2014

SUMMARY RECOMMENDATION: Grant Listed Building Consent**MAIN ISSUES:****Impact on the Listed Building****REASON FOR REFERRAL**

The application has been referred to the Southern Planning Committee at the request of the Principal Planning Manager.

DESCRIPTION AND SITE CONTEXT

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

The List description of the Farmhouse is as follows:

“Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic;3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy

on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles."

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

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of the existing barn into one dwelling, and the construction of 6 dwellings together with associated garaging, car parking and landscaping works.

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

RELEVANT HISTORY

12/2552C 2013 Refusal for Listed Building Consent for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

12/2551C 2013 Refusal for full planning permission for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

These applications were refused for the following reasons:

12/2552C

The Local Planning Authority considers that the proposed development would have an adverse impact upon the Listed Building. As a result the proposed development is contrary to Policies BH4 and BH5 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

12/2551C

The Local Planning Authority considers that the proposed development would result in an over intensive form of development that would have an adverse impact upon the setting of the Listed Building and the character of the area. As a result the proposed development is contrary to Policies GR1, GR2 and BH4 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SE 7 The Historic Environment

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

BH4 & BH5 Listed Buildings

VIEWS OF TOWN COUNCIL

Members object to demolition of any part of a Listed Building.

Documents provided were misleading in parts, with inconsistencies in stated number of outbuildings to be demolished and number of proposed houses; never the less, Members feel 6 or 8 houses to be over intensive for the site area.

Contravening Policies GR1 (iv & v) and GR6 (iv & v), the development will have adverse impact on neighbours through increased traffic via poor access and will cause harm to existing building foundations.

Members offer no objection to conversion of the barn.

OTHER REPRESENTATIONS

At the time of report writing, approximately 71 representations have been received relating to this application. These can all be viewed online on the application file. 55 were opposed to the development and 15 in favour and 1 petition with 15 signatories objecting to the proposal. The objections express concerns about the following issues:

Land Use

- This is a popular civic amenity used by many people
- Reduction in the number of dwellings does not reduce the harm
- Development would not enhance the landscape character of the area
- Farmhouse are supposed to have fields around them
- Will ruin the view from the lane to the town centre
- Loss of a lovely area used by children and walkers
- As there is less development there would only be half the public benefit

Highways

- Dingle Lane is too narrow for more traffic and would become more dangerous
- Dangerous access
- Junction of Dingle Lane and Dingle Bank is already very dangerous
- Adverse impact of construction traffic on highway safety
- The SHLAA allocation does not take account of the need to demolish part of the Listed Building
- Proposals do not take into account the impact on footpath 11

Amenity

- Loss of privacy
- Noise during development

Design

- Changes to boundary treatments

Ecology

- Adverse impact on the wildlife corridor

Heritage

- Part demolition of a Grade II Listed Building should not be allowed to gain access to the site
- Damage to the setting of the Listed Building
- Adverse impact on the Conservation Area
- Adverse impact of construction traffic on the Listed Building
- Loss of the TPO tree
- Damage to a heritage asset contrary to the NPPF
- The benefit does not outweigh the harm as required by the NPPF

Other

- The application should just be refused again
- Plenty of housing is already planned for Sandbach
- Land stability

- Drainage and flooding
- There is obviously a plan A and Plan B where the previous proposal on the north side of Dingle Lane would come back in
- Previous application was objected to by over 700 people

Those in favour of the application made the following observations:

- Important to bring this type of housing into the area
- Would significantly improve the area
- Would like to move back to Sandbach and live in such a sustainable location
- Would help to reduce anti social behaviour
- We need more housing of this type as close to the town centre as possible
- Will make use of a plot of land that will become unkempt
- The land is no longer required for agricultural purposes
- Sandbach should be allowed to evolve, age and grow
- Will secure the renovation of the Listed Building
- The proposed houses would complement the farmhouse
- Very sustainable location and in keeping with the Conservation Area
- Surprised that the development was not approved previously. This committee needs some younger members who are not afraid of change
- Would reduce the need for car use

OFFICER APPRAISAL

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

Heritage

NPPG

Conserving and enhancing the historic environment

Appropriate conservation of heritage assets is one of the core planning principles. It further identifies that heritage assets are irreplaceable and that conservation is an active process of maintenance and managing change. The Framework provides a clear basis for decision making to conserve, and where appropriate enhance, in a manner consistent with their significance. Part of the public value of heritage assets is the contribution they can make to understanding and interpreting the past.

It highlights the importance of understanding significance and the contribution of setting. It reinforces the need for assessment of the impact and whether changes enhance or detract from significance or the ability to appreciate it. In regard to setting it advises that it is the surroundings within which an asset is experienced and that it may be more extensive than curtilage. The multi facets of setting, in addition to visual considerations, are highlighted. It further emphasises that setting does not depend on public access.

In assessing the degree of harm, it refers to both the physical asset but also its setting and that assessing whether a proposal causes substantial harm will be for the judgement of the decision maker. It comments however that substantial harm is a high test and unlikely to occur in many instances.

Design

The guidance stresses that good design is integral to sustainable development and that planning should drive up standards across all forms of development. Good design is considered to be about achieving development that works well in terms of aesthetics, longevity, functionality and adaptability. It highlights both the function and identity of a place, both short and long term and that planning authorities should refuse poor design.

The guidance sets out design objectives including local character (including landscape setting), as well as other functional, environmental and social objectives. In respect to local character, it stresses the need to respond to and reinforce local distinctiveness and local man-made and natural heritage. Successful integration is seen as an important design objective. In designing new development, landform, natural features and local heritage are highlighted as place shaping considerations.

Local building form and detail reinforces distinctive place qualities and can be successfully interpreted in new development without slavish reproduction. It states *“Standard solutions rarely create a distinctive identity or make best use of a particular site”*. High quality hard and soft landscape helps to successfully integrate development in the wider environment.

In regard to what makes a well designed place, achieving a distinctive character is emphasised, relying on physical attributes such as the local grain, building forms, detail/materials, style and vernacular, landform and landscape. It stresses that distinctiveness is not solely about the built environment but also function, history, culture and its potential for change. The guidance also provides more detailed advice in relation to various design considerations: layout, form, scale, detailing and materiality.

The site is that of Dingle Farmhouse and its associated land to the south east of Dingle Lane. Dingle Farmhouse is a Grade II Listed Building and is located on the edge of the Sandbach Town Centre Conservation Area, the boundary of which is drawn quite tightly to the north east of the farmhouse and Shippen. The status of the Conservation Area and its review is discussed later in the report. The entire application site is located within the town settlement boundary.

Dingle Farm, listed grade II is described in the list description as:

DINGLE LANE 1. 5144 Dingle Farmhouse (Formerly listed under Back Street) SJ 7660 2/33 11.8.50. II 2. C17. Timber frame with painted brick nogging; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.

Dingle Farmhouse originated as a 17th century timber framed building, but has undergone several phases of development, evolving from a simple, 2 roomed single storey, timber framed building to a building significantly enlarged and altered over time, as explained in the heritage statement. These phases extended it to the east, north and latterly the west, namely the mock painted brick wing, that, along with single storey additions to the rear of the timber framed part of the building, are subject to the applications. The house was also enlarged by creating attic accommodation within the roof space and the insertion of dormer windows.

The building is referred to briefly in *The History of Sandbach* by Cyril Massey, describing it as being of *"timber frame, black and white, with three gabled dormers, good chimney stacks, wood mullioned windows with leaded lights. Formerly it had a thatched roof and stone flag floor"* (p25)

Dingle Farm was part of the Estate of Lord Crewe, whose land and estate holdings included large parts of Sandbach and surrounding parishes and settlements. The Sandbach part of the Crewe estate was sold off during World War I. Many of these former estate properties became owned by their former tenants.

The building's phasing and its associated social history contribute toward its understanding and thereby its heritage significance. They also assist in the understanding of the development of farming practices into and through the Victorian period. This is assessed more fully below.

To the east of the farmhouse, there is a 19th century Shippen, constructed in an L plan form; it has a more ornate southern gable, which reads with the more ornate southern elevation of the farmhouse. This evidences that the principal, more decorative elevation was intended to be the southern elevation, as at that time there was a much more open aspect toward Church Street. The working end of the farm was to the north.

The Shippen is a clearly a curtilage structure, as is a Bull pen to the south east of the Shippen and a modest outbuilding to the north east. The latter is considered to have no heritage significance, whilst the prefabricated garage building to the north is of a more recent date and therefore is not considered an historic curtilage structure.

The site has an extensive open curtilage immediately to the north of the farmhouse and barn and an open aspect beyond that to the north that is contained by a now wooded area of open space (historically it was much more open than it is today). To the east lies Dingle Lake and its associated landscape. To the south east of the site is Dunham Close, a late 20th century housing development, whilst to the northwest of the site further 20th century housing is present.

During part of the latter 20th century, a large building occupied the open area north of the farm, separated from the farmhouse and shippen by a partly enclosed yard or hard standing (this building was located approximately where the more modern garage is now located, but on a significantly larger footprint).

Dingle Lane is a narrow, informal access that changes into a green lane to the north of the farmyard. It has no formal designation in respect to the definitive map but is clearly a longstanding and historic route into Sandbach as evidenced on the Tythe Map and

subsequent OS map editions. There are views into the conservation area, principally of the Church from the Lane. This is recognised in the draft Conservation Area Character Appraisal.

The proposal is for alterations to the existing grade II listed farmhouse, demolition of 2 outbuildings, conversion of the barn to one dwelling and construction of 6 new dwellings, (4 as part of a courtyard closest to the farm and Shippen and 2 detached cottages on the open land to the north), together with access, parking, garaging and landscape works. A full planning application and an application for Listed Building Consent have been submitted for the proposed works.

The works of alteration to the listed building entail partial demolition to the western gable end of the western 19th century wing of Dingle Farmhouse, reducing its length by circa 1 metre and demolition and re-siting of a garden and yard boundary wall to facilitate access improvements and the demolition of a single storey lean to. There are also certain minor works proposed to the interior and exterior of the building including replacement of certain windows and making good as a consequence of the modifications.

Previously, a planning and associated listed building application was refused for a larger proposal that included the paddock to the north west of Dingle Lane, comprising a total of 11 new dwellings (13 proposed dwellings in total with the re-use and conversion). The current application is essentially the same, except for the removal of the housing in the north western paddock (5 units).

The issues associated with the proposals can be broken down as follows:

Built Heritage Considerations

In regard to proposals affecting heritage assets, the National Planning Policy Framework (NPPF) identifies that Local Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the asset's setting, taking account of the available evidence and any necessary expertise.

A heritage consultant acting for the developer has prepared a heritage assessment to establish the asset's significance. It also considers the impact of the development on this significance. This report has regard to the English Heritage documents, Conservation Principles and The Setting of Heritage Assets in considering its findings and this assessment.

For ease of consideration, these are summarised this in the tables in Appendix 1 of this report: more generally in relation to heritage values relating to fabric and setting in table 1, and then more specifically in relation to setting of the listed building and the conservation area in table 2.

The Draft Conservation Area Character Appraisal and Management Plan

This is a draft document and has not been approved for adoption as yet by the Council. In the document it seeks to extend the conservation area boundary to include the curtilage of Dingle Farm, whilst the remaining land ownership (the paddocks) would remain outside the boundary. The management plan identifies a proposal to identify an area of potential

sensitivity with regards to the setting of the conservation area. These 2 parcels of land are suggested to be included in this area of sensitivity.

It should be stressed that these suggested changes to the boundary and identifying an area of sensitivity in respect to setting should not be interpreted to mean no change. It is part of the management strategy to help manage and shape change in and on the periphery of the conservation area, not to stifle it.

Negotiations on the previous applications brought about amendments to the scheme to improve the scheme, being mindful of the conservation area review and management plan, with the objective of accommodating development as sensitively as possible having regard to the relationship to the listed building, to Dingle Lane and the wider conservation area. This influenced negotiation on scale, height and density, on the architectural detail, landscape design and materials palette, the retention of hedging where possible and supplementary hedge and tree planting. In this respect therefore, and on balance, it is considered that the proposals are within the spirit of the draft conservation area appraisal and management plan.

Design

The recommendations made previously in relation to the detailed design of the scheme (except those in relation to the element of the scheme now omitted and the amendments secured) are still relevant and require the attachment of appropriate conditions, should it be considered appropriate that planning permission be granted.

As stressed in relation to the previous planning application, a key issue affecting the quality and success of the development will be the quality of the open space and landscaping within the scheme, not least the character and quality of the courtyard and the quality of the palette of surface materials for that area and surfacing of Dingle Lane. Indications of this palette have been submitted with the application. Whilst the general palette is considered appropriate, there is still scope for refinement. Cobbles should be used extensively to reinforce sense of place. This final landscape detail could be secured by condition.

New walling should be of a characteristic bond such as English Garden Wall Bond and include a quality coping detail to reinforce the quality of the space.

There is also the potential to secure more tree planting and hedging to help further soften the development. Also the respective plans need to show the same detail. Currently the landscape details plan and the Landscaping materials plan conflict in relation to certain aspects of detail.

Consideration of Third Party Comments

In respect to heritage issues third party comments essentially centre on 2 main issues: the principle of demolition of part of the west wing of the building and the impact of the development on the setting of the listed building and the conservation area, principally arising from the relationship of the courtyard housing in proximity to the listed building, the formalisation of Dingle Lane and impact on important views from Dingle Lane.

As a point of clarification, the proposed works to the west wing do not directly affect fabric of the 17th century phase of the building. The demolition to the rear to remove the lean to elements will also better reveal the timber frame of the oldest part of the building. The west wing is essentially the latest phase of the building, circa mid 19th century and therefore, its individual significance is weighted accordingly. In short it holds less importance in heritage value terms than earlier fabric for the reasons explained above.

The conclusion reached in regard to the impact of the development on fabric and setting is that it would lead to less than substantial harm individually and cumulatively. In the context of the NPPF any harm to significance has to be clearly justified and then weighed against the public benefits derived from the development if that harm is less than substantial. This needs to be considered in relation to the policy framework, taking account of the NPPF as a whole and any other material considerations: In essence by weighing the various material considerations.

It has been commented that the reduction in the number of units from the previously refused scheme has weakened the public benefit argument, effectively by halving the benefit. The public benefit derived from the scheme does not just relate to housing supply and therefore this argument is a little simplistic.

The comments also make reference to the future development of the omitted paddock. That is not part of the application and therefore cannot be taken into consideration.

Conclusions

The previous application resulted in a number of refinements to the scheme to address concerns raised at officer level. These included:

- Modification to the design to enable retention of part of the western wing of Dingle Farmhouse, including retaining a chamfered gable end
- A less formal access design and improved palette of surfacing materials, including natural stone, re-claimed cobbles and Tegula setts
- Refinements to the architectural design of new houses
- Reduction in the scale and change in the housing type and positioning of building on the northern paddock area
- Retention and enhancement of areas of hedging, new hedge planting and the planting of trees
- Refinement to the design and materiality of the courtyard area to the north of the listed building.

Having assessed again the impacts of the proposal, it is considered that individually and cumulatively the proposed development would result in less than substantial harm to the listed building and the associated setting and that of the conservation area. The NPPG stresses that substantial harm is a high test affecting few cases and therefore this reinforces the view that the harm arising from the proposals would be less than substantial.

In the context of the NPPF, as part of the planning balance members need to be convinced that there is clear and convincing justification for the harm and that the public benefits justify the harm being caused.

This is quite a finely balanced case between harm and benefit , but one aspect of that public benefit is the investment in and sustaining the long term future of the listing building and the Shippen. Consequently, on balance it is considered that the proposal is acceptable.

CONCLUSIONS

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area would represent less than substantial harm.

RECOMMENDATION: Approve subject the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials for the rebuilt gable and garden walls including finish to brickwork, to be constructed using a lime mortar, details to be agreed and a sample for gable wall end and wall to be submitted..
4. Submission and implementation of boundary treatment scheme.
5. Submission of a method statement for the demolition and re-building of the western gable wall of Dingle Farm and the garden wall including the means of support to the building during any development works on the site.
6. Working details of the re-built wall to be submitted.
7. Working drawing of windows to the farmhouse to be submitted.
8. A full schedule of internal works (including a method statement) to the farmhouse and barn to be provided.
9. Full photographic survey of the farmhouse and barn to be submitted.
10. All fascias, barge and verge boards to be in timber.
11. Details of dormer windows including materials for faces and cheeks.
12. Details of conservation rooflights.
13. Full details of new internal doors, surrounds, flooring and skirting boards.
14. All rainwater goods (farmhouse, barn, dwellings and ancillary buildings) to be in cast metal and painted black. Details to be submitted, agreed and implemented.

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 Principal Planning 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.

