

Southern Planning Committee

Agenda

Date:	Wednesday, 17th December, 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 - 8)

To approve the minutes of the meeting held on 19 November 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. **14/0143N Former Bowling Green, Waterlode, Nantwich: Erection of 7 Dwellings with Integral Garages and Associated Car Parking for Black & White Cheshire Ltd** (Pages 9 - 16)

To consider the above planning application.

6. **14/4588N Land to rear of 144, Audlem Road, Nantwich, Cheshire CW5 7EB: Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N for Wainhomes (North West) Ltd** (Pages 17 - 26)

To consider the above planning application.

7. **14/1907C The Orchard, Holmes Chapel Road, Somerford, Congleton CW12 4SP: Demolition of 2 existing bungalows and glasshouses associated with a horticultural nursery and the construction of 2, two-storey detached dwellings, a two-storey building comprising 2 flats and 6 detached bungalows with a new shared access for Plant Developments Ltd** (Pages 27 - 40)

To consider the above planning application.

8. **14/4518C Somerford Park Farm, Holmes Chapel Road, Somerford CW12 4SW: Retrospective application for retention of a new stable building with ancillary groom's accommodation for Simon King** (Pages 41 - 48)

To consider the above planning application.

9. **14/4300N Lodge Farm Industrial Estate, Audlem Road, Hankelow, Cheshire: Outline planning application with some matters reserved for redevelopment of the site to provide up to 22 dwellings and an area of public open space for Bridge Properties Ltd** (Pages 49 - 64)

To consider the above planning application.

10. **14/1147C Land to South of Main Road, Goostrey, Cheshire: Residential development (Use Class C3) for up to 25 dwellings with construction of access from Main Road, areas of public open space, landscaping and associated works for Linda Simpson** (Pages 65 - 86)

To consider the above planning application.

11. **14/2018N 246, Newcastle Road, Blakelow CW5 7ET: 2 no. detached and 2 no. semi detached houses for Renew Land Developments Ltd** (Pages 87 - 98)

To consider the above planning application.

12. **14/2082N Adj 16, Huntersfield, Shavington CW2 5FB: 2 no. semis and 2 no. detached houses and ancilliary works- resubmission of 14/0183N for Renew Land Developments Ltd** (Pages 99 - 106)

To consider the above planning application.

13. **14/2648N Land off Gutterscroft, Haslington, Crewe: Residential development of 13no. two storey houses, 6no. one bed apartments, associated roads and garages for Mr Kevin Higgins, Cransleigh Estates** (Pages 107 - 118)

To consider the above planning application.

14. **14/0841N Land Off Spinney Drive, Weston: Residential development of 4 detached houses for G McDermott, CDM Developments (North West) Ltd** (Pages 119 - 128)

To consider the above planning application.

15. **14/4165N Manor Way Centre, Manor Way, Crewe CW2 6JS: Erection of 14 no. semi detached houses and ancilliary works for Renew Land Developments Ltd** (Pages 129 - 138)

To consider the above planning application.

16. **14/4769C The Hollies, 16, Smithfield Lane, Sandbach, Cheshire CW11 4JA: Detached House with Integral Garage for Andy Mines, Smithfield Court Ltd** (Pages 139 - 150)

To consider the above planning application.

17. **14/3687C Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, Cheshire CW4 7DX: Permanent retention of modular teaching buildings to provide teaching and learning facilities for Tony Halsall, Holmes Chapel Comprehensive School** (Pages 151 - 158)

To consider the above planning application.

18. **Notification of Urgent Decisions**

To note the following urgent decision taken on 17 November 2014 by the Chairman and Vice-Chairman of the Southern Planning Committee in consultation with the Head of Strategic and Economic Planning, in accordance with the provisions of the Council's Constitution: Part 4: Committee and Sub-Committee Procedure Rule 25: Appendix 4 (Urgent Decisions Taken Outside Of Meetings), and to receive an oral update with respect to further urgent decisions taken.

Urgent Decision – Application 13/4631N Land at The Gables, Spurstow

That the second reason for refusal in respect of housing land supply be withdrawn and that the Principal Planning Manager be instructed not to contest the issue at the forthcoming public inquiry.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 19th November, 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, I Faseyi, S Hogben, P Groves, A Kolker, D Marren and
M A Martin

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Ian Dale (Environmental Planning Manager)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Dianne Rose (Landscape Architect)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor S McGrory

94 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 13/2710N, Councillor R Bailey declared that she was a member of the CPRE, which was objecting to the proposal, but that she had not discussed it with them.

With regard to application number 13/2710N, Councillor P Groves declared that he lived in a neighbouring village and that he was member of Bulkeley & Ridley Parish Council but that he had not discussed this application and had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application number 13/2710N.

With regard to application numbers 14/4242N and 14/4530N, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty Parish Council, but that he had not discussed these applications and had kept an open mind.

With regard to application numbers 13/2710N and 14/4242N, Councillor S Davies declared that he knew the applicants' families and that he would withdraw from the meeting during consideration of these items.

95 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 22 October 2014 be approved as a correct record and signed by the Chairman.

96 13/2710N RIDLEY BANK FARM, WREXHAM ROAD, RIDLEY CW6 9RZ: INSTALLATION OF WIND TURBINE 32.5M TO HUB AND ASSOCIATED ANCILLARY WORKS FOR MR R LATHAM

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor I Hastings (on behalf of Bulkeley and Ridley Parish Council), Mr C Hobson (on behalf of Stop Bickerton Wind Turbines), Mr M Dixon (objector) and Mr C McDonagh (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.

The Principal Planning Officer reported the following corrections to two typographical errors in the report: Planning permission was sought for a wind turbine with a height to blade tip of *49m*, and the proposed mast was over *360m* from the nearest residential property.

RESOLVED – That the application be DEFERRED for further information with respect to the following:

- Planning guidance, as referred to in the representation from Stephen O'Brien, MP
- Bats, Barn Owls and Newts
- The impact on the telecoms mast and the television signal
- The health impact (with reference to BMJ 8 March 2012 and Royal Society of Medicine August 2014)

97 14/1242C FORMER ARCLID HOSPITAL SITE, NEWCASTLE ROAD, ARCLID: PROPOSED HOUSING DEVELOPMENT CONSISTING OF 83 DWELLINGS FOR MR STEPHEN MILLER, MORRIS HOMES LIMITED

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

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

Note: Mr R Earley 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 authority be DELEGATED to the Head of Strategic and Economic Planning, in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- No objection being raised by the Council's Ecologist
 - Satisfactory resolution of the viability issues
 - A Section 106 to secure the following:
Affordable Housing (a minimum of 15%, subject to the outcome of the viability negotiations)
Education contribution towards Secondary School Provision of £163,427
POS and LEAP (5 pieces of equipment to be provided and maintained by management company)
 - the following conditions:
 1. Time
 2. Materials to be submitted
 3. Approved plans
 4. Piling details to be provided
 5. Environmental Management Plan
 6. Levels to be submitted and approved
 7. Landscape to be submitted and approved
 8. Landscape implementation
 9. Tree/Hedge Protection
 10. Arboricultural Method Statement
 11. Contamination details to be submitted and approved
 12. Boundary Treatment Details to be submitted and approved
 13. Air Quality
 14. Dust Control
 15. Breeding Birds
 16. Travel Plan
 17. Electric vehicle infrastructure
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Strategic and Economic Planning, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical

slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

98 14/4242N GRESTDY GREEN FARM, GRESTDY GREEN ROAD, SHAVINGTON CUM GRESTDY, CREWE CW2 5AE: VARIATION OF CONDITION 12 OF 11/2212N - MINOR AMENDMENTS TO HOUSE TYPES AND LAYOUT FOR JANE ASPINALL, BELLWAY HOMES NW

Note: Having made a declaration, Councillor S Davies withdrew from the meeting during consideration of this item.

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 completion of Section 106 Deed of Variation securing the same obligations as 11/2212N:
 - 1. Provision of 7 affordable housing units – 3 to be provided as social rent with 4 as intermediate tenure (apart from the removal of the requirement for the compliance with the rainwater harvesting element of CFSH Level 3)
 - 2. Provision of education contribution of £86,268
 - 3. The provision of a LEAP and Public Open Space to be maintained by a private management company
 - 4. A commuted payment of £51,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)

And the following conditions:-

- 1. Standard time limit 3 years from the date of the appeal decision
- 2. Materials to be submitted for approval
- 3. Landscaping submission
- 4. Landscaping implementation
- 5. Submission and approval of an Arboricultural Method Statement
- 6. No removal of trees without the prior written consent of the LPA
- 7. Boundary Treatment to be submitted for approval
- 8. Removal of Permitted Development Rights for Plots 30-38 and 41
- 9. Breeding Birds timing of works
- 10. Features for use by nesting birds to be submitted to the LPA for approval in writing
- 11. Mitigation for Bats and Barn Owls to be submitted to the LPA for approval in writing
- 12. Approved Plans
- 13. Surface Water Regulation System to be submitted for approval
- 14. Management of Overland Flow to be submitted for approval

15. Contaminated Land
 16. Submission of noise mitigation measures for approval
 17. External Lighting details to be submitted for approval
 18. Prior to the commencement of development, detailed drawings of the junction design at Crewe Road/Gresty Lane/Gresty Green Road, which shall include the provision of a pedestrianised island and a right turn lane, shall be submitted to and approved in writing by the Local Planning Authority.
 19. Bin Storage Details to be submitted and approved.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Strategic and Economic Planning, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

99 14/4530N LAND OFF ROPE LANE, SHAVINGTON: VARIATION OF CONDITION 1 OF 14/1543N TO CHANGE THE HOUSE TYPE ON PLOTS 3, 7, 20, 35 AND 72 FOR WAINHOMES (NORTHWEST) LTD

The Committee considered a report regarding the above planning application.

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

1. Approved Plans
2. Compliance with the materials specified in the letter dated 4th September 2014 and as shown on plan reference 1274WHD/RLS/SLO1 Rev M received on 24th October 2014 as part of discharge of conditions application 14/4197D.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.
4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.
5. The balancing pond shall comply with the details shown on plan reference 3978/8/1 Rev B, the Storm Sewer Design from Micro Drainage and detailed within the e-mail from Peter Barlow dated 1st July 2014 received as part of application 14/2923D

6. Boundary Treatment in accordance with the submitted plan
1274WHD/RLS/SL01 Rev M

100 **14/4247N 139 A, WISTASTON ROAD, WILLASTON, NANTWICH,
CHESHIRE CW5 6QS: ERECTION OF DETACHED BUNGALOW FOR
J.R.TONKS LIMITED**

The Committee considered a report regarding the above planning application.

The Principal Planning Officer reported that an additional representation objecting to the proposal had been received.

RESOLVED

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

1. Time (Standard)
2. Plans
3. Materials to be submitted – Facing and roofing
4. Materials to be submitted - Surfacing
5. Hours of piling
6. Piling method Statement
7. Prior submission of a dust mitigation scheme
8. Prior submission of external lighting
9. Tree Retention
10. Tree Protection
11. Tree Pruning/Felling specification
12. Arboricultural Method Statement (Implementation)
13. Levels survey (trees)
14. Drainage (trees)
15. Landscaping (Details)
16. Landscaping (Implementation)
17. Boundary treatment to include safety gate feature to protect the front door entrance at 139A Wistaston Road

Informative

1. NPPF
2. Hours of construction
3. United Utilities

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Strategic and Economic Planning, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

101 **14/4462C LAND ADJACENT 6, HEATH END ROAD, ALSAGER ST7
2SQ: PROPOSAL FOR A GARAGE, GREENHOUSE, KITCHEN
GARDEN AND ACCESS (RESUBMISSION OF 14/3152C) FOR MR
ADRIAN GIRVIN**

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

The meeting commenced at 1.15 pm and concluded at 3.40 pm

Councillor G Merry (Chairman)

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Application No: 14/0143N

Location: FORMER BOWLING GREEN, WATERLODE, NANTWICH

Proposal: Erection of 7 dwellings with integral garages and associated car parking

Applicant: BLACK & WHITE CHESHIRE LTD

Expiry Date: 17-Feb-2014

SUMMARY

There is no requirement for an additional bowling green. The proposal would not have a detrimental impact on any archaeological remains. It has been demonstrated that the proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area, the setting of a Listed Building and Highway Safety.

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

PROPOSAL:

It is proposed to erect seven townhouse on the vacant bowling green contained within the grounds of The Residence which is a grade II* listed building in Nantwich Town Centre. The houses would be a combination of 2 and 3 storey and have the maximum ridge height of 11m allowing for a dual pitched traditional roof structure with gables front and rear. This is an amended and reduced scheme

SITE DESCRIPTION:

The site is located fronting onto Water Lode to the west with open views to the front including the River Weaver and is on the fringe of the town centre. To the north of the site is Mill Street with trees protecting views to secure rear garden areas. To the south are gardens of the adjacent property and to the east of the site are light industrial units and the Residence Hotel, a Grade II* listed building. The building was constructed circa 1736 as a townhouse and was extended in 1852 and 1879 to the current form. The site is the former bowling-green of The Residence and due to the nature is flat with raised area abutting. An 1800mm high brick boundary wall surrounds the site with the exception of the stepped access to the Restaurant. The site steps up approx. 2.4m from the existing bowling green.

RELEVANT HISTORY:

11/1536N – Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access – Approved 11/4/11

P07/0632 – Window Alterations on West Wing – Approved – 22nd June 2007

P06/0020 – Change of Use of 2nd Floor Apartment and Construction of External Staircase – Approved – 25th September 2006

P07/1251 – New Entrance Gates and Railings – Approved – 31st October 2007

P07/0631 – Listed Building Consent for Installation of New Windows in the West Wing and Various Internal Alterations – Approved – 26th June 2007

P07/1061 – Listed Building Consent for New Entrance Gates and Alterations to Entrance Steps – Approved – 27th September 2007

P06/0023 – Listed Building Consent for Internal Alterations to First and Second Floors to Form Apartment and Construction of External Staircase – Approved – 27th September 2007

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 49, 55, 56, 131 and 132.