APPENDIX 1

Table 1: heritage values and assessment of impact

Heritage value	Assessment of contribution toward significance	Assessment of the impact of proposals
<p><i>Evidential value</i></p> <p>Evidential value derives from the potential of a place to yield evidence about past human activity.</p>	<p>Dingle Farm is a multi phase building, with its earliest fabric dating back to the 17th century. It has been extended several times, during the 18th and 19th centuries. These phases and extensions evidence the evolution of the property, the building technologies and styles and the changes in farming practices at the site, but also more generally in Cheshire.</p> <p>The building retains a number of historic elements internally, including clearly discernible plan form and historic fittings that inform about the simpler origins of the building and its layout, as well as later elements that indicate how the use of the building evolved and became more ornate and complex over time. It also highlights the level of investment and improvement to both improve and enlarge the habitable accommodation but also to facilitate more refined farming practices.</p> <p>Whilst the west wing is the latest of the additions to Dingle Farm, it holds some evidential value in the change of building materials, the trend in sham painting of timber framing and internally with the inclusion of a second staircase (potentially evidencing</p>	<p>The proposals entail the partial demolition of the western wing, reducing it by approximately 1.1m in length to enable widening of Dingle Lane. This will result in the loss of the staircase and will also change the dimensions of this part of the building but will retain evidence of this later wing of the house, albeit modified.</p> <p>It will also entail the demolition and rebuilding of walling to the yard and to the front of the property and demolition of single storey extensions to the rear of the property, behind the original timber framed part of the building. This will lead to the loss of some historic fabric dating from the 19th century.</p> <p>The works will also involve the taking down of an internal dividing wall in the northern extension and the lifting and relaying of stone flooring to incorporate a damp proof course. The proposed drawings for the Farmhouse indicate the insertion of a number of new windows and replacement of inappropriate existing ones.</p> <p>On the proposed drawings, there is a note that all significant historic fittings such as the main staircase, built-in cupboards, doors and architraves, and the 18th century timber coat pegs will be retained and conserved. It also states that a schedule of repairs/method statement for conservation works are to be set out and agreed in accordance with conditions set out in planning and listed building consent</p> <p>The conversion of the Shippen will largely retain its layout, whilst few of the original internal fittings and features of interest</p>

	<p>multiple occupation of the building). The chamfered design of the gable end of the building reflects its relationship with Dingle Lane and presumably common access rights along the lane. The Tithe Map indicates the dashed line of a footpath along the route of the green lane, through where the park is today and emerging on Congleton Road (to the south of where junction 17 is now.) This is also shown on subsequent OS map editions.</p> <p>The Shippen and the Bull Pen further evidence the evolution of the farm and changes in agricultural practice, whilst the detailing of the southern elevation of both Dingle Farmhouse and the Shippen illustrate the original arrangement and orientation of the building and where it was primarily viewed from. This attention to detail also reflects the investment by the Crewe Estate, whereby it is documented that the works commissioned by the estate on its buildings were executed to a high quality. The black and white timber and panel detail is a signature piece of the estate style, evident across various settlements that were part of the Crewe Estate.</p>	<p>remain. Generally existing openings will be re-used with some adaptation. The ventilation holes in the brickwork are to be treated sensitively to maintain their external appearance, and the feature elevation on the south will remain unaffected. New windows and doors will be in timber and of an appropriate design all of which is controllable by condition. 7 conservation roof lights are proposed to be inserted in the roof; again the design is to be controlled by condition.</p> <p>There will be some impact upon the fabric and therefore the evidential value of Dingle Farmhouse, principally as a consequence of the partial demolition and shortening of the west wing of the building, loss of the later staircase and associated boundary walling. However, in the context of the asset as a whole and the greater significance of the earlier building phases this does not substantially undermine its evidential value. Retention of a proportion of the west wing and its chamfered gable retains evidence of this phase of the building and its relationship to Dingle Lane.</p> <p>Given that substantial harm is a 'high test' as advocated in the PPG (see section 2 of the comments), it is considered that the proposed development would lead to less than substantial harm upon evidential values.</p>
<p>Historic value</p> <p>Derives from the ways in which past people, events and aspects of life can be connected</p>	<p>The property along with much of the town formed part of the estate of Lord Crewe, however there is no evidence available at present that it was the residence of he or any</p>	<p>The proposed development will have no bearing on the historic value of the property deriving from its association with Lord Crewe's estate. The property's ownership as part of the Crewe estate ended in the early part of the 20th century.</p>

<p>through a place to the present</p>	<p>relatives or other noteworthy persons.</p> <p>The property was adapted and extended during its ownership by the Crewe estate, including the construction of the Shippen and the later western wing.</p> <p>The property was sold by the estate in the early 20th century and therefore no longer retains that association.</p>	<p>The simpler character of the western wing extension may also indicate that this work was not commissioned and implemented by the estate.</p> <p>It is considered that the proposals will have a neutral impact upon historic values, as the previously documented historic association with the Crewe Estate remains unaffected by the proposal, given that the Estate's ownership of the Farm ended a century ago.</p>
<p><i>Aesthetic /architectural value</i></p> <p>Derives from the ways in which people draw sensory and intellectual stimulation from a place</p>	<p>Conservation principles break this down into consciously designed value and also that which arises fortuitously by the collective acts and qualities of a place i.e. its informal, collective qualities in its setting, including the patina of age.</p> <p>Aspects of Dingle Farm are consciously designed and therefore acquire aesthetic value from the intent behind that process, not least the original and then subsequent plan and arrangement of the Farmhouse, and the more picturesque and ornate qualities of the southern facade that forms its principal elevation. The informal arrangement of the northern elevation reflects its purpose as the working end of the building during the farm's enlargement and adaptation. The chamfered design of the western extension was a design response to the constraints and relationship of</p>	<p>The proposed development will lead to the partial demolition and therefore modification and reduction in the length of the western wing and associated garden/yard walling. It will retain however, the chamfered footprint and the re-constructed boundary walling will be rebuilt. The earlier parts of the building will remain and be conserved, whilst the demolition of the single storey later additions will make the timber frame of the rear elevation more visible. Purely in aesthetic terms therefore, the impact on aesthetic/architectural value will be neutral.</p> <p>With regard to the setting of the farmhouse, the new development will introduce change, both physical and in terms of the general openness of the northern foreground to the site (part of its setting). However, this is an unusually open setting and one that was effectively the rear working area of the farm, with a large agricultural building on this site in the latter part of the 20th century. Introducing further development will reduce the tranquillity of the area and will limit the wider view as a consequence of the courtyard housing. It will however retain the principal visual relationship of the</p>

	<p>the building to Dingle Lane.</p> <p>There is an argument that the 19th century western wing detracts aesthetically and architecturally from the assemblage of the earlier parts of the building, particularly when viewed from the south. However, its negative impact is balanced by evidential and historic values.</p> <p>In respect to the Shippen, the design responded to evolving agricultural and animal welfare practices, whilst its southern elevation was 'dressed' to respond to positively to its relationship to the farmhouse and its wider setting. A more rudimentary approach was adopted in respect to the design of other elevations.</p> <p>With regards to setting, the relationship of the site to the central feature of the conservation area, the Church is most evident in the view of the farmhouse, with church beyond, although the open foreground does provide a more panoramic view of the foreground to the listed building and the southern area of the conservation area. In this respect, an important view into the conservation area has been identified from Dingle Lane within the Conservation Area Character Appraisal.</p> <p>Existing development in proximity to the farmhouse</p>	<p>farmhouse with the church as a backdrop viewed within a narrowed vista from Dingle Lane.</p> <p>The formalisation to Dingle Lane will also have a bearing on the users of the Lane and its aesthetic character, both in terms of the setting to Dingle Farmhouse and the Conservation Area. The widening of the lane will also influence the setting. A high quality palette of more sensitive materials is suggested on the Landscape proposals and materials plans.</p> <p>The proposed development will have some limited detrimental impact upon the setting of the Farmhouse and Shippen and the Conservation Area and what this contributes to their heritage significance. However, based upon advice in the NPPG, and as the development will also lead to some aesthetic enhancement, it is considered that the proposed development would lead to less than substantial harm upon the place's aesthetic and architectural value.</p>
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	<p>has eroded its setting by virtue of relationship and scale, not least the bungalows to the south. However, the open aspect to the north does contribute to how the asset is presently experienced. However, it also unusual, in that many farms include outbuildings that create a stronger sense of enclosure to define their working curtilage. Consequently the principle of enclosure in itself does not necessarily mean that development would adversely affect the setting.</p>	
<p>Communal/group</p> <p>Derives from the meaning of a place for the people who relate to it</p>	<p>Evidence of communal value is quite limited.</p> <p>Dingle Farm was owned by the Crewe Estate until the early 19th century and therefore that association is still valued by the community.</p> <p>As a remnant timber framed building Dingle Farm is valued by the community as is the tranquillity and informality of its setting.</p>	<p>The property was owned by Lord Crewe who was a major figure and benefactor for the town, although the Crewe Estate owned much of the town at that time.</p> <p>The extent of opposition to the proposals is some evidence of the strong community feelings in relation to both the works to the building but also development in its setting.</p> <p>There will be some changes to the building and its setting but as described above, these will be less than substantial in nature. Whilst the community concerns are noted, the impact on communal value will be less than substantial as the asset is being retained and the past community associations will remain unaffected.</p>
<p>Summary of impact</p>	<p>The PPG has clarified that substantial harm is a 'high test' (see quote in section 2 of these comments).</p> <p>It is considered that the proposal would lead to less than substantial harm to the significance of the listed building and its curtilage buildings both in terms of the impact on its historic fabric, character and appearance and the contribution to its significance made by its setting.</p> <p>In respect to the significance of the Conservation Area and the contribution made by its setting, the proposals will also result in less than substantial</p>	

	harm, both to the area of the conservation area focused upon Dingle Lane, but also the conservation area as a whole (as discussed in more detail below)
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Application No: 14/0055C

Location: Nunu Plc, 32, Crewe Road, Sandbach, Cheshire, CW11 4NE

Proposal: New fascia and site signage

Applicant: Busy Bees Group Ltd

Expiry Date: 14-Feb-2014

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the site
- The impact upon highway safety

REASON FOR REFERRAL

The application has been called in by Councillor Corcoran on the grounds that:-

“The signage is intrusive, out of keeping with the surroundings and may divert attention of drivers and pedestrians at what is already a hazardous entrance details of which are given below:

There is an ongoing issue with the access to 32 Crewe Road because there is no dropped kerb. This gives pedestrians the impression that they are on a 'safe' pavement. I understand that there have been several near misses with cars entering the driveway and narrowly missing pedestrians.

In addition the paving stones on the pavement are cracked because of vehicles mounting the pavement to access the childcare nursery.”

DESCRIPTION OF SITE AND CONTEXT

The site is a listed building on the northern side of Crewe Road in Sandbach that is in use as a children's nursery.

DETAILS OF PROPOSAL

The revised proposals seek advertisement consent to erect three signs; one above the door in the canopy in the form of lettering 830x240mm one wall mounted aluminium panel 1200x1400mm to replace existing both on the side (east) elevation. Also, one free standing sign 1100x2400mm is proposed to be positioned to the front of the building to the west of the vehicular entrance behind the hedge.

RELEVANT HISTORY

None specifically relevant

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

S14 – Advertisements

CONSULTATIONS (External to Planning)

Highways Officer – Any comments will be reported to the meeting as an update.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council – (On the initial submission) No objections to signs numbered one and two but object to signs numbered three and four due to the negative visual impact in the street scene.

OTHER REPRESENTATIONS

One general observation that a flag sign would block views for pedestrians and cars and would be a hazard.

APPLICANT'S SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principal of Development

The proposal is for the erection of new signs. This type of development is acceptable in principle providing that the signage does not have a detrimental impact on the visual amenity of the area and there is no adverse impact on highway safety.

Visual amenity

The application has been revised during the course of the application to remove Sign 4 from the proposals.

The application site is located within a part of Sandbach which is typified by a mix of uses. As the proposed new signage would be located in the centre of a relatively commercial environment, it is considered that the revised submission for new signage would not have a

detrimental impact upon the visual amenity of the area. 32 Crewe Road is a listed building therefore we have to be mindful of the impact on fabric, architectural appearance and historic character, as well as its setting.

There is presently a sign on the gable of the building. Albeit quite modern, the sign is of a scale and character that does not detract from the historic significance of the building. There is no objection to a replacement of the current sign provided the size and design respect the fact that the building is listed. There is the opportunity to enhance the sign compared to the existing in terms of materiality. Therefore it was suggested to the applicants that a more traditional approach be adopted.

In terms of signage at the frontage and entrance, the revised proposals show more sensitivity, to achieve the objective of advertising to vehicular traffic but also respecting the setting of the building. The pole mounted sign that would have sat uncomfortably in front of the building is now to be positioned more appropriately. The flag sign was also an inappropriate type of advertising at the entrance to the car park, adversely affecting the building's setting, and this has now been omitted from the proposals. Therefore the proposals are now acceptable and alleviate the concerns expressed in consultation and call in.

Highway safety

It is not considered that proposed advertisement signage would create any highway safety concerns. The letters incorporated within the signage are considered to be legible to highway users so as not to be a distraction.

The issues regarding the condition of the public highway or lack of dropped kerb at the entrance are not material to an advertisement application. This is a matter for the Highway Authority

CONCLUSIONS

The proposed new signage is of a design and construction that is appropriate in this location. The proposals would have an acceptable impact on the visual amenity of the area and highway safety. As such the proposals conform to Policy S14 (Advertisements) of the Congleton Local Plan.

Recommendation:

Approve subject to the following conditions:-

- 1. Advertisement standard conditions 1 - 5**
- 2. Approved plans**

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Application No: 14/0657C

Location: CHURCH LAWTON GATE PRIMARY SCHOOL, CHERRY TREE AVENUE, CHURCH LAWTON, STOKE

Proposal: Extension and alteration to the former Church Lawton Primary School in connection with its use as a specialist school (Class D1 Non Residential Institution), together with car parking, landscaping and other associated works.

Applicant: C Nagle, NAS Academies Trust

Expiry Date: 05-May-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of Development
Very Special Circumstance (*Need*)
Impact on Recreational Open Space
Design
Residential Amenity
Highways & Parking
Ecology
Trees
Other issues

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee as the development is major application relating to a site exceeding 1 ha.

DESCRIPTION OF SITE AND CONTEXT

The application relates to the former Church Lawton Gate Primary School, which has been closed since 2009. The school is positioned at the end of Cheery Tree Avenue, which is a residential street falling within the settlement of Lawton gate. The school is situated just outside of the settlement zone line for Lawton Gate and is situated within Green Belt as designated in the Congleton Borough Local Plan. The existing playing fields adjoin the Trent and Mersey Canal situated to the north. Residential properties bound the application site to the

west where Church Lawton Footpath FP4 warps around part of the northern and western boundaries to the site.

DETAILS OF PROPOSAL

This application seeks full planning permission for the 'extension and alteration of the former Church Lawton Primary School to be used as a specialist school (Class D1 Non Residential Institution), together with car parking, landscaping and other associated works'.

The proposal would comprise of the refurbishment of the existing redundant school building and for the erection of 2 new building extensions. The school will be for children with Autism Spectrum Condition (ASC) aged between 4 and 19.

PLANNING HISTORY

None

POLICIES

National Planning Policy

National Planning Policy Framework

Congleton Borough Local Plan First Review 2005

PS7 (Green Belt)
GR1 (New Development)
GR2 (Design)
GR4 (Landscaping)
GR6 (Amenity and Health)
GR9 (Access and Parking)
RC2 (Protected Areas of open Space)
NR1 (Trees and Woodland)
BH9 (Conservation Area)

Local Plan Strategy Submission Version:

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection provided that the submitted Travel Plan is implemented.

Sport England: No objection

Environment Agency: No objection subject to conditions requiring submission of a scheme to limit surface water runoff and a scheme to manage the risk of flooding from overland flow.

Canal & Rivers Trust: No objection

Environmental Health: No objection subject to conditions in relation to hours of construction / piling, dust control, submission of an environmental management plan and Travel Plan condition.

VIEWS OF PARISH COUNCIL

The Parish Council considers that the school building has been well thought out & a turning circle for vehicles has been included as previously requested along with ample parking. However, concerns were raised about the removal of trees & shrubs from the site based on landscape and ecology grounds. And therefore Parish Council objects to the removal of trees 3 & 5 into the car area and trees 35 & 36 in the 6th form seating area.

OTHER REPRESENTATIONS

Letters have been received from 2 neighbouring addresses objecting to this proposal on the following grounds:

- Fence adjoining the footpath to the canal is in a poor state of repair
- Bedroom overlooks the lower fencing area
- Removal of the conifers on the site will increase noise
- Loss of privacy
- With the mass of house building in the area, there will be a lack of school places
- The use of this mothballed school will be needed when these houses are built but will be lost if this proposal is allowed

The full content of these objections is available to view on the Council's website.

SUPPORTING INFORMATION

Design and Access Statement
Protected Species / Ecological Survey
Tree Survey
Transport Statement
Travel Plan
Contaminated Land Investigations
Flood Risk Assessment

OFFICER APPRAISAL

Principle of Development

The application site falls within the Green Belt as designated in the Local Plan. National Planning Policy Framework and PS7 of the Congleton Local Plan limit the forms of new buildings permitted in the Green Belt. Within the Green Belt approval will not be given, except

in very special circumstances, for the construction of new buildings unless it is for a number of purposes. Education facilities are not listed as one of those purposes.

Paragraph 89 of the NPPF states that the construction of new buildings as inappropriate in Green Belt. It goes on to list exceptions to this and one of these (*bullet point three*) is: -

'The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;'

The existing accommodation will be reused and reconfigured in order to accommodate the needs of the proposed school. The new proposal would add 818 sq m gross internal floor space and providing the school with a gross internal floor area of 1950 sq m. In relative terms, the proposed additions could either be considered as disproportionate or a new building not covered by the exemptions in Green Belt Policy. As such, the proposal should be acknowledged as being inappropriate development in the Green Belt.

Members will be aware of the presumption against inappropriate development, which should only be allowed in very special circumstances. 'Very special Circumstances' will only exist where it can be demonstrated that other considerations clearly outweigh the harm by inappropriateness together with any additional harm.

However, it is located on areas of existing hard-standing and within the existing school complex and as such it is not considered that the proposal would lead to an encroachment into the countryside or conflict with the other purposes of including land in the Green Belt. The school presently has a number of blocks which protrude from each elevation creating pockets which this proposal would infill. As such, the approach to increasing the floorspace would have minimal impact on the openness of the Green Belt and the impact on visual amenity would be acceptable. The proposal would be read in the context of the existing school and would not result in a harmful intrusion towards the boundaries of the site. Thus, the visual impact of the new development within the designated Green Belt would be minimised.

Very Special Circumstance (Need)

It is considered that a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education and raising educational standards. State funded schools (which include Academies and Special Schools) educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that

objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”

In the case of the need for this school, Cheshire East has an identified deficiency in terms of specialist provision for children with Autism. More specifically, the Special Educational Needs and Disability (SEND) Review 2010 recognised that 85 pupils with autism were placed outside of the borough with a further 40 potential pupils within the local catchment area identified to attend the new facility.

The applicant has considered a number of sites before this one, but none can offer the required accommodation other than this site. Further, locationally it is within 21 miles of the boundaries of the catchment area and is therefore centrally positioned in terms of need. Thus, it is clear that there is an established need for the school to provide the proposed additional facilities and it is considered that in the balance, this amounts to a ‘very special circumstance’.

Impact on Recreational Open Space

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 proposed extensions would be located predominantly on areas of existing hard-standing and as a result, would not result in the loss of formal grassed space. Sport England have confirmed that whilst parts of the proposal encroach onto formal open space, none the land that is encroached upon is capable of being of forming part of playing pitch. As a result the development would not result in a local deficiency in the quantity and range of open space and the proposal would comply with policy RC2 (Protected Areas of Open Space).