Development Plan:

The Development Plan for this area is the Crewe & Nantwich Local Plan

The relevant Saved Policies are: -

BE1: Amenity

BE2: Design Standards

BE3: Access and Parking

BE7: Conservation Areas

BE9: Listed Buildings

TRAN3: Pedestrians

TRANS.9: Car Parking Standards

RT1 Formal Open Space and Playing Fields

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2 Sustainable Development

PG2 Settlement Hierarchy

SE7 Historic Environment

SE1 Design

CONSULTATIONS:

Highways: Any comments will be reported as an update.

Environmental Health: Recommended refusal due to lack of information in respect of noise insulation. Request conditions/informative in respect of travel planning, dust, piling, contamination and noise insulation.

Environment Agency (EA): No objections

United Utilities – No objections

English Heritage: Commented on the initial scheme that they do not consider the scheme to cause harm the Conservation Area and less harmful to the listed building than previous schemes. However, it would not enhance but the decision should rest with the LPA.

Nantwich Civic Society – Consider that the buildings should be moved further forward to front on to Waterlode to give this section of the road some much needed interest and articulation - compared to the long, featureless wall at present. Also, by moving the dwellings further away from The Residence, any noise nuisance potential would be minimised. With an archway through the block, this would be quite feasible. A Georgian design solution is suggested.

Sport England – No objections

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants.

8 letters have been received to the initial three storey submission objecting on the following grounds:

- Impact on the listed building
- Too large, high and prominent
- Inappropriate to local area
- Allocation in Local Plan
- Impact on visual and residential amenity
- Wasted opportunity to enhance hotel
- Out of keeping with Nantwich Town Centre
- Should remain as bowling green/green space
- Poor access

This is a summary and the full contents are on the Council website.

APPRAISAL:

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape and diversity but would result in the development of a small green space in the Town Centre.

Social Sustainability – The application would develop a former private facility that has been inactive for a significant period. The establishment of development has been set by a previous planning permission to extend hotel facilities.

Economic Sustainability – The proposal would introduce more town centre residents that would in turn utilise local shops and facilities.

Principle of Use

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These seek to ensure proposals respect the scale, form and design of the surrounding built environment and the original building and are compatible with the surrounding units and to ensure they have no adverse effect upon neighbouring amenity and the proposal will not have a detrimental impact on highway safety. Furthermore, Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) states that development will not be permitted which would result in the loss of open space which has recreational or amenity value. 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. Notwithstanding the policy RT.1 the loss of the recreational space was established by the granting of permission 11/1536N.

The bowling green closed in 2007 and as a result, the bowling club relocated to a municipal bowling green at The Barony, Nantwich. The former bowling green, adjacent to The Residence, is identified as RT.1 protected open space on the Proposals Map of the Replacement Borough of Crewe and Nantwich Local Plan 2011. Policy RT.1 of the Replacement Borough of Crewe and Nantwich Local Plan 2011 protects open space from development unless a 'carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance'. It also states that an exception may be made where 'the playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.'

As part of the approval of 11/1536N a search for alternative sites for a replacement bowling green has taken place and that a suitable site was identified at The Barony Park in 2010. The applicant is offered a Commuted Sum payment of £62,550 which it is stated could provide either a new bowling green or it would finance the improvements that have been discussed with the club. It does not include any allowance for on-going maintenance of the bowling green.

To adhere to Policy RT.1 therefore a replacement bowling green, with a Commuted Sum payment, for its on-going maintenance, would be required. This would need to be provided, in

advance of the development of the former bowling green site. At the time the Leisure Service confirmed that the proposed commuted payment was acceptable. Sport England does not object to the planning application.

With regards to maintenance costs, this is usually required when public open space is provided by a developer to ensure that landscaping schemes become established and plants that die are replaced. That is not the case here and Leisure Services has not requested a payment for maintenance. The bowling green is clearly already well maintained under existing arrangements with the bowling club and as such in accordance with the above policy there is no justification for additional monies for the ongoing maintenance of the bowling green. The proposal is broadly in accord with criterion iv of policy RT.1, which states that *'The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of development'*. Barony Park represents the most logical course of action to utilise the commuted sum payment to make improvements to that existing green.

Impact on Listed Building/Conservation Area/Design

It is appropriate that these issues are considered as a whole as they are interwoven as issues within the context of these proposals. The initially submitted proposals have shown 7 three storey houses in a mews setting. It was considered by Officers that this was not the most appropriate design solution given the sensitivity of the proximity of the listed building and the Conservation area context. Thus discussions have taken place with the applicants and an amended scheme has been submitted to address officer concerns. The revised scheme is positioned to show a uniform building line fronting onto waterlode. Three conjoined three storey house would be in the centre in the form of a traditional "Gentleman's Residence" akin to the Lisperd Building. Two pairs of conjoined two storey houses would sit subserviently to each side to almost replicate staff quarters from a period development. This has the added advantage of creating vistas into the Conservation Area and maintaining uninterrupted views of the listed building. The historic roofscape of three storey buildings and chimneys rising up to the centre of town and the conservation area would be complemented. This design solution has the support of the Design & Conservation officer. Accordingly the scheme now accords with BE1, 2, 7 and 9 of the Local Plan and is considered to be acceptable.

Amenity

The nearest residential properties which may be affected by the proposed development are located on Mill Street. These properties share a common boundary with the application site. The properties on Mill Street front directly on to it and are primarily two storey terraced houses some of which incorporate single storey outriggers. The concerns that were expressed by residents in terms of height and visual impact have been noted by the applicants and accordingly elements of the proposals have been reduced to two storeys.

The EHO has raised concerns due to the proximity of the garden/drinking area of the hotel (Listed Building) and the proposed new houses; particularly those that are to the north of the site as the beer garden would sit a bedroom level as the land rises. This is a concern that must be weighed in the planning balance. However, perhaps the crucial point here is that the prospective occupants of those houses would be aware of the situation prior to occupation and this is a town centre, not a suburban, location whereby a mix of uses will sit together side by side. In this context, in planning terms the proposal is considered to be on balance

acceptable in amenity terms. It is not considered that the concerns of the EHO could justify withholding planning permission. To warrant a refusal of permission, the issue would have to significantly and demonstrably outweigh the benefits of granting planning permission of the new housing scheme.

Highways

The proposed access to Waterlode broadly replicates the position and design of the formally approved access to the extended hotel and car park. In this context this proposal also represents a less intensive use than the hotel extension scheme and thus in planning terms would appear to be acceptable. The Highways Officer has been re-consulted and the comments will be reported as an update to the meeting.

Archaeology

The site of the proposed development lies within Nantwich's Area of Archaeological Potential, as defined in the local plan of the former Crewe and Nantwich Borough Council. This reflects its position within the core of the historic town, which is characterised by the presence of deep, well-preserved, organic deposits. Recent excavations in the town have demonstrated the quality of the archaeological deposits with traces of timber buildings and other features preserved within the waterlogged strata.

In view of the above, it was recommended that an earlier proposal (Refs 11/1536N and 1537N) should be subject to a programme of pre-determination field evaluation in order to establish the precise nature of the archaeological deposits present on the site and the need, if any, for further archaeological work. The trenching demonstrated that although archaeological deposits were present on the site, they were not significant enough to generate an objection to the development or to require either preservation *in situ* or a formal programme of open-area excavation.

It was advised, however, that relevant aspects of the development should be subject to archaeological monitoring, in order to identify any archaeological deposits exposed by the works. Relevant works may be defined as any generalised site clearance or ground reduction, and the excavation of foundation trenches and major services. It is, of course, possible that ground conditions will require the use of piled foundations, in which case ground reduction in order to accommodate floor slabs, sub-base, and (potentially) pile caps will be required. A report will also be required and a condition is thus proposed.

Other Material Considerations

Response to Objections/Comments of Civic Society: The proposed development has been revised to partially reduce height to negate the impact on the listed building and the Conservation Area.

Planning Balance

The proposal will result in the loss of a bowling green which is protected under policy RT.1 and as there is no requirement for an additional green due to potential users and lack of funding for maintenance it is considered that the commuted sum payment for improvements to existing facilities at the Barony are acceptable within the planning balance; as is potential amenity issues to future occupiers of the scheme due to the Town Centre location. Furthermore, the proposal will not have a detrimental impact on any archaeological remains. The proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area,

the setting of a Listed Building and Highway Safety and it therefore complies with Local Plan Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions), BE.16 (Development and Archaeology), TRAN.3 (Pedestrians), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and the NPPF. Therefore, in the absence of any other material planning considerations and having due regard to all the matters raised, the proposal is considered to be acceptable and accordingly recommended for approval.

RECOMMENDATION: Approve subject to completion of Section 106 Legal Agreement to secure the provision of Commuted Sum Payment of £62550 to comply with RT.1

And the following conditions:

- Standard Time Limit
- Plan References
- Materials
- Surfacing Materials
- Archaeology
- Hours of Delivery
- Pile Driving
- Window/Door Details
- Details of Boundary Wall
- Reveal Details
- Visibility Splays
- Car Parking
- Contaminated Land Report
- Access Details
- Footpath Details
- Rainwater Goods

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 Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application No: 14/4588N

Location: Land to rear of 144, Audlem Road, Nantwich, Cheshire, CW5 7EB

Proposal: Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N

Applicant: Wainhomes (North West) Ltd

Expiry Date: 02-Jan-2015

SUMMARY

The NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that planning should take full account of flood risk. The acceptability of the proposal with regards to sustainability is dependant on the scheme meeting these requirements.

The principle of the development and the associated access arrangements have already been established with the approval of the associated outline permission.

It is considered that the layout, scale, appearance and landscaping of the scheme are also acceptable.

The development would not have a detrimental impact upon neighbouring amenity, ecology, drainage and flooding, trees or public rights of way, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions.

DETAILS OF PROPOSAL

This reserved matters application seeks approval of the appearance, landscaping, layout and scale. The matter of the main point of access into the site was approved on appeal as part of application 13/1223N.

The proposal is for 33 dwellings that would be a mix of detached, semi-detached and terraced properties, comprising seven 2 bed houses, six 3 bed houses, fifteen 4 bed houses and five, 5 bed houses.

SITE DESCRIPTION

The application site is approximately 1.6 hectares in size and is located on the southern edge of Nantwich. The site comprises one residential plot of land fronting onto Audlem Road (within the settlement boundary) and land to the rear of the properties along the western edge of Audlem Road, which is outside of the settlement boundary. Land to the north is part of Brine Leas High School. Land to the west is playing fields associated with Weaver Vale Primary School with residential development beyond.

The application site is currently a grassed parcel of land bordered by mature hedges and trees. The character of the street scene along Audlem Road consists of predominately two-storey terraced dwellings combined with some bungalows. The properties either side of the site entrance comprise a bungalow (no 146) and a two-storey terraced dwelling (No 142). Further to the north along Audlem Road are two storey semi-detached dwellings.

RELEVANT HISTORY

13/1223N Outline application for up to 40 dwellings – Appeal against non-determination allowed – 4th August 2014

13/4603N Outline application for up to 40 dwellings – Refused – 20th March 2014

NATIONAL & LOCAL POLICIES

National policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance to this application are paragraphs 17 (Core planning principles), 56-68 (Good design), 94 and 99-104 (Flood risk).

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
NE.21 - Land Fill Sites
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
RT3 – Provision of Recreational Open Space and Children's Play Space in New Housing Developments

RT.6 - Recreational Uses on the Open Countryside
TRAN.3 - Pedestrians
TRAN.5 – Cycling

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 – Open Countryside
CS6 – The Shavington / Wybunbury Triangle
SC1 – Leisure and Recreation
SC2 – Outdoor Sports Facilities
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE7 – The Historic Environment
CO1 – Sustainable Travel and Transport

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

Strategic Highways Manager – None received at the time of report writing.

Environmental Protection – No objections, subject to a number of conditions including; hours of piling, the prior submission of a piling method statement, the prior submission of lighting details, compliance with noise mitigation scheme, the provision of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a biomass potential condition.
In addition to the above, an hours of construction informative is proposed.

United Utilities – No comments received at time of report

Public Rights of Way (PROW) – No objections but request signage.

Flood Risk Manager – None received at the time of report writing.

Natural England - No objections

VIEWS OF THE TOWN COUNCIL:

The Town Council has no objection to the reserved matters but expresses regret at the original decision to grant permission on a site that was not included in the Town Strategy.

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted. 7 letters have been received objecting on the following grounds:

- Inappropriate development on open countryside
- The Council has an identified 5 year supply of housing
- Impact of additional traffic using Audlem Road
- Impact on highway safety due to narrowness of the road
- Poor visibility onto Audlem Road
- Impact on local infrastructure such as schools and doctors
- Development will 'landlock' Brine Leas school restricting future expansion
- Impact on the quality of life of existing residents
- Speculative development
- Inadequate consultation
- Impact on property prices

APPRAISAL

The key issues are:

- The principle of development
- The acceptability of the Layout, Scale, Appearance and Landscaping
- Access / Highway safety
- Impact on residential amenities
- Affordable housing requirements
- The impact upon ecology
- The impact upon drainage / flooding
- The impact upon trees
- The impact upon Public Rights of Way (PROW)
- The provision of open space

SUSTAINABILITY

This application shall consider the sustainability of the proposed development in the context of the reserved matters.

In this instance, consideration of the design, landscaping and drainage are the principal considerations.

Design

Paragraph 56 of the NPPF advises that;

'The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

Paragraph 63 of the NPPF advises that;

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Paragraph 64 of the NPPF advises that;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Layout (including Access)

The proposed layout comprises of an elongated parcel of land to the rear of 144 Audlem Road, which would be demolished as part of the proposal.