Design

The existing school complex is of modern construction being predominantly single storey. The existing school buildings are of no great architectural merit. The proposed sixth form and arts block would be of a similar height to the adjacent buildings and the scale of the development would sit comfortably on the application site. The design of the building includes two elements of varying heights. The elements would have mono-pitched roofs which would slope in opposite directions and there would be a glazed link between the existing building and the proposed building.

The building extensions have been designed to match the single storey scale of the existing school. A change in elevation design between primary and secondary school areas has been used to create a more domestic scale for the younger children and a more aspirational environment for the older children. The proposed school extensions have been purposefully set back into the site to minimise any disruption to the neighbouring properties and to make use of

infilling the existing block projections to square the building off and reduce the resultant built form.

The main entrance is contemporary in appearance, which projects out of the existing building as are the additions to the north and southeast facing elevations. The detailed design of the proposal is considered to be acceptable and would not appear out of character on this site. The use of cladding on both the existing and proposed would give a visual link between the buildings and would improve the overall appearance of the building and the site and its impact on the adjacent Canal Conservation Area. In design terms therefore, the proposal would be acceptable having regard to Local Plan policies GR1 (New Development), GR2 (Design), BH9 (Conservation Areas) and SE1 (Design) of the Cheshire East Local Plan Strategy Submission Version.

Residential Amenity

The proposed additions have been set back and predominantly relate to the elevations of the building facing away from the nearest neighbours on Cherry Tree Avenue. There would be a separation distance of approximately 16 metres from the nearest point of the proposed building and the nearest residential properties situated at the end of Cherry Tree Avenue. Given the single storey nature of the proposals, limited scale and separation distances involved it is not considered that there would be a detrimental impact to neighbouring residential amenity in terms of direct overlooking, visual intrusion or loss of light. The other elements of the scheme are small-scale and would not have any impact on neighbouring residential amenity over and above the existing lawful site arrangements.

One neighbour is concerned that removal of some conifer trees would be increase the potential for noise disturbance. However, it is important to note that the Councils Environmental Protection Unit has not objected to the proposal and the fact that the site (whilst not currently occupied) is already a school. In any event, the conifer trees would not offer significant noise attenuation and the proposals would not result in significantly greater impact than the school as it stands if it were operating. The proposal would comply with Local Plan policy GR6 (Amenity and Health).

Highways & Parking

The proposal would utilise the existing point of access off Cherry Tree Avenue. The proposed layout would allow for the provision of a turning area reducing vehicle conflict at the current entrance and greatly improving safety for pedestrians. It would also reduce the need for vehicles to park on Cherry Tree Avenue during school pick up and drop off times. The new site road will incorporate some additional parking for visitors adjacent to the new reception entrance.

The Council's Strategic Highways & Transportation Manager has confirmed that the access proposal, internal road layout and parking provision would be acceptable and in accordance with the submitted Travel Plan, the proposal would be acceptable in Highways terms. Overall, as there is no practical increase in the school capacity over the previous school, there are no highway issues raised by the proposed development and no objections are raised.

Ecology

With respect to protected species, the applicant has addressed these through the submission of various Surveys. The Council's Nature Conservation Officer (NCO) has visited the site and has assessed the said submissions. Subject to imposition of conditions that the development is to be carried out in accordance with the submitted surveys, and subject to details of further provisions being submitted, The NCO is satisfied that the protected species identified would not be materially harmed as a result of the proposal.

Trees

The existing planting and vegetations situated along the site boundaries would be respected and retained. None of the trees on the site are afforded TPO protection. However, some tree specimens within the site would be removed to make way for the proposed parking and turning area to the south of the school. Given their positioning within the site, the trees to be removed offer limited screening value and whilst they are identified as being of moderate value (category B and C); it is not considered that their loss would be harmful to the landscape of the site. In any event, a condition requiring submission of a landscaping scheme would be capable of securing replacement trees towards the boundaries of the site where their screening value could be maximised. Thus, subject to condition the scheme would be acceptable in this regard and the comments offered by the Parish Council would not sustain a refusal of planning permission.

Other issues

One objector has expressed concern regarding the condition of the fence bounding the adjoining the footpath. The condition and maintenance of this fence is not affected directly by this proposal, however, the applicant has confirmed that this will be upgraded and as such a condition requiring details of boundary treatments should be imposed.

With respect to the potential lack of school places following the building of new houses, it must be noted that any nearby developments will have accounted for the fact that the existing Church Lawton Gate School does not offer any school places as it has been closed since 2009. Further, as discussed earlier in this report, it has been evidenced that there is a pressing need for the type of school places which are offered as part of this proposal.

CONCLUSIONS

Extensions to schools are not listed in the exception categories to inappropriate development in the Green Belt set out in the NPPF or Local plan policy PS7. Buildings in the Green Belt may be extended so long as the extensions are not disproportionate to the original building. In this case, the original school building would be extended by more than what could be considered to be a "proportionate" amount. The proposal is therefore inappropriate development in the Green Belt.

The proposed extensions would be located on the existing areas of hardstanding and the approach to increasing the floorspace by infilling the existing projections and keeping the building single storey would reduce the impact on the openness of the Green Belt and the impact on visual amenity would be acceptable.

Further, in this case a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools. The applicant has demonstrated a clear need for the type of school places which are offered as part of this proposal and the resultant proposed extensions.

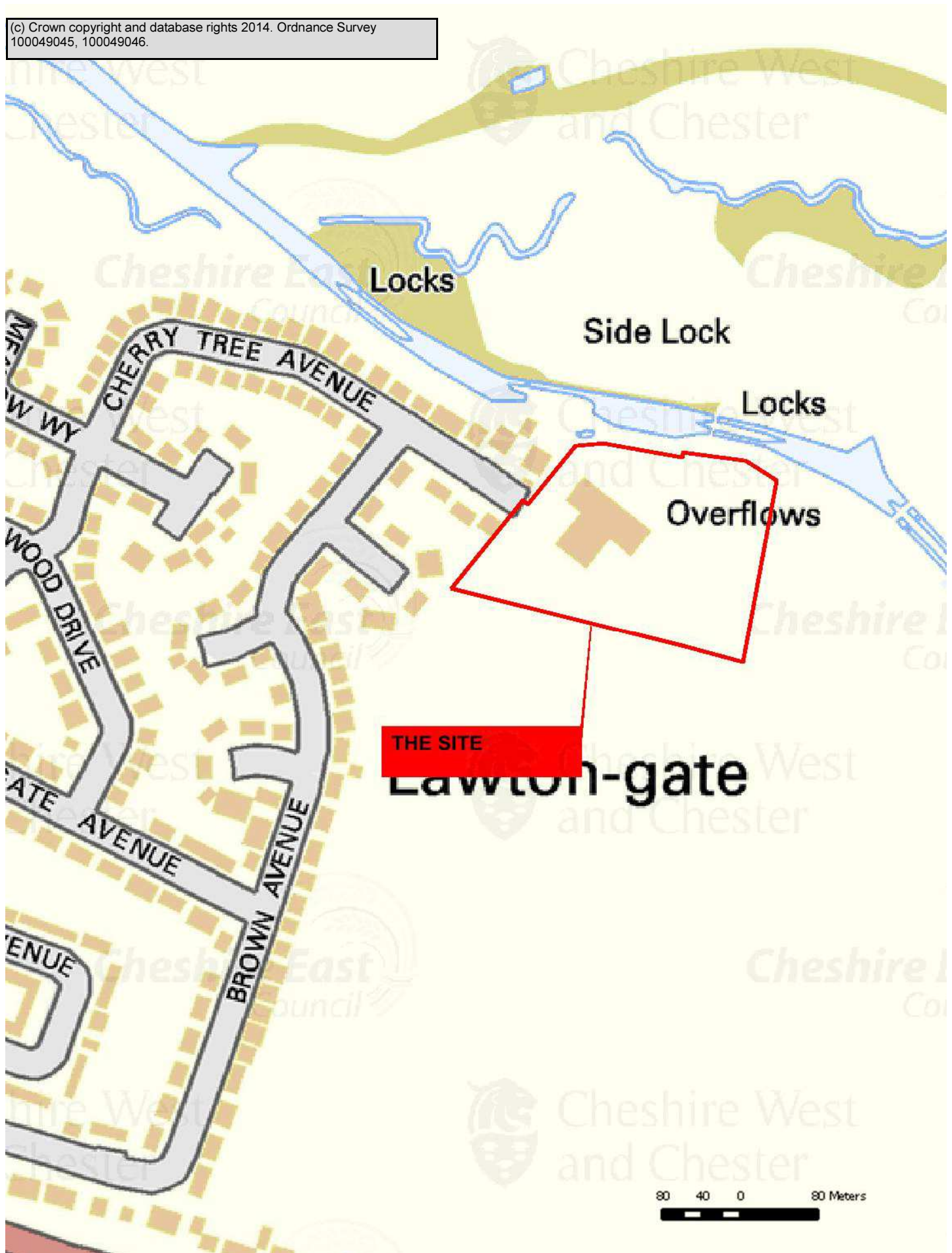
It is considered that the application proposes an acceptable form of development in design terms will not impact upon the protected open space and will not impact on neighbouring residential amenity. The loss of some tree specimens could not sustain a refusal as they are not afforded protection and offer limited screening value. The proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval. Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

RECOMMENDATIONS

Approve subject to the following conditions:

1. Standard Time Limit (3 Years)
2. Approved Plans
3. Materials to be submitted and agreed
4. Landscaping to be submitted and agreed
5. Implementation of the approved landscaping
6. Tree protection for retained trees and agreed
7. Details of boundary treatment to be submitted and agreed
8. External lighting details to be submitted and agreed
9. Environmental Management Plan to be submitted and agreed (including measures for dust control)
10. Scheme to be carried out in accordance with submitted Travel Plan
11. Development to be carried out in accordance with submitted Ecological Surveys (with details of 30 metre buffer zone submitted for approval)
12. Survey for nesting birds to be submitted to and approved if works are carried during the bird breeding season
13. A scheme for the incorporation of features for breeding birds to be submitted and approved.
14. Scheme to limit the surface water runoff to be submitted and agreed
15. Scheme to manage the risk of flooding from overland flow of surface water to be submitted and agreed.

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Application No: 14/0676C

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

Proposal: 1) Development of a new 6th form building to consolidate all the 6th form teaching facilities into one building; 2) part demolition and refurbishment of existing building G8way1 & G8way2 to improve learning facilities and provide opportunity for G8way2 to provide a wider community resource; and 3) associated public realm works

Applicant: John Leigh, Sandbach High School & Sixth Form Colleg

Expiry Date: 01-May-2014

SUMMARY RECOMMENDATION – Approve with conditions

MAIN ISSUES

- Principle of Use
- Visual impact on the existing building/facility
- Landscape
- Nature Conservation

REASON FOR REFERRAL

The proposals are for small scale major development.

DESCRIPTION OF SITE AND CONTEXT

The site is Sandbach High School (for girls) and Sixth Form College is situated to the north of the Middlewich Road in Sandbach. The application site is in two distinct areas, east and west, of the overall campus.

The campus additionally comprises the Leisure Centre and is well within extensive grounds including a playing field.

DETAILS OF PROPOSAL

This application is for a new build element within the existing school grounds. A dedicated Sixth Form College building is proposed and the re-use the old sixth form building as a new vocation and community building. The provision of the new Sixth Form College would require the removal of a number of portacabins and the re-configuring of the semi permanent building that currently accommodates the sixth form, as well as associated external works to the surrounding school grounds including the provision of additional car parking.

By vacating the Sixth Form uses from this existing building, and through part demolition, and a small extension to the building, a new vocational and community orientated facility would be provided.

This planning application is for the full scheme (phase 1 and 2), however due to the funding process the scheme would be delivered in two phases.

The new Sixth Form building has been designed so to be implemented in two phases. The first phase ensures the provision of a fully functioning / self contained new Sixth Form Hub whilst phase 2 funding is being procured. A phased approach is proposed as it allows for a number of the teaching areas to be decanted from the existing Sixth Form building during the construction process to enable the school to remain operational throughout.

The first phase provides a new build three storey Sixth Form building. This new building aims to bring together essential built elements to help create a dedicated separate three story Sixth Form building. These include social and independent learning spaces as well as a number of the more formal teaching rooms. There is also a degree of internal refurbishment to the existing building and a small extension.

The second phase comprises an extension to the new build three storey Sixth Form providing additional formal teaching spaces. The second phase also comprises of the part demolition of and a new entrance to the old building in the east of the site. Also included in the second phase are the external works and the additional car parking of over 50 new spaces in the east of the site.

RELEVANT HISTORY

The site has an extensive history, but none is directly relevant to this proposal.

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan Policy

GR1 (New Development)

GR2 (Design)

GR4 (Landscaping)

GR6 (Amenity and Health)

GR9 (Access)

NR1 (Trees and Woodlands)

NR4 (Non-statutory sites)

RC2 (Protected Area of Open Space/Recreational Facility)

Emerging Local Plan Policy

SD1 (Sustainable Development)

SD2 (Sustainable Development)

SE1 (Design)
SE5 (Trees, Hedgerows and Woodland)

Other Material Considerations - None

CONSIDERATIONS (External to Planning) –

Highways – The improved parking proposals are noted and the existing access operates safely. The Transport Statement is satisfactory and there are no objections to the scheme.

Environmental Health – No objections subject to conditions related to pile foundations, construction hours, travel plan, dust control and contaminated land.

Leisure Services - The leisure service with responsibility for management of the leisure centre is very supportive of the proposed development. In addition to making a positive contribution from an educational perspective, by refocusing the sixth form provision to the opposite end of the site away from the leisure centre entrance this should in turn reduce the volume of daytime school pupil use in this area and therefore support and improve the current access for community leisure users. The management of Sandbach Leisure Centre will shortly transfer to the new Everybody Sport & Recreation Trust and to allow for the continuing success of the leisure centre they will seek assurances that public car parking and access for community users are not adversely affected either during the construction phase (subject to approval of the application) or post completion.

Sport England – No objections as there is an adequate supply of quality playing field and it is not possible to layout a playing pitch in the area proposed for development.

United Utilities – No objections.

VIEWS OF THE PARISH / TOWN COUNCIL- Accept that the school requires additional facilities, however, seek assurance that public access and parking for the Leisure Centre will not be reduced or harmed.

OTHER REPRESENTATIONS –

Fourteen letters of support have been received on the basis of the need for the enhanced modern facilities at the school. One letter of general observation has been received expressing concern that the new development may impinge on privacy and the need for the school to provide new fencing and boundary treatment.

A local Group, *Middlewich Road Residents Association* have commented that:-

“1) Residents are concerned about the ongoing intensification of the High School site and the impact that this has had, and is having on the local environment. As such residents do not support any proposals that would result in increased numbers of pupils at the school campus, (as it is considered that this would compound existing problems).

2) Residents do not support any proposal that would result in a further vehicular access being provided on Middlewich Road, (as it is considered that this would not solve or reduce existing

highway problems).

3) Residents do not support proposals to increase the number of car parking spaces on the site, (as this would exacerbate current highway problems). Residents consider that the High School should develop a 'Green Travel Plan' that would reduce vehicular movements to the site. Residents also suggest that the High School should consider 'controlling' car parking on the site, and utilising the existing Platt Avenue vehicular access for some vehicle movements. Residents also suggest the High School should work in partnership with the local authority in relation to car parking.

4) Residents are concerned about any proposal to remove trees and landscaping, (and consider that where trees or shrubs are removed as part of any proposal they should be replaced by other landscaping/trees in a suitable location elsewhere on the site, and that every tree cut down should be replaced by two mature trees elsewhere on the site). Residents also consider that previously removed trees/landscaping should be reinstated. It is noted that it is proposed to remove a copse of mature trees adjacent to the pond. Where mature trees are removed residents are of the view that replacement trees should be similarly 'mature'.

5) Residents are concerned about the very poor appearance of the Middlewich Road frontage of the High School and consider that any proposal for new buildings on the site should be on the basis of new structures of a much higher standard.

6) Residents also suggest that in developing a 'Strategic Masterplan' for the site, that this should include a specific proposal to remove the telecommunications mast from the High School roof, (as residents consider that the mast is unacceptable both in terms of appearance and long term health risk to pupils attending the High School, and residents in the local area, and that if a 'precautionary approach' had been adopted the mast would not have been erected).

7) Residents are concerned about the capacity of the sewerage system in the vicinity and its ability to take additional loading from any new development.

8) Residents would not support any proposal to heat a new building by utilising a biomass boiler.

9) Residents consider that detailed discussions should take place with Sandbach School (boys school) in relation to the operation of a 6th form facility that is provided 'jointly', and that would enable additional numbers of 6th form pupils to be accommodated with a wide range of subjects.

10) Residents also suggest that prior to progressing any new build programme, that the High School fully explores the possibility of utilising other buildings located on Middlewich Road that are currently unoccupied.

11) Residents are aware that planning applications have been approved to greatly increase the number of houses in the area, and that there will inevitably be increased demand for High School places in the future. Residents consider that this increased demand should not be met by increasing capacity at the existing Sandbach High School campus.

12) Residents are concerned about existing 'signage' at the site and would like to be specifically consulted in relation to any proposals in relation to signage.

13) Residents are concerned about the condition of the existing pond and suggest that the 'Cheshire Wildlife Trust' should be consulted by the High School in order that a programme of cleaning and maintenance can be developed and implemented."

APPLICANT'S SUPPORTING INFORMATION – Design & Access Statement

OFFICER APPRAISAL

Principle of Development

The application site is located within a settlement and therefore this type of development is acceptable providing it accords with policies GR1, GR2, GR4 and GR6 in the local plan and advice contained within the NPPF. The whole site is protected by Policy RC2, however, a small amount of 0.07 hectares of open space are to be lost to provide the new sixth form building .

This development is acceptable within the context of policy RC2 as it would support and enhance the overall school facility and not impinge on the usable areas of open space. Additionally, Sport England has no objections to the application.