Access would be on to Audlem Road where number 144 would be demolished and this access was approved as part of the outline application. This access would take a spine road through the development to a turning head at the western end of the site. Further to the west, an area of open space including wildflower meadows, an enhanced pond and a link to the Public Footpath that runs along the western boundary of the site.

The Strategic Highways Manager has not commented on the application, however the access was determined at outline stage and the layout is very similar to that put forward at that stage. The SHM had no objections to this form of layout at outline stage.

The single cul-de-sac arrangement would have properties fronting on to the road as well as on to the public open space, which would ensure active frontages and natural surveillance of all public areas.

As a result of the above, it is considered that the proposed layout of the scheme is acceptable.

Scale

The proposal would comprise 33 two- storey, detached and semi-detached dwellings and the character of the street scene along Audlem Road consists of pre-dominantly two-storey terraced dwellings combined with some bungalows. The properties either side of the proposed access comprise a bungalow and a two-storey terraced dwelling. Further to the north along Audlem Road there are two-storey semi-detached dwellings.

Given the mixed nature of the surrounding development, it is considered that the scale of the proposed development is acceptable.

Appearance

The proposal would comprise 33 dwellings 10 different house types including detached, semi-detached and terraced. The house types include features such as brick and stone window heads and cills, bay windows, pitched roofs and canopy porches, all of which help to break up the massing of the buildings and maintain visual interest. All would be finished with brick and tile which would reflect the pre-dominant materials used in the surrounding area.

The surrounding properties are of various heights and forms and fenestration finishes. As such, it is considered that the general mix of property styles, finishes and forms would largely reflect the characteristics of the surrounding area and would not appear incongruous within this setting.

As such, subject to the appropriate use of materials in order to respect the local character, it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy BE.2 of the adopted local plan.

Landscaping

Landscaping plans have been submitted with the applications which show trees to be removed and proposed tree, shrub and other planting proposals. These are considered to provide adequate and appropriate landscaping for the site in order to ensure that the development has an appropriate appearance in this location.

Amenity

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

The site is surrounded by open countryside and school playing fields to the north, west and south. The only adjoining dwellings are those fronting on to Audlem Road to the east.

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. In the case of this proposal, all the minimum separation distances between the existing and proposed dwellings would be complied with and therefore the proposal is considered to be acceptable in these terms.

In terms of the relationship between the proposed dwellings themselves, the dwellings are considered to be far enough away from each other, so not to create any particular issues with regards to overlooking, loss of light or visual intrusion.

The amount of amenity space proposed for the dwellings is considered acceptable. Although some of the plots fall short of the recommended minimum standard, it is considered that they are large enough for the future occupiers to be able to carry out normal functions such as; sitting outside, hanging out washing etc and not sufficiently small to cause objection. The smaller plots (22 to 28 inclusive) should be subject of a condition removing permitted development rights in order to ensure that an adequate level of residential amenity space is maintained.

Environmental Protection have raised no objections, subject to a number of conditions to ensure the development would not create any issues in relation to noise, or contaminated land.

Trees

Having regard to the impact on trees, the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan as referred to in the AMS are deemed to be acceptable and comply with the requirements of the tree AMS condition imposed by the Inspector at the appeal

As such, no objections on tree grounds are raised.

Ecology

There are a number of ponds located within 250m of the proposed development and Great Crested Newts have been recorded at two of these ponds, but not at the pond within the application boundary. The application site offers limited habitat for Great Crested Newts due to its current management and in addition the more important habitat features are proposed for retention as part of the proposed development. A condition should be imposed requiring compliance with the 'reasonable avoidance measures' submitted with the application.

The submitted ecological mitigation strategy proposes the retention and enhancement of the on-site pond to increase its ecological value. If planning consent is granted a condition should be imposed securing this.

Part of the submitted Habitat and Landscape Management Plan (HLMP) proposes a once a year cut of the wildflower grassland area. This is at odds with the submitted ecological mitigation strategy which proposes that an approach of minimum intervention in this area and specifically advises that the habitat should never be mown.

In addition, the HLMP relating to the Habitat buffer zone refers to proposed trees in this area. In order to safeguard the enhanced pond from the adverse impacts of shading there should be no additional tree or scrub planting in this area. The management plan should however specify any invading scrub would be removed on an annual basis.

An amended HLMP to address this has been requested and an update will be provided prior to the meeting.

In order to control any adverse impact on protected species, a condition should be imposed requiring submission of any external lighting details.

Public Open Space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 600sqm of shared recreational open space and 800sqm of shared children's play space.

The proposed layout shows 2975sqm of open space within the site. However, in accordance with the advice of the Council's ecologist, this area will be required for wildlife mitigation and habitat enhancement. This would be incompatible with the use of the area as shared recreational or children's play space. The Unilateral Undertaking submitted at the appeal on the outline application required an off-site contribution to be used to re-surface the car park at Shrewbridge Lake. This was considered to be acceptable by the Inspector and in compliance with Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.

Flood Risk and Drainage

The appeal decision on the outline application included a condition requiring the provision and approval of a scheme for foul and surface water drainage prior to commencement of development and this has been submitted with this application. United Utilities have stated that they are satisfied with the submitted details. The Council's Flood Risk Manager has not commented at the time of report writing and an update will be provided prior to committee.

Planning Balance

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, public rights of way or open space.

The proposal complies with relevant policies of the Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Plans
2. Implementation of revised Habitat and Landscape Management Plan
3. Removal of Permitted Development Rights (Part 1 - Classes A-E) for plots 22 to 28 inclusive
4. Implementation of Protected Species Mitigation method statement prepared by TEP dates September 2014.
5. Submission of details of external materials
6. Submission of details of any external lighting

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager 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.

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Application No: 14/1907C

Location: THE ORCHARD, HOLMES CHAPEL ROAD, SOMERFORD,
CONGLETON, CW12 4SP

Proposal: Demolition of 2 existing bungalows and glasshouses associated with a horticultural nursery and the construction of 2, two-storey detached dwellings, a two-storey building comprising 2 flats and 6 detached bungalows with a new shared access

Applicant: Plant Developments Ltd

Expiry Date: 14-Jul-2014

SUMMARY:

The proposal is considered to be acceptable in principle, as it lies predominantly within the infill boundary line as designated in the local plan. It will assist the Council's 5 year housing land supply position and will promote economic growth. It is the view of officers that these considerations outweigh the site's lack of sustainability in locational terms, and the minor conflict with adopted local plan in terms of the small part of the site which lies outside the infill boundary line. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is acceptable in terms of its impact on Jodrell Bank and residential amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will respect the character and appearance of the surrounding area. The proposal will be acceptable in terms of its impact on ecology, trees and landscape, highway safety and open space. It will also assist in meeting local affordable housing needs.

The access to the site is considered to be acceptable and considerations relating to design, affordable housing, open space and residential amenity would be acceptable subject to conditions and a S106 agreement to mitigate the relevant impacts.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PROPOSAL:

The application seeks outline planning permission (with details of access) for the demolition of 2 existing bungalows and glasshouses associated with a horticultural nursery and the construction of 2, two-storey detached dwellings, a two-storey building comprising 2 flats and 6 detached bungalows with a new shared access directly off Holmes Chapel Road.

SITE DESCRIPTION:

This application relates to the site referred to as 'The Orchard' situated on the south western side of the main A54 Holmes Chapel Road.

The site accommodates two bungalows fronting the road and towards the rear there are three glasshouses and outbuildings used for a small horticultural enterprise.

The site is abutted to the east by residential development forming the settlement of Brereton Heath and to the south and west by dense woodland which is designated as a Site of Biological Importance (SBI).

The site falls partly within the Infill Boundary Line of Brereton Heath with the remaining part of the site at the rear falling within Open Countryside as designated in the adopted Congleton Borough Local Plan.

RELEVANT HISTORY:

13/3628C - Demolition of residential dwellings and plant production buildings and construction of new dwellings – Withdrawn

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49 and 55.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates part of the site within the Infill Boundary Line of Brereton Heath (Policy PS6) with the remaining part of the site at the rear falling within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

PS6 Settlements in the Open Countryside

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS:

Highways:

No objection

Environmental Protection:

No objection subject to conditions relating to hours of construction / piling, dust control and submission of an environmental management plan.

Jodrell Bank:

No objection subject to installation of electromagnetic screening measures

United Utilities:

No objection provided that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

VIEWS OF THE PARISH COUNCIL

Brereton Parish Council:

Object as the site is outside of the Infill Boundary Line

Somerford Parish Council:

No objection subject to conditions but comment that the site is too dense and there needs to be consideration for 6 bungalows and it is concerning whether 2 flats are in keeping with the area.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

A representation has been made by a neighbouring property objecting to this proposal on the following grounds:

- Proposal is better than previously withdrawn application and will give a bit more variety to the area
- Application is only outline and the proposal could all change
- A later application could turn all the dwellings into two-storey homes
- Layout is a little cramped
- Part of site extends beyond the settlement line
- Potential impact on adjacent TPO trees
- Concern about how the boundaries will be treated
- Open countryside to horticulture is one thing but horticulture to residential is another

APPRAISAL:

The key issues are:

Principle of Development

Design Considerations

Affordable Housing

Trees & Landscape

Highways

Residential Amenity

Ecology

Jodrell Bank

CIL – S106 Obligations

Planning Balance

Principle of Development

The front part of the site lies within the Infill Boundary Line for the settlement of Brereton Heath, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The sub-text to Policy H6 states that “*limited development is defined as the building of a single or small group of dwellings*”. Whilst no definition is provided for the term “*small group*”, the provision of 10 dwellings (8 additional dwellings taking into account that the proposal would replace two existing properties), the proposal could be considered as comprising “limited development” in relation to the existing settlement and having regard to other proposals within the locality which have also been accepted as constituting ‘limited development’.

The rear part of the site lies outside the infill boundary line as shown on the local plan map. Consequently this represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council’s calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

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.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

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

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

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

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

The site is located on the edge of Brereton Heath. It is a small settlement, comprising approximately 100 dwellings. The only amenities in the settlement are a post box and bus stop. There are very limited job opportunities locally so residents would have to travel to other locations. The only employer in the settlement is Somerford Park Farm equestrian centre which is on the opposite side of the road to the site. The nearest public house, church and school are located within Brereton Green, which 2.6 miles away. The nearest significant centres, which have a full range of shops and services are Congleton and Holmes Chapel. These are located 3.4 miles and 3.5 miles from the site respectively.

Locational factors and the carbon footprint associated with car borne travel are an important aspect of sustainability. However, as was confirmed in an appeal decision for a scheme of 25 no. dwellings at Land opposite Rose Cottages near to the site, this is not the only aspect (Appeal Ref: APP/R0660/A/13/2192192). The Framework advises that there are three interdependent dimensions to sustainable development, these being economic, social and environmental.

In allowing the appeal at Rose Cottages the Inspector found that 'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

Thus, in terms of its location, and accessibility, the development is unsustainable. However, there are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do. As such, having regard to the current housing land supply, the fact that this site is located predominately within the infill boundary line, the economic growth and social benefits are considered, on balance, to outweigh the limited conflicted with local plan policy in terms of the scale of development, and the lack of sustainability in locational terms. Consequently, the

adverse impacts of which are not considered to be significant or demonstrable and as such the principle of the development is found to be acceptable.

Design Considerations

Whilst this proposal is in outline form, the indicative layout shows 10 detached properties. Three of the proposed dwellings would be positioned either side of the proposed access into the site and would be two-storey and single storey fronting the existing Holmes Chapel Road frontage. The remaining 7 units would be situated towards the rear arranged around the proposed internal road into the site. It is indicated that the units to the rear would comprise of single storey bungalows and would partially replace some of the existing nursery buildings on the site.

In terms of size, scale and design, the scale parameters indicate that the proposed dwellings would be of a similar size and scale to the adjacent developments and as such would not deviate from the character or appearance of the adjacent units. The provision of bungalows to the rear would have minimal visual impact given that they would be single storey bungalows replacing existing single storey structures. On this basis, it is considered that the proposals as indicated would not appear incongruous and the proposal is therefore found to be acceptable in design terms.

Affordable Housing

Having regard to the adopted Interim Planning Statement on Affordable Housing, the Council will require the *"provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified windfall sites of 0.2 ha or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population"*. It goes on to state that *"the general minimum proportion for any site will normally be 30%"*.

The Council's Housing department has confirmed that there is an established need for affordable housing in this rural parish of Somerford and the neighbouring parish of Brereton. In the SHMA the parish of Somerford is covered under the area known as Congleton Rural. The SHMA shows Congleton Rural has a need for 11 new affordable units per year between 2013/14 to 2017/18 (broken down this is a requirement for 1x 1bed, 1x 2bed, 4x 3bed and 2x 4+bed general needs units and 2x 2bed older persons accommodation). As such, there would be a requirement for the development to provide 2.4 affordable units on the site.

The applicant is proposing 2 units on site, which would equate to 25% affordable housing provision and 0.4 to be provided as a financial contribution in lieu. This is accepted on this site. Whilst the SHMA requirement is for 65% rented and 35% intermediate tenure it is accepted by the Council's Housing Section that 2 on-site units should be provided as one intermediate and one rented tenure unit.

Having communicated this to the agent, they have confirmed that they are willing to provide a financial contribution in lieu of the required affordable housing. However, the precise amount has yet to be finalised. Subject to this being agreed, the Council's Housing Section has offered no objection to the proposal.

Trees and Landscape

The Senior Landscape Officer has examined the proposals and commented that there are lengths of hedge along sections of the northern, western and eastern boundaries, two mature Lombardy Poplars on the A54 frontage and trees on the south eastern boundary. An area of TPO woodland adjoins the south west corner and a group of associated unprotected trees extends into the site.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. On the basis of the information provided and a site inspection, it appears the access to the proposed development would result in the removal of the two road frontage Lombardy Poplar trees. Based on the indicative layout, hedges to the west and east boundaries and other trees could be retained and protected. The tree report affords the Poplar trees Grade C and they are described as being at the end of their safe life expectancy. As such, subject to tree protection measures and a detailed landscaping scheme, which can be secured by condition / at the reserved matters stage, there are no landscape or tree issues.