Visual impact

The proposal is both attractive and functional and would fit with the current building layout. A striking timber cantilever would create a pavilion with a stepped viewing terrace to overlook the playing fields. The new sixth form building was originally proposed with a roof design (overhang) feature that was considered to detract from the overall visual simplicity of the scheme and thus the applicants have revised the drawing to omit this particular feature. The development of the community and vocational building would involve a new entrance and reuse and refurbishment to most recent additions to that building.

It is considered that the revised proposals are much more in keeping with this overall more "suburban" site. The extensions in the east of the site to existing buildings are more modest and would not be readily visible from outside the site as they are at single storey.

There is a very contemporary modern vernacular to the scheme for the new sixth form building that has an attractive palette of materials defined into vertical blocks that would enhance the visual amenity of the overall facility and would have no adverse impact on the existing building or the locality and is in accordance with Local Plan policies GR1 and GR2. The public realm works would also further enhance and create a sense of place by rationalising and zoning the various components on the site.

Amenity

The proposals are for school related development within a school site and it is not considered that the proposals would breach any concerns in respect of amenity. The new sixth form looks out towards the playing fields and there is no direct overlooking of houses on Middlewich Road as the development would be “side on”. The management and the movement of people within the site is an issue that all school environments must continue to monitor within their own day to day routine. Thus, the proposals comply with policy GR6.

Landscape and trees

The Landscape Officer is satisfied that the public realm works are acceptable and suggests that landscape conditions requiring the submission of full hard and soft details are submitted. This alleviates concerns expressed by residents wishing to see replanting that would be carried out as part of the proposals. Conditions are also proposed requiring additional levels information and cross sections to address landscape features. Thus, the application complies with policy NR1.

Nature Conservation

The Nature Conservation Officer has advised that, in terms of Great Crested_Newts, a number of ponds are present within 250m of the proposed development. A detailed great crested newt survey has not been undertaken therefore presence/absence of breeding great crested newts at these ponds is unknown. The potential habitats offered by the proposed development site are limited in terms of their value. Therefore the potential adverse impacts of the development relate to the risk of individual great crested newts venturing into the site during the construction process. To mitigate this risk the applicant's consultant has suggested a suit of 'Reasonable Avoidance Measures' and it is advised that provided these measures are implemented the risk posed to great crested newts would be avoided and the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. A condition is proposed accordingly.

No evidence of roosting bats was recorded during the submitted survey. Due to the time of year when the survey was undertaken no bat emergence surveys could be completed. However, considering the limited potential of the affected buildings to support roosting bats an adequate level of survey has been completed and no further action in respect of bats is required.

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The submitted extended phase one habitat survey states that a section of hedgerow will be lost as a result of the proposed development and it should be ensured that this loss is compensated for as part of the detailed condition requiring a landscaping scheme for the site. A condition is also to be attached to safeguard breeding birds:

Badgers and Hedgehogs_are known to occur within 1km of the school; however no evidence of them was recorded during the submitted surveys. These species are unlikely to be present or significantly affected by the proposed development and no further action is required.

Therefore, with appropriate conditions the application accords with policy NR4.

Other matters

The Residents Association raise a number of issues that are not directly relevant to this application and relate to the overall development strategy for the school. Their concerns regarding landscaping are addressed by condition and United Utilities and the Highways Officer have no objections in respect of drainage and access/car parking respectively.

CONCLUSIONS AND REASON(S) FOR THE DECISION

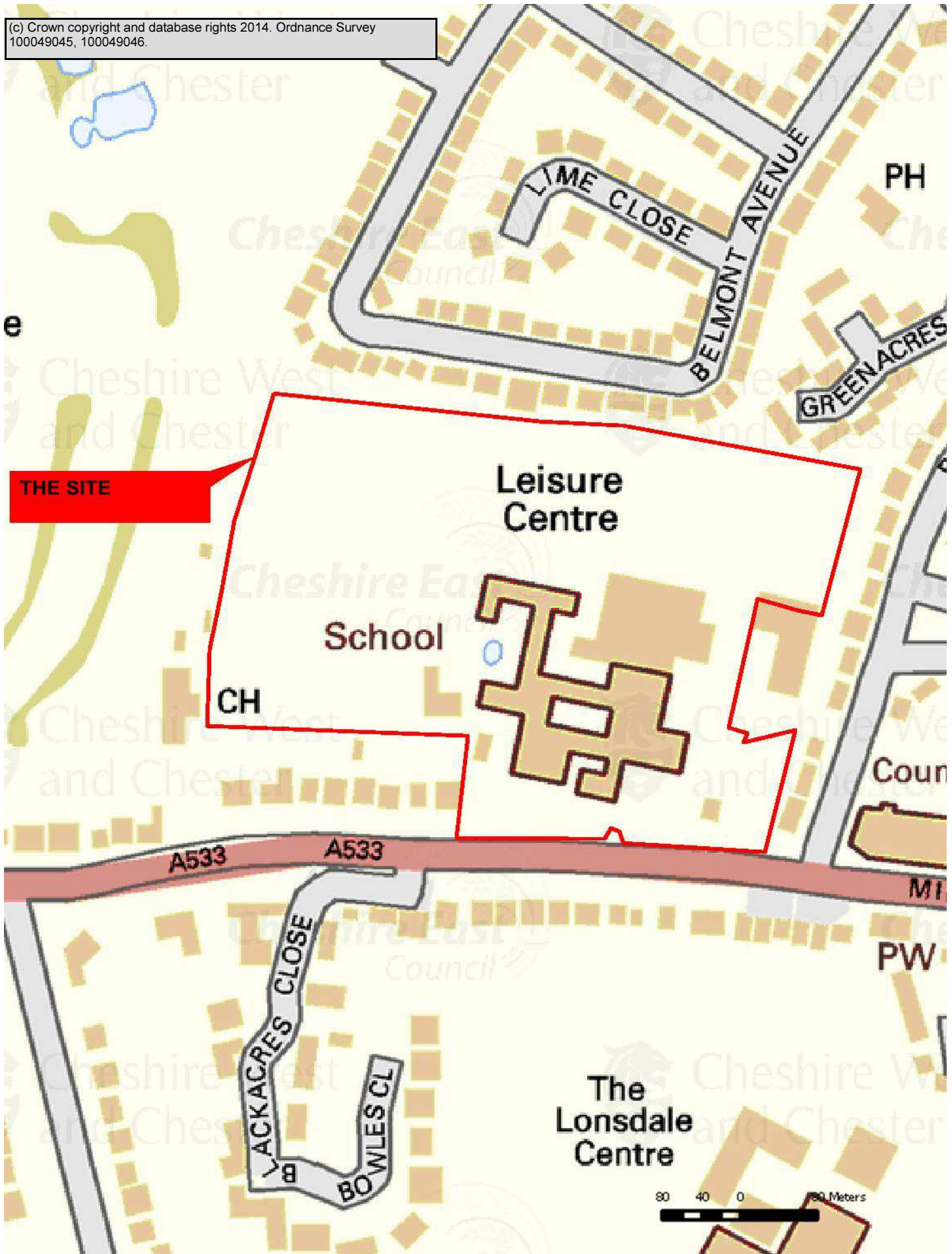
It would not have any detrimental impact on the existing buildings and the proposals are a positive addition both architecturally and in facility terms for the community of Sandbach. It is therefore considered to be wholly acceptable and in accordance with the relevant policies of the Local Plan and the NPPF.

RECOMMENDATION- Approve

Conditions

- 1. Full**
- 2. Approved Plans**
- 3. Materials as submitted details.**
- 4. Pile Foundations**
- 5. Hours of construction**
- 6. Travel Plan**
- 7. Dust Control**
- 8. Contamination**
- 9. Landscape scheme**
- 10. Landscape implementation**
- 11. Great crested newts**
- 12. Breeding birds**

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Application No: 12/2556N

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

Proposal: Proposed Woodland Experience - Multi Purpose Yurt, Ancillary Accommodation and Temporary Camping Yurts in the Woodland to the West of Peckforton Castle

Applicant: Mr T Naylor, Majorstage Ltd

Expiry Date: 13-Sep-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- List description;
- Site history;
- The current proposal;
- Open countryside and Areas of Special County Value;
- Impact on the setting of a Grade I Listed Building;
- Tourism;
- 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.

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 Area of Special County Value (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 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. This is a full application for

a proposed woodland experience incorporating a multi purpose yurt, ancillary accommodation and temporary camping yurts in the woodland to the west of 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

12/3262N - 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 and Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking – Approved – 20th March 2014

12/2550N - 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 – Approved – 18th March 2014

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

14/0749N - The proposed minor works is to install a 0.3m Airwave transmission dish on the inside of the existing parapet wall as detailed on the drawings GA -03-A and DD-15-A – Approved – 17th April 2014

14/0754N - Listed Building Consent for proposed minor works is to install a 0.3m Airwave transmission dish on the inside of the existing parapet wall as detailed on the drawings GA - 03-A and DD-15-A – Approved – 17th April 2014

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.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)

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 – Energy Efficient Development
PG5 –

The above Policies are consistent with the Crewe and Nantwich Local Plan

OBSERVATIONS OF CONSULTEES

Highways: No objections

Environment Agency: No objections

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

English Heritage: No objection but wish to make the following comments

We do not object to the proposals in principle, but would recommend the applicant to explore further an option which would minimise any harm to the setting of the castle and Table Rock.

Ecologist: No objections subject to a landscaping condition and conditions relating to breeding birds

Environmental Health: No objections subject to a condition relating to no external lighting

Contaminated Land: No objections subject to the standard informative.

Forestry Commission: No objections subject to the restocking notice.

Forestry and Landscape Manager: Suggest that the surrounding woodland should be subject to a TPO.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council objects to the proposed development on the following grounds:

The site of the “temporary tents” seems to be a further attempt to establish additional bedrooms and function rooms away from the castle, and again this looks like an attempt to apply for a residential use that is inappropriate to the location, which will be the subject of attempts in the future to “improve” upon an existing permission.

The amount of additional traffic and the parking and road requirements that both schemes will generate within the woodland would seem to be totally at odds with all stated policies on the environment and the ASCV.

The view of Peckforton Parish Meeting is that these proposals should be rejected

OTHER REPRESENTATIONS:

1 letter of objection has been received from the occupiers of the The Brothy and they raise the following salient points:

Noise control – The ability of noise to travel from the hillside is extraordinary; a clear example is demonstrated when a falconry display takes place inside the castle grounds, the amplified voice of the falconer is clearly audible within our garden. These displays take place during the day and become acceptable as part of “background” noise. A far more concerning example was demonstrated when a marque was deployed inside the castle grounds during the recent renovation work as the level of noise arising late at night was unacceptable. Noise suppression was employed which helped the situation greatly but did not totally alleviate the problem.

Our primary concern is that a selection of fabric buildings with evening/ late night music on the proposed site will cause substantial noise pollution, far in excess of that previously experienced –this has the potential to impact upon a wide area given the positioning on the hill coupled with the lack of planting to afford any sort of shield. The issue is amplified by the fact that the venue will be predominantly a summer venue when of course windows are open and the tendency for local people is to be outdoors.

In addition we feel that given that the tented area is not and cannot be “contained”, again from previous experience, some people feel the need to “wander” in the woods late at night, usually aided by alcohol, with the potential of walking into protected woodland and other private areas.

Peckforton is one of the few remaining unspoilt countryside areas in the county. We feel strongly that commercialism should not be allowed to jeopardise the tranquillity and beauty of the area which is so precious and is a jewel in Cheshire’s crown.

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 and they have made a success of the business. 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

Despite demand for more, Majorstage Ltd currently cap the number of weddings that take place at the castle at around 180 per annum and it is company policy to never have two weddings on one day in the castle. Aside from weddings, the castle also hosts numerous conferences, event launches and business events throughout the year. According to the applicants Design and Access Statement market research has shown that while Peckforton Castle itself is a fantastic venue, there is an opportunity to develop a second event space in the surrounding woodlands, which could be put to various uses, such as an alternative wedding venue, or for conferences, field-trip teaching or seminars.

The applicant contends that the Table Rock viewing platform in the woodland to the west of the castle represents an ideal location for the proposed second event space, as it offers far-

reaching views over Cheshire and beyond, while also feeling suitably removed from civilisation. In keeping with the alternative feel of the venue, it is proposed that yurts are used to provide shelter for the events (weddings, conferences etc) as well as overnight accommodation for guests using these facilities.

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. The application site is within an area of principally Pine plantation with some Birch, Holly, Oak, Sycamore and Yew. The woodland lies on the top of the Sandstone Ridge immediately to the south west of Peckforton Castle and is continuous with surrounding woodland that covers this part of the ridge. The woodland block is bound by the main access drive to the castle and on the north and west sides by woodland tracks. These tracks are the boundaries to the SSSI and registered Ancient Semi Natural Woodland (which the woodland block lies outside), the whole area is within the Peckforton/Bickerton Hills Area of Special County Value (ASCV). The woodland is owned by the Peckforton Estate and is currently within a Forestry Commission (FC) Woodland Grant Scheme (WGS). The FC has treated the application site as being Ancient Woodland due to its continuity with registered Ancient Semi Natural Woodland (ASNW). The western track runs along the top of the steep western facing slope of the ridge to Table Rock (at the south west corner of the block), a prominent rocky outcrop that forms a viewing point over the Cheshire Plain and Welsh Hills beyond. Topography within the woodland block is undulating with a shallow slope towards the south east (dropping more steeply to the castle drive), in places the surface has been disturbed and there are small mounds and hollows left from quarrying work. Soils are mainly thin and sandy overlying sandstone with some small sandstone outcrops. Within the woodland block is the former Engine Shed and outlying remains of small sandstone buildings. The main building housed a generator that supplied electricity to the Castle. These buildings and Table Rock are considered to be part of the curtilage of Peckforton Castle which is a Grade I Listed Building.

It is considered that the Yurt application will introduce 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. Additionally, according to the applicant the proposed yurts will be utilised for weddings and other special events, which may result in noise travelling around the wider environ, which could cause demonstrable harm. Consequently, it is considered prudent to attach a noise survey condition and a condition restricting the playing of live or recorded music.

Several revisions have been made to reduce the impact of the development on key areas of woodland and individual trees. The revisions include: relocation of the yurts, use of timber boardwalk/decking around the permanent and temporary yurts, pile construction for all decking foundations and ancillary buildings to the permanent yurt, Nevertheless, 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 National Joint Utilities Group (NJUG) guidelines for installation of services will also avoid significant damage.

Overall, it is considered that the character of the woodland block (in and 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.

Impact on the Setting of the Grade I Listed Building

Colleagues in English Heritage have been consulted and are concerned that the proposal that the woodlands outside the castle have not been used for recreational purposes for many years. The Table Rock viewpoint was probably in Victorian times a destination for the owner of the castle, but has in recent years not been easily accessed for visitors. English Heritage reemphasise that *'it is beneficial to the site that this opportunity is now re-opened for the public and we don't not object to the principle of the proposals'*.

However, they are concerned that the location of the multi purpose yurt in close relation to Table Rock is of a large scale and permanent in its character and the portable toilet and kitchen facilities do not respond to the high quality of the rest of the development proposals on the Peckforton Castle Site. The applicant stresses that they have tried to reposition the permanent yurt and associated facilities. However, given the natural hollow of the site and surrounding bund will help to screen the majority of the proposal and if it was relocated elsewhere would require the felling of additional trees. Overall, it is considered that the proposal will have a marginal impact on the setting of the Listed Building and as such the proposal complies with policy BE.9 (Listed Buildings: Alterations and Extensions).

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 yurt development will result in the creation of 4 additional full time jobs, 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 proposed development will involve the erection a multi purpose yurt, two portable containers to be used as a kitchen and store, portable toilet container, a tensile membrane canopy to provide sun and rain shelter outside the main yurt, a safety balustrade to be installed around the perimeter of Table Rock and 8no. temporary camping yurts remote to provide overnight accommodation for guests.

The multi-purpose yurt has been sited in an existing clearing close to the Table Rock viewing platform, but set back from the platform to ensure it would not be visible in long views of the platform from the Cheshire Plain. The proposed multi-purpose yurt is a permanent circular tent like structure with a diameter of 12.2m, height to eaves of just over 2m and a height to apex of around 3.6m. It is built off a ground supported concrete slab, with a superstructure consisting of two concentric rings of circular timber posts and radial rafters.

To support any event requiring catering in the multi-purpose yurt, it is proposed that a portable container is sited close to the multi-purpose yurt, together with a second similarly sized container to be used for storage. The proposed containers would measure approximately 5m long by 3m wide and 2.4m high. The containers will be located on small concrete pad foundations located to avoid tree rootballs. The container will be used for storing kitchen and other ancillary equipment.

It is envisaged that some visitors to the event space will not be aware of the sanitary facilities in the Activity Centre. It is thus proposed that a portable toilet container shall be positioned

outside the multi-purpose yurt for use by these guests. This container would have similar foundations to the kitchen container.

The tensile fabric canopy is proposed to be an open sided shelter from sun and rain for patrons gathering before and after events in the main yurt. It would shelter a roughly circular area with a diameter of 7.6m (approximately 50msq) and the highest point would be approximately 4.2m.

The proposed temporary camping yurts are proposed to provide guests attending evening events at the Table Rock venue with the opportunity to stay over night in the woodland. In contrast to the larger permanent yurt built off a concrete base, the smaller camping yurts are temporary circular tent like structures with a diameter of 4.3m, height to eaves of just under 2m and a height to apex of around 2.6m. Their construction would be similar to the larger yurts, except they are built off a timber platform supported on 9 short timber posts driven into the ground. The yurts would stand for 8 months of the year from spring to autumn and would be disassembled and stored for the winter. The yurts would have a small wood burning stove for heating. Electricity would be provided to each yurt, but guests would rely on the bathroom facilities in the Activity Centre for their ablutions. A condition will be attached restricting when the yurts can be used.

It is considered given the materials used and the simple form and nature of the structures 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)

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 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'.