Highways

The Strategic Highways and Transportation Manager (SHM) has examined the application and initially commented that the proposed internal road was not designed in accordance with Manual for Streets and the application failed to demonstrate how refuse vehicles serviced the site. In response, an amended indicative layout has been submitted showing 2 metre service strips along the internal road and a plan showing how a refuse vehicle would service the site. In light of this, the SHM is now satisfied with the scheme having regard to matters of highways safety. He considers that site can be satisfactorily served by the proposed access and the level of parking provision would be acceptable. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Residential Amenity

Details of layout and appearance are reserved for subsequent approval and as such full consideration cannot be given to neighbouring amenities at this stage. Nonetheless, the proposed layout would allow sufficient separation between the properties on the opposite side of Holmes Chapel Road. With respect to the properties either side, these side elevations are flanking and the proposed dwellings fronting Holmes Chapel Road are shown to respect the general building line and would thus not give rise to material planning harm to the occupant's residential amenity.

With regard to the proposed units to the rear of the site, these would be single storey bungalow properties and as such, the impact on the nearest neighbours could be controlled by the appropriate treatment of the boundaries, which would be secured at the reserved matters stage. Any loss of light or visual intrusion would not be sufficient to warrant a refusal owing to the existing buildings on the site. As such, the scheme is deemed to accord with policies GR6 and SPG2.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment and a Method Statement for Great Crested Newts. In terms of the nearby ponds, a small population of great crested newts has been recorded at a pond located within 100m of the proposed development.

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

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

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

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

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

The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value with the exception of the ponds and trees in the southern extent of the development. These features appear to be retained as part of the proposed development.

In order to mitigate the risk of newts being killed/injured during the works the NCO has recommended the exclusion of newts from the site by fencing off the existing pond. As such, subject to conditions securing this detail, the proposal would be unlikely to have significant effect on the local great crested newt population. Other species would not be materially

harmed by the proposals. In light of the conclusions therefore, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Jodrell Bank

In the absence of any objection from the University of Manchester, subject to appropriate conditions, it is not considered that a refusal on the grounds of the impact on Jodrell Bank could be sustained.

Other Matters

Whilst proposals exceeding 7 units would trigger the need to make provision for public open space, this requirement only relates to 'family dwellings', which are defined as comprising of 2 bedrooms or more. As this application is in outline form, the precise size and number of bedrooms in each proposed unit is unknown at this stage. However, it is important to note that the proposal will only result in the net addition of 8 units and it is indicated that 2 of the units will comprise of flats / maisonettes which would be considered as 'non-family' dwellings'. On this basis, only 6 of the net additional units would comprise of family accommodation and as such it is considered that public open space provision is not required in this instance.

S106 contributions Levy (CIL) Regulations:

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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 Council's Housing Officer, has advised that the proposed development will need to address a need for affordable housing, partly by providing 2 units on site with the remaining portion provided by way of financial contribution. Without such, the scheme would exacerbate the need for affordable housing. Thus, the affordable housing requirement is necessary to meet an identified need and accords with the Council's IPS, and is directly and reasonably related to the scale of development.

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The proposal is contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which 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 decision taking 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:*
 - n *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - n *specific policies in the Framework indicate development should be restricted.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion would be very small and it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement and signing of a Section 106 agreement making provision for:

Affordable Housing comprising:

- **2 units on site 1 for social rented and 1 for intermediate tenure**
- **0.4 of unit as a commuted sum (to be determined)**

And 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. Submission / approval and implementation of scheme of electromagnetic screening**
- 6. Submission / approval and implementation of environmental management plan**
- 7. Submission / approval and implementation of scheme to minimise dust emissions**
- 8. Foul drainage should be connected to foul sewer**
- 9. Construction of approved access**
- 10. Ecological mitigation to be carried out in accordance with submitted statement**

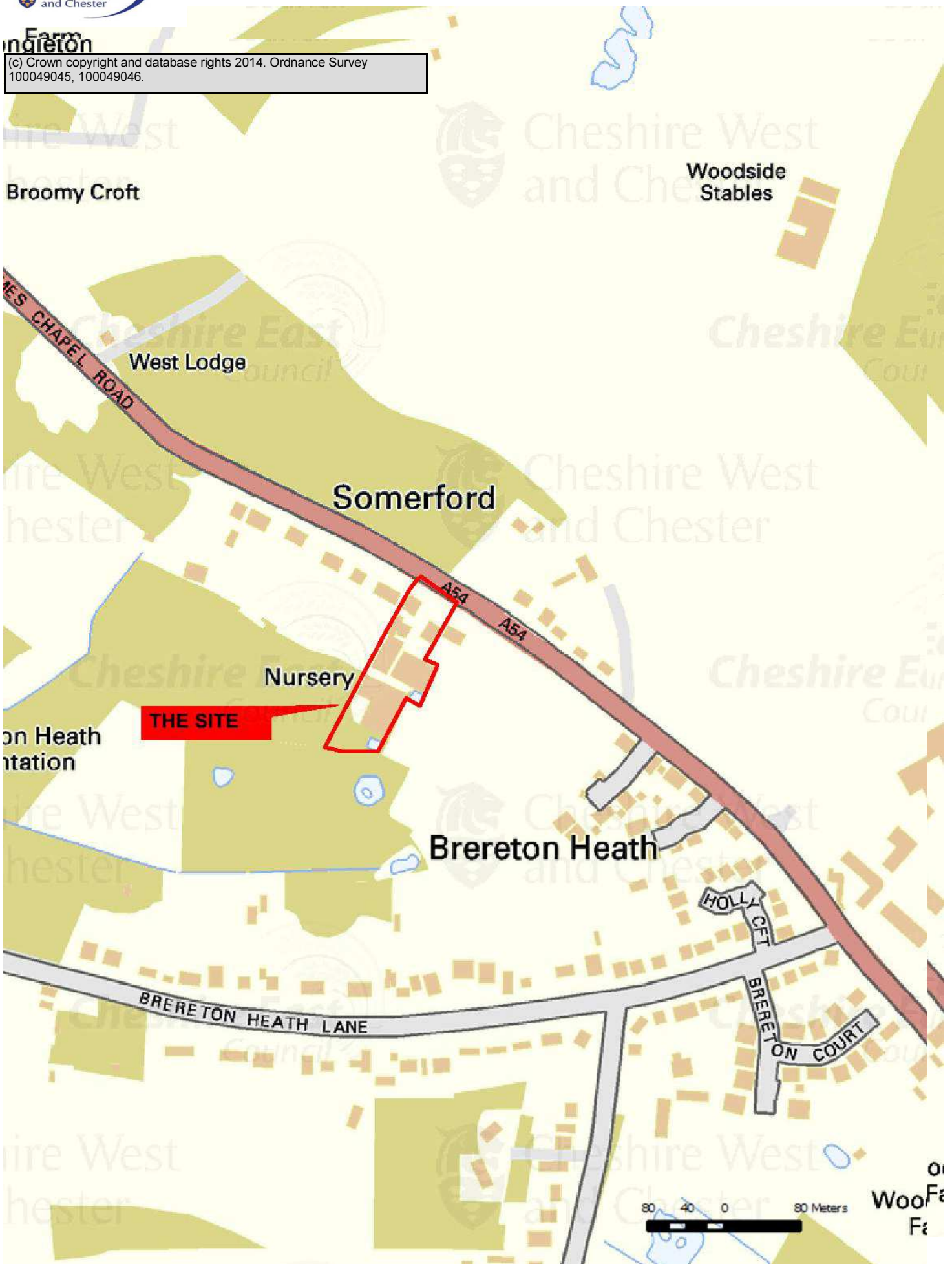
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In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair)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