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

The majority of the patrons utilising the site will park their vehicles at the existing hotel car park, which is located towards the south of the application approximately 300m away. It is considered that there is sufficient space for vehicles to manoeuvre and be parked clear of the public highway so that they do not cause a detrimental impact towards highway safety. Colleagues in Highways have been consulted and raise no objection to the proposed development and as such the proposal is in accord with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

CONCLUSIONS AND REASON(S) FOR THE DECISION

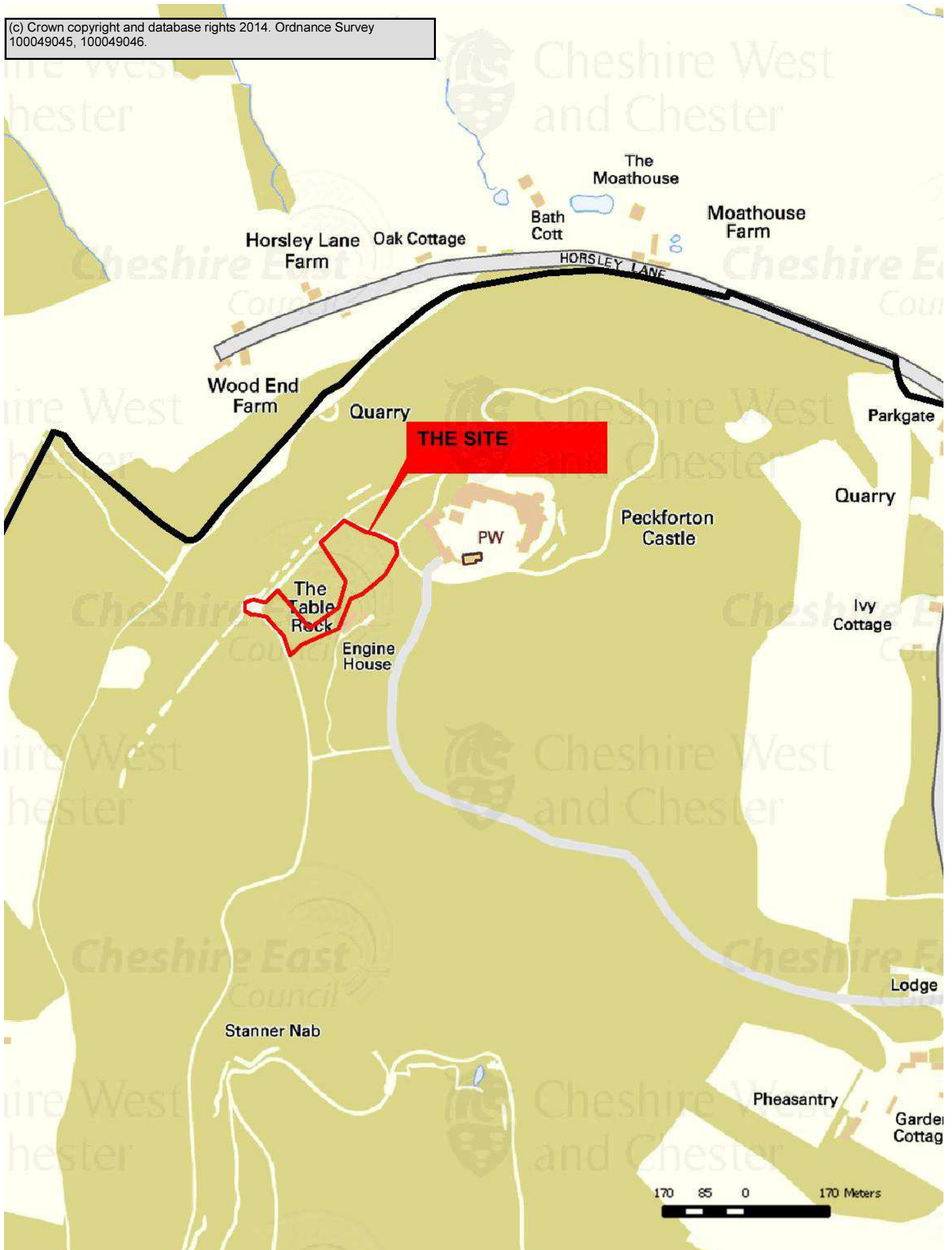
The proposed development would sympathetically respect the traditional character of this Grade I listed building and would not be harmful to the character and appearance of the surrounding open countryside or the ASCV. In addition, the proposal will not have a detrimental impact on residential amenity, 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 to be submitted and agreed in writing
4. Surfacing Materials
5. Drainage details to be submitted and agreed in writing
6. Landscaping details to be submitted and agreed in writing
7. Landscaping Implemented
8. Details of External Lighting to be submitted and agreed in writing
9. 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.
10. Survey for breeding birds
11. Features for birds
12. Noise survey to be submitted and agreed in writing
13. Details of Levels
14. Details of Service Routes
15. Full details of the construction methods of the all footpaths and access road to be submitted and agreed in writing
16. Details of stain to timber poles to be submitted and agreed in writing
17. Details of the containers used for the kitchen to be submitted and agreed in writing
18. Full constructional details of the balustrade to Table Rock to be submitted and agreed in Writing
19. Temporary Yurts to be erected and used only within 1st March to 31st October
20. No live or recorded music to be played after 0000 hours and not before 1000 hours

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Application No: 12/3263N

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

Proposal: Listed Building Consent for Woodland Experience - Erection of Freestanding Glazed and Wooden Balustrade in Front of Existing Low Stonework Wall at Table Rock Viewing Platform in Connection with Planning Application 12/2556N

Applicant: Mr Tony Naylor, Majorstage Ltd

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- List description;
- Site history;
- The current proposal;
- Design

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.

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 Area of Special County Value (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 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. This is a Listed Building application for a proposed woodland experience incorporating a multi purpose yurt, ancillary accommodation and temporary camping yurts in the woodland to the west of 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

12/3262N - 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 and Activity Centre, Animal Farm, Warden Accommodation, Ancillary Buildings, Means of Access and Car Parking – Approved – 20th March 2014

12/2550N - 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 – Approved – 18th March 2014

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

14/0749N - The proposed minor works is to install a 0.3m Airwave transmission dish on the inside of the existing parapet wall as detailed on the drawings GA -03-A and DD-15-A – Approved – 17th April 2014

14/0754N - Listed Building Consent for proposed minor works is to install a 0.3m Airwave transmission dish on the inside of the existing parapet wall as detailed on the drawings GA -03-A and DD-15-A – Approved – 17th April 2014

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)

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE6 – Green Infrastructure

SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 – Energy Efficient Development
PG5 –

The above Policies are consistent with the Crewe and Nantwich Local Plan

OBSERVATIONS OF CONSULTEES

English Heritage: No objection

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council objects to the proposed development on the following grounds:

The site of the “temporary tents” seems to be a further attempt to establish additional bedrooms and function rooms away from the castle, and again this looks like an attempt to apply for a residential use that is inappropriate to the location, which will be the subject of attempts in the future to “improve” upon an existing permission.

The amount of additional traffic and the parking and road requirements that both schemes will generate within the woodland would seem to be totally at odds with all stated policies on the environment and the ASCV.

The view of Peckforton Parish Meeting is that these proposals should be rejected

OTHER REPRESENTATIONS:

No objections 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

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 and they have made a success of the business. 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

Despite demand for more, Majorstage Ltd currently cap the number of weddings that take place at the castle at around 180 per annum and it is company policy to never have two weddings on one day in the castle. Aside from weddings, the castle also hosts numerous conferences, event launches and business events throughout the year. According to the applicants Design and Access Statement market research has shown that while Peckforton Castle itself is a fantastic venue, there is an opportunity to develop a second event space in the surrounding woodlands, which could be put to various uses, such as an alternative wedding venue, or for conferences, field-trip teaching or seminars.

The applicant contends that the Table Rock viewing platform in the woodland to the west of the castle represents an ideal location for the proposed second event space, as it offers far-reaching views over Cheshire and beyond, while also feeling suitably removed from civilisation. In keeping with the alternative feel of the venue, it is proposed that yurts are used to provide shelter for the events (weddings, conferences etc) as well as overnight accommodation for guests using these facilities.

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 proposed development will involve the erection a multi purpose yurt, two portable containers to be used as a kitchen and store, portable toilet container, a tensile membrane canopy to provide sun and rain shelter outside the main yurt, a safety balustrade to be installed around the perimeter of Table Rock and 8no. temporary camping yurts remote to provide overnight accommodation for guests.

The multi-purpose yurt has been sited in an existing clearing close to the Table Rock viewing platform, but set back from the platform to ensure it would not be visible in long views of the platform from the Cheshire Plain. The proposed multi-purpose yurt is a permanent circular tent like structure with a diameter of 12.2m, height to eaves of just over 2m and a height to apex of around 3.6m. It is built off a ground supported concrete slab, with a superstructure consisting of two concentric rings of circular timber posts and radial rafters.

To support any event requiring catering in the multi-purpose yurt, it is proposed that a portable container is sited close to the multi-purpose yurt, together with a second similarly sized container to be used for storage. The proposed containers would measure approximately 5m long by 3m wide and 2.4m high. The containers will be located on small concrete pad foundations located to avoid tree rootballs. The containers are used for storing kitchen equipment and other ancillary equipment.

It is envisaged that some visitors to the event space will not be aware of the sanitary facilities in the Activity Centre. It is thus proposed that a portable toilet container shall be positioned outside the multi-purpose yurt for use by these guests. This container would have similar foundations to the kitchen container.

The tensile fabric canopy is proposed to be an open sided shelter from sun and rain for patrons gathering before and after events in the main yurt. It would shelter a roughly circular area with a diameter of 7.6m (approximately 50msq) and the highest point would be approximately 4.2m.

The proposed temporary camping yurts are proposed to provide guests attending evening events at the Table Rock venue with the opportunity to stay over night in the woodland. In contrast to the larger permanent yurt built off a concrete base, the smaller camping yurts are temporary circular tent like structures with a diameter of 4.3m, height to eaves of just under 2m and a height to apex of around 2.6m. Their construction would be similar to the larger yurts, except they are built off a timber platform supported on 9 short timber posts driven into the ground. The yurts would stand for 8 months of the year from spring to autumn and would be disassembled and stored for the winter. The yurts would have a small wood burning stove for heating. Electricity would be provided to each yurt, but guests would rely on the bathroom facilities in the Activity Centre.

It is considered given the materials used and the simple form and nature of the structures 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)

CONCLUSIONS AND REASON(S) FOR THE DECISION

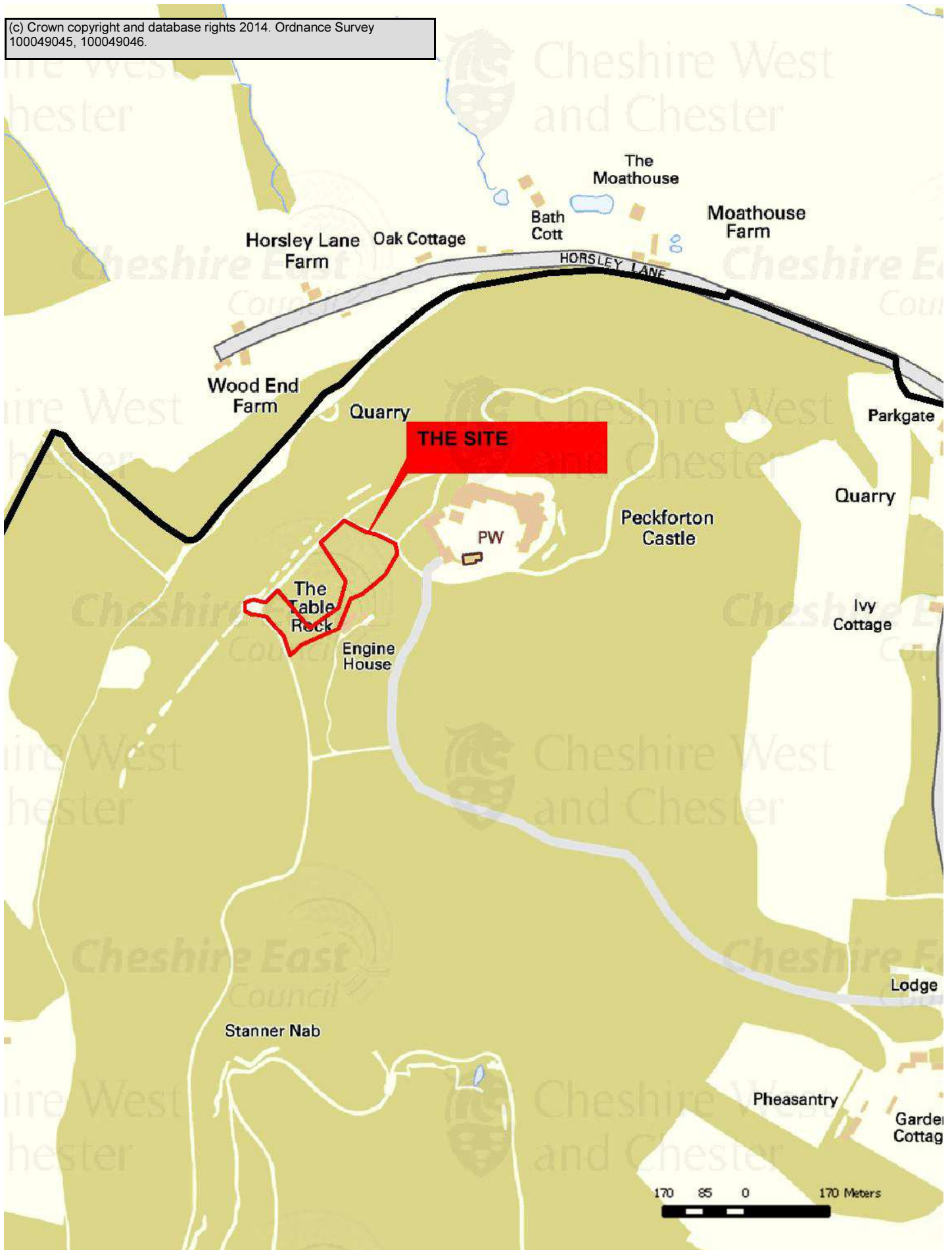
The proposed development would sympathetically respect the traditional character of this Grade I listed building and is of an acceptable design and would not have an adverse impact upon the character or appearance of the Grade I Listed Building and is therefore in compliance with provisions of Policies 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.

Approve subject to conditions:

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

- 4. Surfacing Materials**
- 5. Drainage details to be submitted and agreed in writing**
- 6. Landscaping details to be submitted and agreed in writing**
- 7. Landscaping Implemented**
- 8. Details of External Lighting to be submitted and agreed in writing**
- 9. Details of Levels to be submitted agreed in writing**
- 10. Details of Service Routes**
- 11. Full details of the construction methods of the all footpaths and access road to be submitted and agreed in writing**
- 12. Details of stain to timber poles to be submitted and agreed in writing**
- 13. Details of the containers used for the kitchen to be submitted and agreed in writing**
- 14. Full constructional details of the balustrade to Table Rock to be submitted and agreed in Writing**

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Application No: 13/5241N

Location: LAURELS FARM, CREWE ROAD, WALGHERTON, NANTWICH, CW5 7PE

Proposal: Erection of new chimney to house boiler flues, erection of gas meter housing

Applicant: Joseph Heler Chese

Expiry Date: 04-Apr-2014

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

- Principle of development;
- Design;
- Amenity;
- Highway safety; and
- Other Matters

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Clowes has requested that it be referred to Committee for the following reason:-

- a) There is a lack of clarity in the plans regarding the final height of the chimney which may create an abnormal visual feature to this rural landscape.*
- b) The plans suggest that a new gas supply is to be brought in to the site to fuel the boilers. There is currently NO gas supply to this rural area and so greater clarity is required on the source and route of gas supply to the Laurels Farm site.*
- c) Further clarity is required regarding additional HGV traffic that may be visiting the site as a result of increased cheese production and packaging.*
- d) Greater detail is required regarding conditions to mitigate against construction disturbance, potential noise and light pollution from the new installations and 24 hour activity and to mitigate against any visual impact of the chimney.*

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The site lies outside a defined settlement boundary and is therefore classed as open countryside for planning policy purposes. The application relates a large factory comprising of various buildings of varying sizes and design. The proposal is for the erection of new

chimney to house boiler flues, erection of gas meter housing at Laurels Farm, Crewe Road, Walgherton, Nantwich.

PREVIOUS RELEVANT DECISIONS

14/0455N - Proposed extensions for cheese preparation, plant room and vehicle hardstanding area previously granted permission under reference P05/1064 and 10/3546N – Approved – 9th April 2014

10/3546 – Extension to Form Cheese Grating Preparation Area, Plant Rooms and Extension to Vehicle Hardstanding Area – Approved – 4th November 2010

P05/1064 – Planning permission approved for Extensions to Form Cheese Grating Preparation Area, Plant Rooms and Extension to Vehicle Hardstanding Area on 30th September 2009.

P03/0455 – Planning permission approved for New Vehicular Access on 30th June 2003.

P02/0402 – Planning permission approved for Extension to form Staff and Office Accommodation on 25th June 2002.

P00/0182 – Planning permission approved for COU of agricultural buildings to cheese and ancillary storage, workshop and energy centre on 14th September 2000.

P98/0725 – Planning permission approved for Replacement effluent tank, hardstanding and earth mounding on 28th October 1998.

P96/0582 – Planning permission approved for Whey processing building four silos, cooling plant, conversion of silage shed to cold store, replacement cattle shed and electricity sub-station extension on 19th September 1996.

P95/0901 – Planning permission refused for Evaporator and drying plant with external silos on 8th February 1995.

P94/0677 – Planning permission approved for Office Extension on 6th October 1994.

P94/0587 – Planning permission approved for Extension to form offices and laboratories on 25th August 1994.

7/17705 – Planning permission approved for a cold store on 16th November 1989.

7/16908 – Planning permission approved for COU agricultural building to offices on 18th May 1989.

7/03545 – Planning permission approved for Steel framed cattle building on 26th January 1978.

7/03134 – Planning permission approved for Steel framed cattle building and open silage clamp

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:

NE.2 (Open Countryside)
NE.17 (Pollution Control)
NE.19 (Renewable Energy)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
E.6 (Employment Development in Open Countryside)

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE6 – Green Infrastructure
SE8 – Renewable and Low Carbon Energy
SE9 – Energy Efficient Development

The above Policies are consistent with the Crewe and Nantwich Replacement Local Plan 2011.

OBSERVATIONS OF CONSULTEES

Environmental Health: No objections subject to a condition relating hours of construction condition.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Hatherton & Walgherton Parish Council have raised the following material planning concerns regarding this application.

- a) There is a lack of clarity in the plans regarding the final height of the chimney which may create an abnormal visual feature to this rural landscape.
- b) The plans suggest that a new gas supply is to be brought in to the site to fuel the boilers. There is currently NO gas supply to this rural area and so greater clarity is required on the source and route of gas supply to the Laurels Farm site.
- c) Further clarity is required regarding additional HGV traffic that may be visiting the site as a result of increased cheese production and packaging.
- d) Greater detail is required regarding conditions to mitigate against construction disturbance, potential noise and light pollution from the new installations and 24 hour activity and to mitigate against any visual impact of the chimney.

OTHER REPRESENTATIONS:

No letters of representation received

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The application site wholly within the open countryside. The proposal will be assessed against policies NE.17 (Pollution Control), NE.19 (Renewable Energy), BE.1 (Amenity) and BE.2 (Design Standards). It should be noted that the proposal is supported by emerging Policy SE8 (Renewable and Low Carbon Energy) in the Cheshire East Local Plan Strategy Submission Version March 2014.

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.”* The NPPF states applications should be approved *“if its impacts are (or can be made) acceptable.”*

Design

The existing cheese manufacturing complex includes a range of buildings of a functional character. The applicant currently uses oil fired boilers to produce energy for the site. However, the applicant stresses that these boilers are not very cost effective and are dangerous as large quantities of fuel need to be stored in close proximity. The current proposal is to replace the six oil fired boilers with three gas fired boilers, which are more sustainable and produce less carbon. The applicant states that only three gas fired boilers will be required as they are more efficient than the oil fired boilers (the change in the boilers does not require planning consent). However, in order to comply with current Government legislation the flues for the gas fired boilers need to be higher. The proposed flues would measure approximately 5.2m from the roof plane (4.7m above the ridge of this single storey building). The proposal will be seen against a backdrop of very simple and functional buildings some of which are taller than the proposed flues and as such the proposal will not cause any demonstrable harm to the character and appearance of the locality.

In addition to the above, the applicant states that a small kiosk building will be required for gas monitoring purposes. The proposed kiosk will measure approximately 4.9m long by 3.5m deep and is 2.4m high to the top of the building. The building is very utilitarian in form and will be located in close proximity to the existing building. Overall, it is considered that the proposed development is in accordance with policy BE.2 (Design Standards).

Amenity

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. According to the Councils GIS system the nearest residential property is located approximately 80m away. It is considered given the scale and nature of the proposed development, separation distances and the intervening boundary treatment will all help to mitigate any negative caused by the proposal development and as such accords with policy BE.1 (Amenity). Furthermore, colleagues in Environmental Health have been consulted and raise no objection to the proposal.

Impact on Highway Safety

According to the submitted plans the access/egress arrangement will remain the same and there is sufficient within the applicants curtilage for vehicles to be parked clear of the public highway and so that they manoeuvre so they enter/leave in a forward gear. Overall, the development is in accord with policy BE.3 (Access and Parking) and there is insufficient justification to warrant a refusal on Highway safety ground and sustain it at any subsequent Appeal.

Other Matters

In relation to the delivery of gas to the site the applicants state that this development will be delivered by an existing gas pipeline. This application is only seeking planning permission for erection of new chimney to house boiler flues, erection of gas meter housing and is not for the installation of the gas pipe, which may be subject of a separate application.

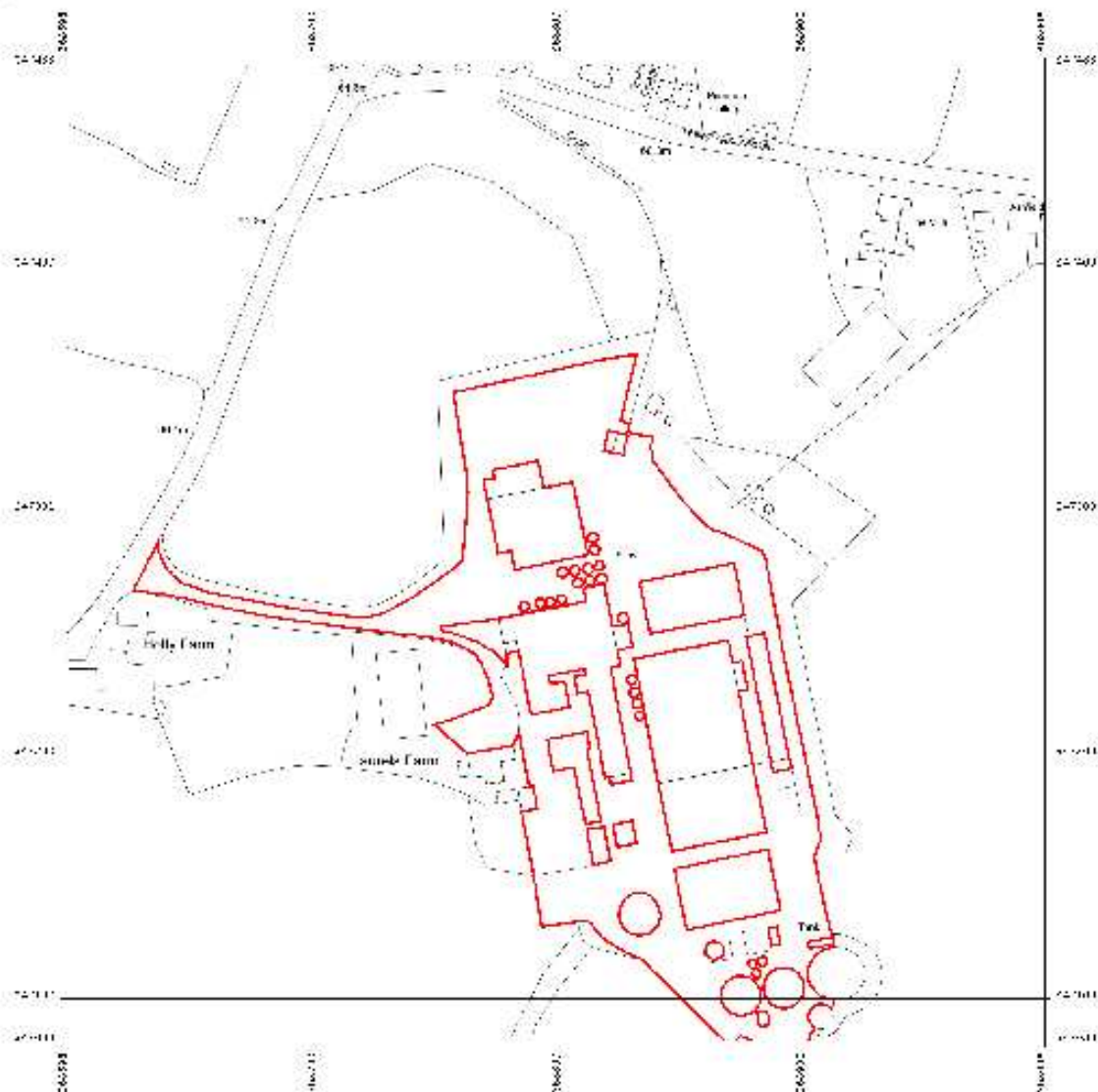
CONCLUSIONS

It is considered 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 NE.2 (Open Countryside), NE.17 (Pollution Control), NE.19 (Renewable Energy), E.4 (Development on Existing Employment Areas), E.6 (Employment Development within the Open Countryside), E.7 (Existing Employment Sites) BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the NPPF, 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.

RECOMMENDATIONS

Approve subject to conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. No External Lighting**
- 5. Hours of Construction**



LAURELS FARM
CREWE ROAD
NANTWICH
CW5 7PE

Supplied by: Stanfords 06 Feb 2014
Stanfords Ordnance Survey Partner
Licence: 100035409
Order Licence Reference: OI672981
Centre coordinates: 368798 347283

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Application No: 14/0400N

Location: 1, Vine Cottages, WREXHAM ROAD, BURLAND, NANTWICH, CW5 8LR

Proposal: Conversion of garage and rear addition to garage to form special needs unit.

Applicant: Mr S Granville

Expiry Date: 17-Mar-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Residential Annex;
- Design;
- Amenity; and
- Highways

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Davies has requested that it be referred to Committee for the following reason:-

'This application is creating a house in open countryside - this is not infill'.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

This is a full application for the conversion of an existing detached garage and the erection of single storey extension on the rear of the garage. The applicants property is located within an extensive curtilage that is bounded by mature native hedgerows. The application site is located wholly within the open countryside.

2. PREVIOUS RELEVANT DECISIONS

P04/0249 - Detached Garage and 1.8m Boundary Wall – Approved – 17th April 2004

P04/1291 - Two Storey Rear Extensions – Refused – 13th December 2004

P02/0343 - Conservatory and Garage Conversion – Approved – 23rd May 2002

7/03634 - Conversion of 2 cottages into 4 flats – 30th March 1978

7/04263 – Improvements including joint septic tank – 27th July 1978

7/19108 - O/A for engineering workshop for repair of agricultural and other vehicles –
Withdrawn – 29th November 1996

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

Other Material Considerations

SPD - Extensions and Householder Development

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE6 – Green Infrastructure
SE7 – The Historic Environment

The above Policies are consistent with the Crewe and Nantwich Replacement Local Plan 2011.

4. OBSERVATIONS OF CONSULTEES

Environmental Health: No objections subject to a condition relating to hours of construction

Contaminated Land: No objection subject to the standard informative

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.

5. VIEWS OF THE PARISH / TOWN COUNCIL:

No comments received

6. OTHER REPRESENTATIONS:

No comments received

7. APPLICANT'S SUPPORTING INFORMATION:

Letter from the Applicants Agent

8. OFFICER APPRAISAL

Principle of Development

The principle of householder development within the open countryside is considered acceptable provided that the proposed extension appears subordinate to the original dwellinghouse and the original dwelling remains the dominant element. The proposal must also accord with Local Plan policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to existing Dwellings).

Residential Annex

The proposal is the conversion of a detached garage located at the side of the applicant's property into a residential annex for the applicants disabled son. In addition to the conversion of the garage the applicant is seeking permission for an attached single storey rear extension. The applicant has stated that the annex will be ancillary to the main residential property and will rely on the existing host property for some of its services. As the proposal is an ancillary form of accommodation, it in itself does not require planning permission and is permitted development. The local Councillor is concerned that the annex could be split off from the main residence and form a completely independent dwelling. However, this would require a separate application. In any event, a condition will be attached to the decision notice stipulating that the annex remains ancillary to the main residence and is not separated as an independent dwelling.

Design

The proposed development is the conversion of the existing pitched roofed detached garage into a residential annexe with an attached single storey rear extension. The external alterations to the garage are limited they involve the partial bricking up of the garage door on the front elevation. The cut out of an existing window in which a set of French doors will be

inserted and partial bricking up of the existing window on this elevation and one rooflight on this roof plane.

The proposed single storey extension will be erected at the rear of the garage and will measure approximately 3m long by 5.3m wide and is 2.2m high to the eaves and 4.6m high to the apex of the pitched roof. According to the submitted plans the proposed extension will be constructed out of facing brick under a concrete tile roof to match the host property, and in the event that planning permission is approved, this will be secured by condition. According to the submitted plans the ridge of the extension is set down from the ridge of the host building.

The Extensions and Householder Development SPD para.3.23 states that,

‘The building should be modest in size and height and must appear subordinate or ancillary to the main dwelling. The roof design and pitch should match the main dwelling. Window size and shape and other design features such as contrasting brick courses should be replicates wherever possible.’

Overall it is considered that the proportions and design of the extension ensures it remains a subordinate element retaining the existing visual hierarchy and which does not compete with the host structure.

According to the submitted plans there will be a small picture window on the rear elevation of the extension, which will be slightly off set and a bulls eye window centrally located directly above. Whilst on the side elevation will be another small window. It is considered that the proposed apertures will not appear as alien or obtrusive features and are in keeping with the character and appearance of the host property.

Internally the proposal will comprise of lounge, kitchen, shower room, bedroom and study.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

It is not considered that the proposal will not have any significant detrimental impact on the residential amenities of the neighbouring properties Willow and Orchard Cottages are located on the opposite side of the road. According to GIS there is a distance in excess of 50m separating these properties from the application. Therefore, it is considered given the separation distances, intervening road and boundary treatment will all help to mitigate any negative externalities.

The proposal will have a marginal impact on the residential amenities of the adjoining property no.2 Vine Cottages. It is noted that the majority of the proposal will be screened by the applicants property and as such the development is in accord with policy BE.1 (Amenity).

It is not considered that the proposal will have any discernible impact on the amenities of other residential properties in the locality.

Highways

Whilst it is acknowledged that the proposal would result in the loss of the garage on site. It is considered that sufficient parking space would be retained within the applicants residential for more than two vehicles to be parked clear of the public highway. Furthermore, there is adequate space for the vehicles to manoeuvre so that they can access/egress the site in a forward gear. According to the submitted plans no alterations are proposed to the access arrangements. As such it is considered that there is insufficient justification to warrant a refusal on Highway safety grounds and sustain it at any subsequent Appeal. Consequently, the proposal is considered to comply with policy BE.3 within the Local Plan.

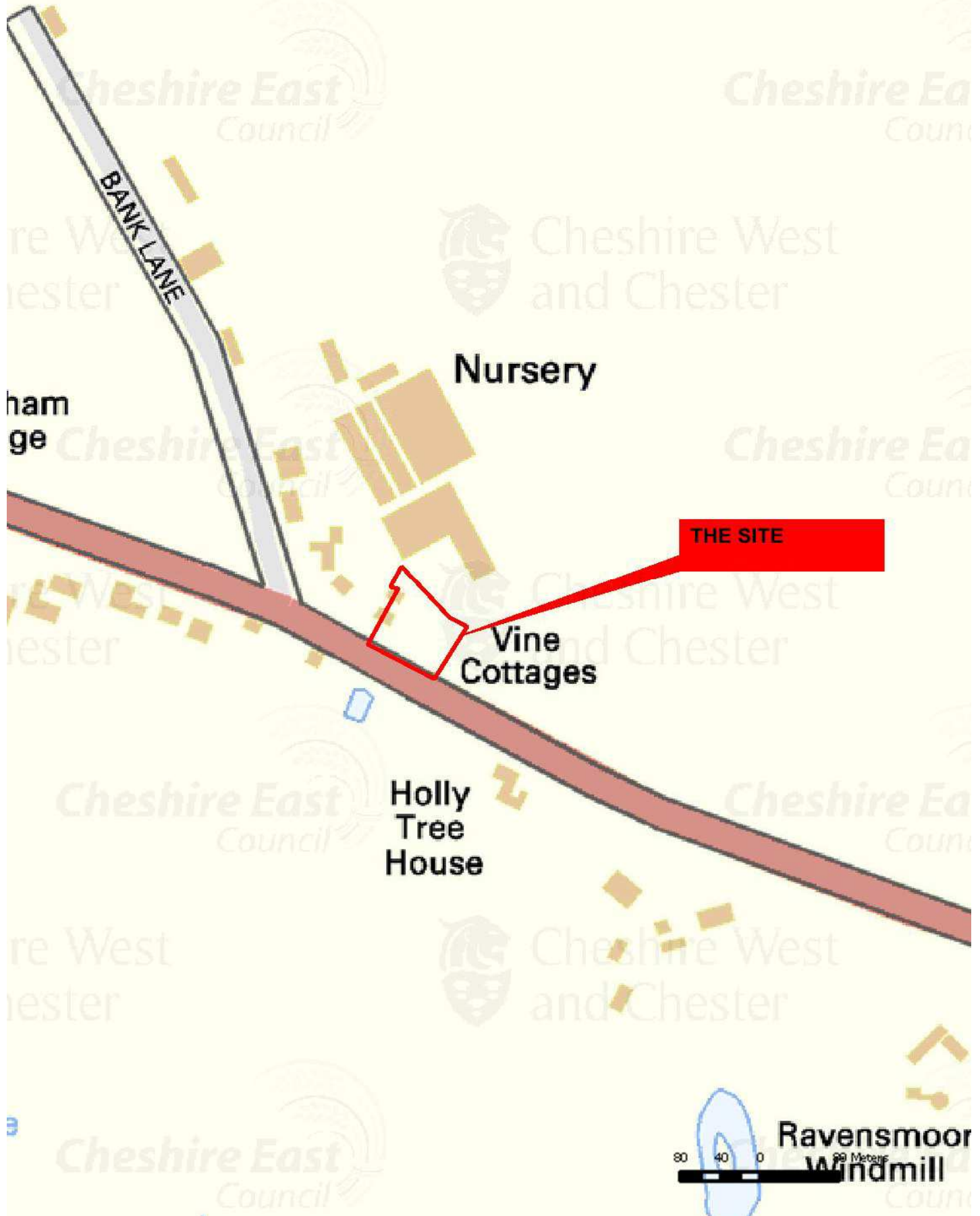
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and would have a minimal impact upon the streetscene. Furthermore, the proposal will not cause any demonstrable harm to highway safety and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials to match the existing garage**
- 4. Occupation to remain ancillary to the main dwelling**

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Application No: 14/0956N

Location: 3 & 4, Orion Way, University Way, Crewe, CW1 6NG

Proposal: Variation of Conditions 2 and 16 on Approved application 10/4760N.

Applicant: Black & White (NW) Ltd

Expiry Date: 23-Jun-2014

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development

Design

Amenity

Highways

Impact upon the Historic Park and Garden

REFERRAL

This application is referred to Southern Planning Committee because it relates to the variation of the conditions attached to application 10/4760N which was determined by the Southern Planning Committee.

1. SITE DESCRIPTION

Orion Park is located on the east side of University Way, Crewe and was formerly known as Area B. The land is generally level although the north end is slightly higher than the remaining areas on the site. A number of employment units have already been constructed under previous permissions and this application relates to four units at the southern end of the development. Unit 1 and 2 would form a single building fronting University Way and Unit 2 would also face onto Orion Way. Unit 4 would face onto Orion Way, the internal service road, close to unit 16 which has been constructed. Unit 3 would be located to the rear of Unit 4 and together these units form a single building. The service area would be located centrally between Units 1 / 2 and Units 3 / 4. Car Parking would be provided between the units and Orion Way.

Orion Park is located within the settlement boundary of Crewe and the land is allocated for employment uses under allocation E.2.1 of the Replacement Local Plan 2011. To the rear

and south of Orion Park is the Historic Park and Garden of Crewe Hall which is protected under policy BE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Works have commenced on this site constructing these units although at the time of the case officer's site visit the units were not occupied.

2.DETAILS OF PROPOSAL

This application seeks to vary conditions 2 and 16 attached to application 10/4760N. This application relates to a full planning consent to develop Unit 1 for 592 sq m of industrial (B2) floor space and 70 sq m of ancillary office space. Unit 2 is a warehouse and distribution unit (B8) with a floor area of 1,394 sq m of floor space. It is fronted by a show room. Unit 3 is an industrial unit (B2) with 509 sq m of industrial floor space and 70 sq m of ancillary office space. Unit 4 is a distribution and warehouse (B8) unit with 929 sq m of floor space and 93 sq m of office space. Access is from the estate road, Orion Way, and a total of 72 car parking spaces would be provided for the units as whole. Covered cycle parking for 12 bikes would also be provided.

This application seeks to vary condition 2 (approved plans) to allow the following alterations to units 3 and 4:

- The relocation of two ground floor pedestrian doors to the east facing elevation
- Unit 4 north facing elevation the removal of a canopy and 3 ground floor glazed openings and 1 first floor window
- The relocation of the three roller-shutter doors, the removal of 4 glazed openings (2 at ground floor and 2 at first floor) and the removal of a canopy.
- Internal alterations which would see the party wall re-positioned to create a larger unit 3 and a smaller unit 4. There would also be some minor changes to the layout of the ancillary offices.

This application also seeks the variation of condition 16 which states as follows:

Notwithstanding Schedule 2 Part 3 of the Town and County Planning (General Permitted Development) Order 1995, as amended, Units 1 and 3 hereby permitted shall only be used as B2 (general industrial) development and shall not be used for any purpose other than a purpose within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended. Units 2 and 4 shall only be used for B8 purposes (Warehouse and Distribution) of the Town and Country Planning (Use Classes) Order 1987 as amended. The showroom and trade counter area at Unit 2 shall be limited to those areas shown on the floor plans hereby approved and shall only be used for trade purposes and not for retail to the general public.

It is requested that the condition is varied to allow Units 3 and 4 to be used for uses which fall within B1, B2 and B8.

3.RELEVANT PLANNING HISTORY

14/1492N - Erection of 6 industrial units class B1, B2 and B8 classifications – Application not determined

10/4760N - Extension to time limit for application P08/0561 – Approved 2nd February 2011

10/3023N - 2 New Windows at unit 16 - Approved 30th September 2010.
10/3020N- Temporary Permission for Operational & Site-based Staff Vehicle Parking Associated with the Occupation of Unit 16 - Approved 30th September 2010.
P08/0951 - Creation of first floor space and conversion of part of ground floor warehouse and use of building for B8 or B2 Unit 4 - Approved 2nd October 2008.
P08/0562 - Two Industrial Warehouses - Approved 29th July 2008.
P08/0561 - Four industrial units - Approved 31st July 2008.
P08/0364 - Additional office space and warehouse space below at unit 16 - Approved 6th May 2008.
P08/0219 - Additional windows at unit 14 - Approved 11th April 2008.
P07/01263 - Additional facilities at unit 12 - Approved 22nd October 2007.
P07/0017 - Outline permission for 5 office units - Approved 4th April 2007.
P06/1416 - B8 Unit - Approved 9th March 2007.
P06/1260 - B8 unit - Approved 12th January 2007.
P05/1463 - Four B2/B8 units - Approved 7th February 2006.
P04/0489 - Part outline part full permission for general employment and warehousing - Approved 19th October 2004.

4.PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

E.2 .1 New Employment Allocations

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

TRAN.3 Pedestrians

TRAN.5 Provision for Cyclists

TRAN.9 Car Parking

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

CO2 – Enabling Business Growth through Transport Infrastructure

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

4. OBSERVATIONS OF CONSULTTEES

Environment Agency: No objection

United Utilities: No comments received

Strategic Highways Manager: No comments received

5. VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

6. OTHER REPRESENTATIONS

No representations received

7. APPLICANT'S SUPPORTING INFORMATION:

N/A

8. OFFICER APPRAISAL

Principle of Development

Given that the principle of development has been established by the granting of planning permission P08/0561 and 10/4760N this application does not represent an opportunity to re-examine the appropriateness of the site for employment use. This application relates to changes to the external elevations and internal layout of units 3 and 4 and seeks to alter the use of the units.

Design and Layout

The scale of the building would not alter as part of this application there would just be changes to the external appearance of the units through the re-positioning and removal of doors and windows.

It is considered that these alterations would result in a reduction in the design quality of the units. Although this is unfortunate it is considered that the design is still acceptable and would not result in such harm to warrant the refusal of this application. This view is taken when considering the NPPF's emphasis towards sustainable economic growth.

The internal layout changes and alterations to uses would not raise any design issues.

This amendment complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

Amenity

There are no residential properties in close proximity to this site which would be affected by this development. It is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Highways

There would be no change in parking provision or vehicular access on this site. The external and internal alterations would not raise any highways issues.

In terms of the alteration of the use to allow Units 3 and 4 to be used for B1, B2 and B8 uses this would comply with Policy E.2.1 which identified the site for B1, B2 and B8 use.

At the time of writing this report comments were awaited from the Strategic Highways Manager and these will be reported as part of an update report.

Impact upon the Historic Park and Garden

This application would not have any greater impact upon the setting of the nearby Historic Park and Garden.

8. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The principal of this development has already been accepted as part of application P08/0561 and 10/4760N.

The changes to the external elevations and internal layout would not raise any issues and are considered to be acceptable.

The alteration to the approved use of the buildings would still comply with Policy E.2.1 and an update will be provided in relation to the highways impact.

9. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Plans as approved under P08/0561**
- 2. Materials as detailed in the application unless otherwise approved in writing.**
- 3. Car Parking to be provided before the development is first used.**
- 4. Cycle Parking and linkages to University Way to be provided**
- 5. Development in accordance with Travel Plan approved as part of application 13/1732D**
- 6. Landscaping scheme in accordance with that approved as part of application 13/1732D. Implementation and maintenance of landscaping**
- 7. Showers to be provided within each unit and retained for use by all staff at that unit in accordance with the approved plans.**
- 8. Boundary treatment to match that used elsewhere on the development**
- 9. Oil interceptors to be provided to car parks.**

10. Lighting scheme in accordance with that approved as part of application 13/1732D.

11. No outside storage.

12. Offices and trade counter only to be used for that specific unit and not to be occupied as a separate business.

13. Access to be in accordance with the approved plans and to CEC specification

14. Unit 1 only to be used for B2 general industrial uses. Units 2 for B8 purposes and Units 3 and 4 to be used for Use Classes B1 (b and c), B2 and B8. The showroom and trade counter at unit 2 limited to those areas shown on the submitted plan and not used for retail to the general public.

15. Scheme of surface water regulation in accordance with that approved as part of application 13/1732D.

16. Scheme for the management of overland flow in accordance with that approved as part of application 13/1732D.

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 Principal Planning 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 Principal Planning 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: 14/0971C

Location: 38, BROOKLANDS DRIVE, GOOSTREY, CREWE, CHESHIRE, CW4 8JB

Proposal: New dwelling in the grounds of 38 Brooklands Drive, Goostrey

Applicant: Steven Occleston

Expiry Date: 17-Apr-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Amenity and Design

REASON FOR REPORT

This application has been referred to the Southern Planning Committee by Councillor Andrew Kolker for the following reason:

"The proposal is for a large dwelling on a contentious site. There are local concerns as to whether this is over development of the site, which would result in significant loss of amenity."

DESCRIPTION OF SITE AND CONTEXT

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse lies within Settlement Zone Line and most of the curtilage would lie within the Open Countryside.

Residential development surrounds the site to the east, south, and west and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front single-storey aspect and rear two-storey aspect due to the significant gradient of land on the site. An approval for a detached dwelling on the site has already been given under permission 13/4504C.

Due to the sloping application site the proposed dwelling will measure approximately 6 metres in height to the front elevation and approximately 8.5 metres to the rear.

This applications seeks changes to the approved development which are of too large a scale to be classed as a non-material minor amendment or dealt with via a variation of condition application. The footprint of the dwelling has been moved by approximately 1.3 metres to the east with the length of the dwelling increasing by approximately 5.7 metres – 2.5 metres to the west and 3.2 metres to the east.

The changes from the approved development are as follows:

- An attached garage to the west elevation which will project by 3.9 metres, with a length of 6.8 metres, a height of 5 metres to the front elevation and 8.3 metres at the rear.
- A cinema room would project from the approved front elevation by 1.4 metres.
- A plant room to the east elevation which will project by 1.8 metres, with a length of 3.8 metres and a height of 4.5 metres to the front and 6.5 metres to the rear.

RELEVANT HISTORY

7654/1 - One detached dwelling with garage - Refused 1978

The reasons for refusal were, the site was not allocated for development within the Village Plan, the proposal would set an undesirable precedent for similar development and in the interest of public or highway safety.

28731/5 - Certificate of lawfulness for use as domestic garden - Certificate issued 1997

T0582/21 - Application to fell one TPO tree - Approved 1999

34674/3 - Single storey porch extension & first floor extension with rear facing balcony - Approved 2002

06/0627/FUL - Conservatory - Approved 2006

09/1763C - Erection of new residential dwelling house 2 storey - Withdrawn 2009

10/3571C - Alterations and Extensions To Provide Altered Living Space And Improved External Appearance - Approved 2010

10/4947C - New family dwelling and associated works to provide turning area separate from existing dwelling – Withdrawn 2011

11/4579C - New family dwelling and associated works to provide turning area separate from existing dwelling – refused 2011 (appeal dismissed).

13/4504C – New dwelling – approved with conditions 2013

POLICIES

Congleton Borough Council Local Plan Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
MP.1 – Presumption in Favour of Sustainable Development

Congleton Borough Council Local Plan Policy

Goostrey Settlement Boundary

PS4 Towns
PS6 Open Countryside
GR1 New Development
GR2 Design
GR4 Landscaping
GR6 Amenity & Health
GR9 Accessibility, servicing and parking provision
NR1 Trees & Woodland
H1 Provision of new housing development
H2 Housing Supply

H4 Residential Development in Towns

SPG2 Provision of Private Open Space in New Residential Developments

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways

This application offers a drawing which demonstrates that the proposal is served by a level of junction visibility which complies with standards.

This site is unusual in that the access to the existing property is narrow and runs between two existing frontage properties.

The proposal to serve a second dwelling from this access mirrors the existing situation which serves 46 and 48 Brooklands Drive just 55 metres away.

Given the available visibility splay and the set precedent which is seen to operate safely, the Strategic Highways Manager has no objection to this proposal.

Environmental Protection

No objection

United Utilities

No objection

Jodrell Bank

No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects for the following reasons:

- 1 with the addition of the garage the building is close to the neighbouring property, it could give a terracing effect.
- 2 The garage and increased size of the Cinema room increases the footprint of the building.
- 3 The staircase moved into the glazed semi-circular tower and the increased amount of glazing on the rear elevation could create privacy issues to the existing dwelling facing this elevation.

OTHER REPRESENTATIONS

Five letters of representation have been received which object to the proposed development for the following reasons:

- Have any restrictive covenants been considered?
- Proposed development is still inappropriate and will bring the dwelling closer to number 26 Brooklands Drive
- Still no details regarding the proposed landscaping
- Proposal would significantly reduce the open rural character of the location
- Proposed garage will be too near neighbouring dwelling and is inappropriately large
- Intrusion of privacy
- Highway safety
- No need for the garage
- Increased noise from outdoor area
- Site vehicles parking on Brooklands Drive
- Land ownership issues re 46 Brooklands Drive
- Tree Preservation Orders
- Drainage
- Plenty of houses for sale in Goostrey
- Detrimental to surrounding properties

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Aboricultural Statement

OFFICER APPRAISAL

Principle of Development

The Settlement Boundary Line for Goostrey runs through the application site. However it should be noted that the proposed dwelling would be sited within settlement boundary.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside.

The principle of residential development on this site has already been accepted with permission 13/4504C. The proposed development some changes/additions which are considered to be significant enough to require a fresh application rather than a non-material minor amendment or variation of condition application.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

The previous Appeal Decision relating to this site (APP/R0660/A/12/2173016) found that the main issues of the previous application (11/4579C) were:

- The effect on the character and appearance of the area; and
- The effect on the living conditions of neighbouring residents, with particular reference to visual impact and privacy.

In conclusion the Inspector found that the previous proposal had an acceptable impact on the character and appearance of the area, however it would have an unacceptable impact upon the living conditions of the residents of Nos 34 and 36 Brooklands Drive.

Therefore, as this application seeks permission for a dwelling of similar design the impact of the dwelling upon the surrounding area has been accepted. The main issue of this application is the effect upon neighbouring dwellings.

Amenity

The proposal site is located within a cluster of residential properties which surround the site from the east, west and south. SPG2 states that the distance between principal windows directly facing each other is 21.3m and the distance between flanking elevations and elevations containing primary windows should be at least 13.8m. The position of the dwelling has been altered from the original refusal in a bid to overcome the amenity concerns.

There is a minimum distance of 24.1m between the principal windows on the rear of No.34 Brooklands Drive (to the south) and the proposal site and 22.1m between the site and No.36. This distance meets the 21.3m as the standard stated within SPG2, and therefore would not warrant a refusal on amenity grounds. The majority of the front (south-west) elevation of the dwelling will be 22m away which meets the separation distance.

There would be a suitable distance between the existing dwellinghouse at 38 Brooklands and the proposal site, with a distance of approximately 2 metres at the closest point. Given that no principal windows will be sited on the side elevation and there is an existing close boarded fence around the side of the dwelling to the balcony/veranda section to the rear.

There is a distance of approximately 19m between the side elevation of the proposal dwelling and the rear elevation of No.26 Brooklands which given there will be no principal windows in the side elevation of the proposed dwelling it is considered acceptable and meets the standard of 13.8m.

No.24 Brooklands Drive appears to be a fairly modern (recently modernised) property which has a fairly glazed front elevation. There are no principal windows on the side elevation of the building and the proposed dwelling will be sited approximately 19m to the south west of the front elevation. The proposed dwelling is now off set from No. 24 with no directly facing principal elevations.

The proposed dwelling would not impact on the dwelling house by means of overlooking and the introduction of landscaping/boundary treatment at this point will help to reduce the impact further. A condition to this effect will be attached to any permission.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be similar to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however; the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be controlled via condition to ensure that development only occurred during reasonable hours.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, there is another pair of detached dwellings which replicates a similar layout to the proposed development (46 & 48 Brooklands Drive); the layout is therefore considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a single storey dwellinghouse. It is only from a northerly direction that the two storey element would be visible.

The proposed dwellinghouse would be of a modern, contemporary design. Given that the surrounding residential area encompasses no strict vernacular, a modern style dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive, and the foot print has been reduced from the original application (reference number 10/4947C) and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points

as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

Furthermore, the position of the garage attached to the dwelling rather than set within the garden area keeps the development within the settlement boundary line and therefore will be seen in the context of the surrounding residential development rather than as a new structure within the open countryside.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 3 and 4 of the code for sustainable homes.

With regards to landscaping details these will be conditioned should approval be granted.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) and BE.9 (Listed Buildings – Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

TPO trees

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such. Notwithstanding this tree protection conditions will be attached to any permission.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

Highway safety

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

The application also includes visibility splay to the front of the site which show acceptable visibility in both directions. It is noted that Brooklands Drive is fairly narrow however there is more than sufficient space to park a car on one side of the road and for other vehicles to pass safely.

The Strategic Highways Manager raises no objections to the previous proposal, or this, and it is therefore considered that, as the access arrangement are the same as the previous application the proposed development is acceptable and will not have a significantly detrimental impact on highway safety.

The issue raised regarding site vehicles potentially parking on Brooklands Drive is not something that can be controlled or enforced by the LPA.

Ecology

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition requiring a detailed breeding bird survey to be carried out if any works to trees are carried out between 1st March and 31st August, in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

Other issues

It is noted that within one of the objections a previous refusal on the site in 1979 for a dwellinghouse was subsequently dismissed at appeal. In this case planning policy has changed significantly since the 1970's and as noted above as this application meets current planning policy it must be considered on its own merits, in line with the most relevant planning policies.

Any restrictive covenants which may relate to the application site are a separate legal issue outside of the control of the LPA and cannot be considered as part of this application.

In the same vein land ownership issues are also a private matter between the interested parties and cannot be controlled by the LPA.

The actual need for a garage is not part of the considerations during the determination of this application, the issue is whether or not the addition of a garage significantly affects the amenity of neighbouring dwellings.

The fact that there are already houses for sale in Goostrey is also not a material planning consideration and has no bearing this application what so ever.

The drainage and sewer arrangement, as with the previous application, can be dealt with via condition should approval be granted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development respects the size and character of the existing dwellings and the surrounding open countryside and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in and will not have a harmful effect upon the Listed Building in keeping with Policy SE.1 (Design). The proposal therefore complies with Policy BE.1 (Amenity), Policy SE.1 (Design), Policy PG.5 (Open Countryside) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Emerging Local Plan Strategy Policy.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials**
- 3. Plans**
- 4. Hours of construction**
- 5. Pile driving method statement**
- 6. Removal of PD classes A and E**

- 7. Tree protection measures**
- 8. Scheme of landscaping**

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Application No: 14/1708N

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

Proposal: Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N

Applicant: Mr Chris Bent

Expiry Date: 03-Jul-2014

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Design
Amenity
Highways

REFERRAL

This application is referred to Southern Planning Committee because it relates to the variation of the approved plans condition attached to application 13/4382N which was determined by the Southern Planning Committee.

1. SITE DESCRIPTION

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

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

2. DETAILS OF PROPOSAL

This application seeks to vary condition 2 and 6 attached to application 13/4382N. This application relates to a full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. This is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing.

This amendment to condition 2 seeks to amend the house types on plots 1, 2 and 13. The amendment to condition 6 seeks to amend the brick type from Ibstock Ravenshead to Hollington Blend.

3.RELEVANT PLANNING HISTORY

14/0887N - Non Material Amendments to approved application 13/4382N – Refused 31st March 2014

13/4382N - 100% Affordable Housing Development comprising 60no. one and two bed flats, 47no. two and three bed semi detached and mews houses and ancilliary work – Approved 29th January 2014

13/2322N - Outline planning consent for residential development – resolution to approve subject to Section 106 Agreement

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)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

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

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA
SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 6 – Green Infrastructure
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure

4. OBSERVATIONS OF CONSULTEES

N/A

5. VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

6. OTHER REPRESENTATIONS

No representations received

7. APPLICANT'S SUPPORTING INFORMATION:

N/A

8. OFFICER APPRAISAL

Principle of Development

Given that the principle of development has been established by the granting of planning permission 13/4382N this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates to minor changes to the house types on plots 1, 2 and 13.

Design and Layout

This application relates to small changes to the house types on plots 1, 2 and 13.

The houses on plots 1 and 13 would be replaced with a different detached house-type due to the position on an easement along the southern boundary. The proposed house-type would be two-stories in height with a pitched roof, have a sloping roofed canopy to the front elevation and brick detailing to the proposed windows. This design is appropriate and would respect the rest of the approved development.

Plot 2 is an end terraced dwelling and the alteration on Plot 2 would result in the front elevation being brought forward by 1 metre with the creation of a gable to the front elevation. This would mirror the design of plot 4 which is located to the opposite end of the terrace. This would balance this group of units and would be an improvement to the appearance of this development.

The change from the Ibstock Ravenshead to Hollington Blend which are very similar in colour would not raise any design issues.

This minor amendment would not affect the street-scene and complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

Amenity

Plots 1 and 13 would be sited further from the boundary with 109 Newdigate Street and 110 Ludford Street to the south of the site. The proposed house-type would have a blank side elevation facing south and as a result it is considered that the development would have no greater impact upon residential amenity.

Plot 2 would be to the north of Plot 1. The alterations to this plot would not have any impact upon residential amenity.

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

Highways

There would be no change in parking provision on this site and the development would comply with Policy BE.3 (Access and Parking) of the local plan.

Section 106 Matters

The S106 commuted sums have been paid and as a result there is no need to vary the S106 Agreement.

8. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The principal of this development has already been accepted as part of application 14/1708N.

The minor changes to plots 1, 2 and 13 would not raise any design, amenity or highway implications and comply with the Policies within the Local Plan.

9. RECOMMENDATION

APPROVE subject to the following conditions:

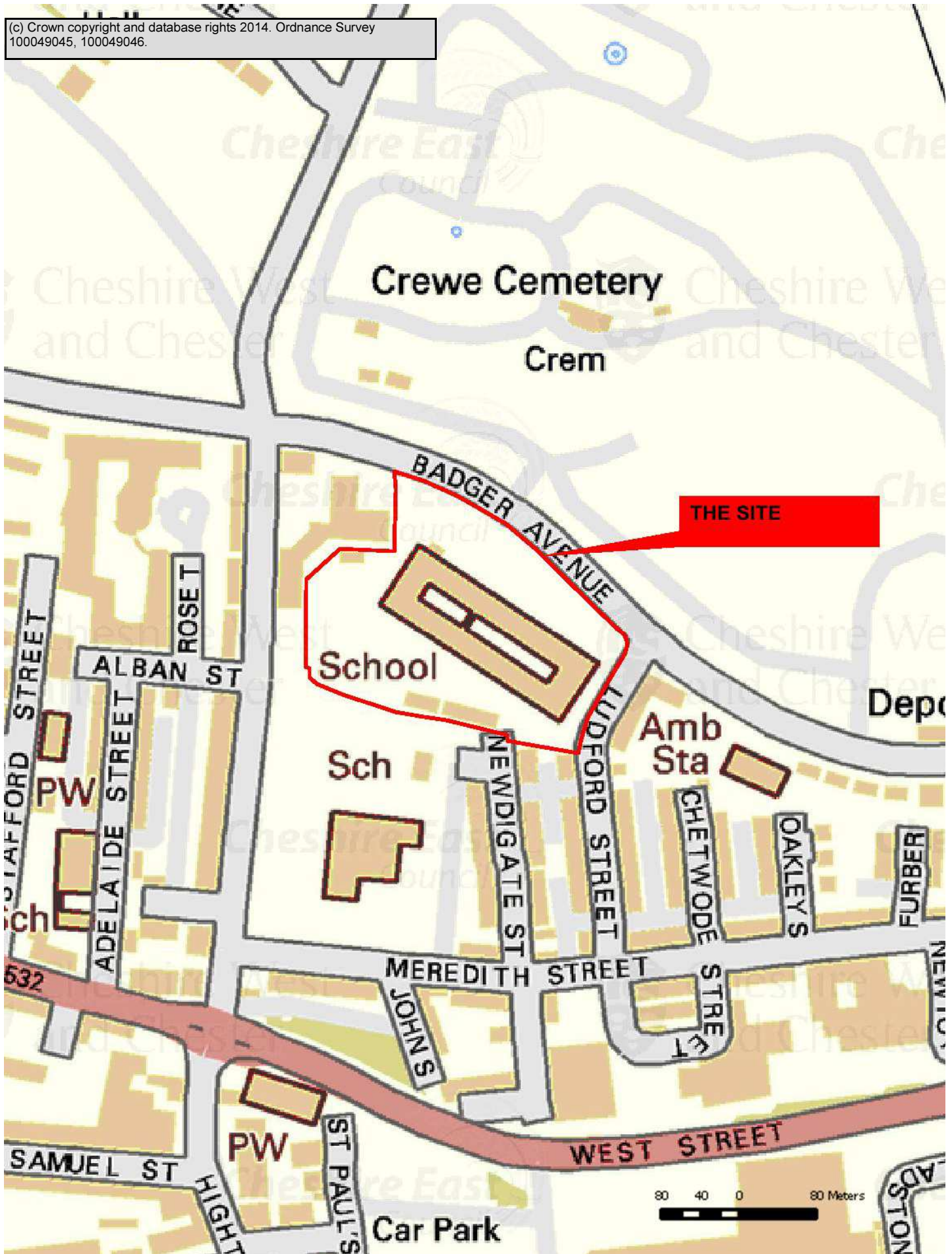
1. Standard time limit
2. Standard Outline
3. Approved plans
4. Construction of Access
5. Provision of parking
6. Implementation of Materials – No approval for buff bricks
7. No piling unless details otherwise agreed in writing with the LPA
8. Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
9. Submission, approval and implementation of details of any lighting prior to installation
10. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
11. Implementation of submitted Travel Plan
12. Implementation of submitted dust control measures
13. The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
14. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.
15. Detailed breeding bird survey for works in nesting season
16. Features for use by breeding birds and bats
17. Implementation of boundary treatment
18. Implementation of drainage scheme approved as part of application 14/0869D
19. Implementation of cycle parking within scheme
20. Implementation of landscaping
21. Arboricultural Method Statement in accordance with the report reference SE467/J/01/DH
22. Implementation of a revised landscape plan to include further tree planting.
23. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings
24. To be maintained as affordable housing in perpetuity in accordance with approved affordable housing statement approved as part of application 14/0869D

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 Principal Planning 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 Principal Planning 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: 14/1908N

Location: 1, Stanley Boughey Place, Nantwich, Cheshire, CW5 6GQ

Proposal: Relocation of previously approved Studio Garage on application 12/4741N, within existing plot boundary, to ensure adequate clearance of existing foul sewer.

Applicant: David Major, Stewart Milne Homes

Expiry Date: 03-Jun-2014

SUMMARY RECOMMENDATION

Approve subject to conditions and a deed of variation of the Section 106 Agreement associated with 12/4741N.

MAIN ISSUES

Principle of Development
Highways
Trees and Landscape
Amenity
Design and the Built Environment
Other Matters

REFERRAL

This type of application would usually be dealt with under delegated powers; however this application has been called into planning committee by Councillor Peter Groves for the following reasons;

'Can you please call this in on the following grounds :-

- 1. Access stairwell to upper floors provides unrestricted and intrusive views into both adjoining residents properties and their gardens.*
- 2. The proposed upstairs windows do not have obscure glass and provide unacceptable views into adjoining properties and their gardens.*
- 3. The impact of the construction on a TPO protected tree as the proposed dwelling is being constructed in a root protection area.'*

1. SITE DESCRIPTION

The larger application site comprises previously developed land which forms part of the former Regent's Theological College campus and is located within the built up area of Nantwich. The application site forms one unit of a larger housing development site in Nantwich for No.59 dwellings. The site is still under construction in the main however a number of plots have been constructed at the entrance of the site.

This application relates to studio garage built within the curtilage of No.1 Stanley Boughey Place. The garage is currently being used as a visitor office and the house as a show home for the site.

There are a number of trees which sit between the boundary of the garage and the neighbouring properties to the north. These trees are covered by a Tree Protection Order.

1. DETAILS OF PROPOSAL

This application is a full retrospective application for the position of the Studio Garage associated with No.1 Stanley Boughey Place (Plot 1). The garage has been constructed closer to the boundary with No.120 Crewe Road, Nantwich, than approved under 12/4741N. The applicant states that this is to ensure adequate clearance from an existing foul sewer which runs across the site primarily through the land designated to Plot 1.

2. RELEVANT PLANNING HISTORY

The application site has a long history of use as a school and residential college/training centre. Planning permissions have been obtained for a variety of mostly minor developments in association with the use over the years.

However the most relevant current application is,

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – Approved with conditions and Section 106 Agreement 28th February 2013

3. PLANNING POLICIES

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE5 Trees, Hedgerows and Woodland

Crewe and Nantwich Replacement Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
NE.5 (Nature Conservation and Habitats)
RES.2 (Unallocated Housing Sites)
RES.11 (Improvements and Alterations to existing dwellings)

Extensions and Householder Development Supplementary Planning Document

National Policy

National Planning Policy Framework

4. OBSERVATIONS OF CONSULTEES

Environmental Health

- No objections/comments to be raised. Suggest an informative for hours of operation to be attached to the permission.

Highways - The Strategic Highways Manager has no comment or objection to make regarding the above development proposal.

5. VIEWS OF THE PARISH / TOWN COUNCIL – None received at time of writing this report.

6. OTHER REPRESENTATIONS

A letter of objection has been received from the occupier of No.120 Crewe Road. The main issues raised are;

- Proximity of building to boundary – 18inches from boundary and is too close and a threat to privacy

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Arboricultural Method Statement
- Arboricultural Impact Assessment

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site has a whole has permission for 59 dwellings and therefore the principal of residential development on the site has already been accepted. Furthermore the principal of a dwelling and studio garage on the plot has also been accepted in principal and therefore is not a matter for further consideration in this application.

Therefore the main issues of this application is the position of the garage and the impact on amenity by means of overlooking and overbearing impact on the neighbouring and the impact of the development of Trees covered by a Tree Protection Order.

Highways

The proposal has no additional impact on highway safety over and above that of the original permission. There is to be 4 parking spaces available on the site for the dwelling and given there have been no highways objections from the Strategic Highways manager it is considered that the proposal is acceptable.

Trees

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

The garage has been constructed within the Root Protection Area (RPA) of a number of the protected trees. The application is accompanied by an Arboricultural Method Statement and Arboricultural Impact Assessment. In this case the Councils Tree Officer has visited the site and although the garage has been constructed within the RPA of the protected trees he

does not consider that any significant harm has been done to the health and well-being of the protected trees or that there would be a detrimental impact upon the trees.. Therefore the proposed development complies with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

Amenity

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

It was noted in the original officers report for the development (12/4741N) that consideration was given to the impact of the proposed development on the dwelling on Crewe Road, noting that *'These properties have exceptionally long rear gardens and as a result the minimum separation distance of 21m will be considerably exceeded between these dwellings and the proposed development'*.

At that time the garage associated with Plot 1 was sited further away from the boundary fence with No.120 Crewe Road which is the adjoining neighbour to the garage. This application is retrospective and therefore the impact of the revised position of the garage is visible on site. The garage has three windows within the roof and a wooden staircase with a door into the first floor area. There is a minimum separation distance of 52m from the rear elevation of the garage to the rear elevation of the neighbours property at No.120 Crewe Road. This distance clearly still meets the accepted separation standards between windows.

However, it is acknowledged that the first floor window of the garage facing north does look directly over the rear garden of No.120 Crewe Road. There appears to be a break in the tree coverage at this point and this may increased the perceived overlooking from No.120 Crewe Road. However, revised plans have been received and this was noted at the time of the Planning Officers site visit, the window in the north elevation has been obscure glazed and it stated it will be a fixed light. This is secondary window (one of three) and therefore it is considered that this is reasonable. It is therefore considered that with the addition of a condition to ensure that the window is retained as shown on the revised plans that this element will not have a significant impact on the amenity of the neighbours.

There is also an external timber staircase which is sited on the east elevation of the garage which allows external access to the first floor of the garage. This staircase is set back an additional 2m from the boundary with the adjacent neighbours and does not have the same direct view over the neighbour's gardens due to the protected tree coverage in between. Given the nature of the staircase is purely to access the first floor it is considered that there is a limited potential overlooking impact on the neighbour's amenity and it would not be reasonable to refuse the application on this element.

It is therefore considered that the repositioning of the garage within the plot is acceptable as conditioned and in line with current planning policy.

Design

The design of the garage has not changed from that which was approved in the original permission/discharge of conditions application. Therefore it is considered that the design of the studio garage is acceptable and therefore complies with Policy BE2 (Design) of the Local Plan and the provisions of the NPPF in this regard.

8. CONCLUSIONS

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The repositioning of the garage 3m closer to the neighbours rear boundary is considered to be acceptable subject to a condition to ensure that an obscure glazed, non opening window is retained on the first floor elevation. It is not considered that the development has had a significant or detrimental effect on the protected trees. It is therefore considered that the proposal is acceptable and in line with the relevant local plan policies.

9. RECOMMENDATION

APPROVE subject to completion of a deed of variation of the Section 106 agreement linked to 12/4741N:

And the following conditions:

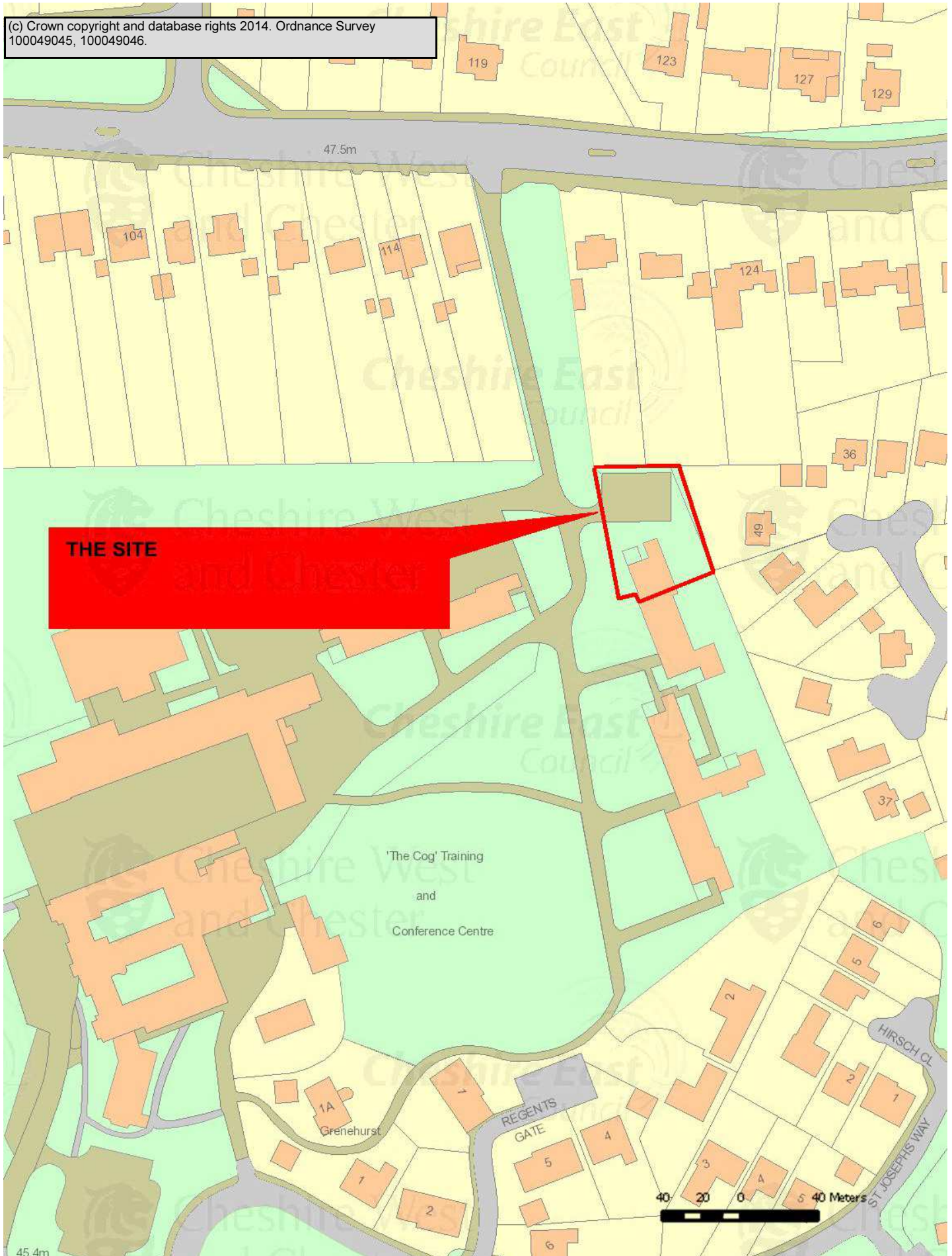
- 1. Compliance with amended plans**
- 2. Window in the first floor north elevation to be retained as obscure glazed and non opening in perpetuity**

Informative – This application relates solely to the Studio Garage associated with Plot 1 (1Stanley Boughey Place) and this application should be read in conjunction with all the conditions and legal restrictions relating to planning application 12/4741N and any subsequent amendments/discharge of condition applications.

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 Principal Planning Manager has delegated authority to do so in consultation with the Chair 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 Principal Planning Manager in consultation with the Chair 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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