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

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Application No: 14/4518C

Location: SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD, CW12 4SW

Proposal: Retrospective application for retention of a new stable building with ancillary groom's accommodation

Applicant: Simon King

Expiry Date: 26-Dec-2014

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY:

It is considered that the principle of the proposed development is not acceptable as the proposal has a harmful impact upon the character of the existing countryside and landscape and is therefore contrary with Local Plan Policies PS8, GR1, GR2, GR4, E5, RC5 and PG5 of the development plan as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF. The proposed use of the site is likely to have a minimal impact upon matters relating to highway safety, residential amenity or ecology and therefore the scheme is acceptable in this regard. However, these considerations are insufficient to outweigh the visual harm of the proposals. a recommendation for refusal is made.

RECOMMENDATION:

REFUSE

PROPOSAL:

This application seeks full planning permission for the retention of a new stable building with ancillary groom's accommodation at Somerford Park Farm, Holmes Chapel Road, Somerford. The application is retrospective.

SITE DESCRIPTION:

The application relates to the existing, large equestrian facility, situated on the north eastern side of Holmes Chapel Road, Somerford. The land is designated in the local plan as being

within the Open Countryside. There are residential properties to the west and open countryside to all other directions.

This is an extensive equestrian facility that attracts many visitors to the area. Full planning permission was granted under planning ref; 12/2794C for the erection of a veterinary building. The building has been erected; however, the construction is larger than that shown on the approved plans. Additionally, it is now proposed that the building be used for stables and grooms accommodation rather than as a veterinary practice as originally envisaged.

RELEVANT HISTORY:

Somerford Park Farm has an extensive planning history; however, the most recent and relevant are:

14/1118C - Erection of a stable block comprising 20 no. stables with tack / feed / wash / store areas; bulk straw and chipping storage and a muck room – Approved 23-Apr-2014

12/2794C - Erection of veterinary building – Approved 12-Oct-2012

11/0561C - Erection of a Satellite Stable Block Comprising 20no. Stables with Tack / Feed / Wash / Store Areas; Bulk Straw and Chipping Storage and a Muck Room – Approved 28-Jul-2011

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 28.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

- PS8 Open Countryside
- GR1 New Development
- GR2 Design
- GR5 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, servicing and provision of parking
- RC5 Equestrian Facilities
- NR1 Trees
- E5 Employment Development in the Open Countryside

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 Open Countryside
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 4 The Landscape
EG 1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection

Environmental Protection:

No objection subject to an informative relating to contaminated land.

Natural England:

No objection

PARISH COUNCIL:

Somerford Parish Council: No comments received at the time of writing this report.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

A representation has been made from 1 neighbouring property objecting to this proposal on the following grounds:

- Building is too tall
- Principle of development not acceptable
- Building overshadows objector's property and causes loss of amnity
- Intrusive
- Noise disturbance
- Scale of the development is too large
- Proposal detrimental to local ecology
- Existing floodlighting is not subject of the application

APPRAISAL:

The key issues are:

- Principle of the development
- Design, Siting and Scale
- Amenity
- Highways & Parking
- Ecology

Principle of Development

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport, recreation are acceptable in principle provided that they preserve the openness of the countryside.

Local Plan Policy RC5 deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; ecology; landscape; agricultural land; amenity and provide adequate parking provision and is linked to the bridleway network.

Local Policy E5 allows for the expansion or redevelopment of an existing business, appropriate to a rural area or essential for the continuation of operations which are already on site where there are no suitable existing buildings which could be re-used.

The existing operation is a commercial operation and employs over 35 full time equivalent staff. Whilst a building in this location has previously been accepted as being appropriate in this rural area, it was for much lower building (in terms of its overall height) and therefore the size and scale was much reduced. The building as erected is much more intrusive and it is considered that it does not preserve the openness of the countryside or respect the landscape. This will be explored below.

Additionally, the building was to be used for veterinary purposes and not for stabling or groom's day accommodation which is the use proposed as part of this application. It is important to note that in recent years, the enterprise at Somerford Park Farm has already benefitted from permission to create a number of stables. It is considered that the need for such stabling is not necessary and could be accommodated by the proposal which granted planning permission for the erection of 20. no stables and received approval under planning ref; 14/1118C. As such, the proposal is considered to be at variance with Local Plan Policies PS8, RC5 and E5.

Design, Siting and Scale

The proposed building is of portal framed construction and the general design and style is one that has been found to be acceptable in the vicinity. However, the building occupies a prominent position where it is clearly visible from Holmes Chapel Road. The most significant public views are obtained when approaching the site from the east with the large expanse of light coloured roof prominent. Whilst the approved building would also have been visible, the impact would have been much less owing to its lower height and therefore reduced scale.

Mitigation planting is proposed and would provide some screening benefit although this would take time to achieve and this in itself would also appear stark and intrusive. Further, being deciduous, the planting would have reduced screening benefit in winter.

Overall, the proposal fails to recognise or respect the intrinsic character and beauty of the countryside and is therefore contrary to the advice within the NPPG (para 17) as well as the relevant local plan policies.

Amenity

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

The proposed building is sited be in excess of 40 metres distance away from the nearest residential property to the south, referred to as 'The Woodlands'. Owing to this distance, the proposal would not materially harm this neighbour's residential amenity by reason of loss of light, visual intrusion or direct overlooking.

Further, having regard to existing equestrian operations at the site, use of the building would not give rise to harm with regard to noise. The Council's Environmental Protection department has assessed the application and has offered no objection to the proposal. As such, it is not considered that there would be any adverse impacts on residential amenity.

Highways & Parking

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

The proposal would not lead to any loss of parking spaces and there would be no alteration to the existing access. There would be an adequate level of parking provision within the site and the wider equestrian complex. In the absence of any objection from the Strategic Highways and Transportation manger, the proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Ecology

The original application (ref; 12/2794C) was supported by an extended phase one habitat survey that was undertaken by a suitably qualified and experienced ecological consultant. Given that the previous proposal was found to be acceptable in this regard and given that the building has already been erected, it is not considered that the proposal would materially harm species protected by law. This has been confirmed by the Council's Nature Conservation Officer.

The River Dane Site of Special Scientific Interest (SSSI) is nearby the site; however, Natural England does not consider that the development would have any adverse impact on the SSSI. The proposal is therefore considered to be acceptable in ecological terms.

Planning Balance

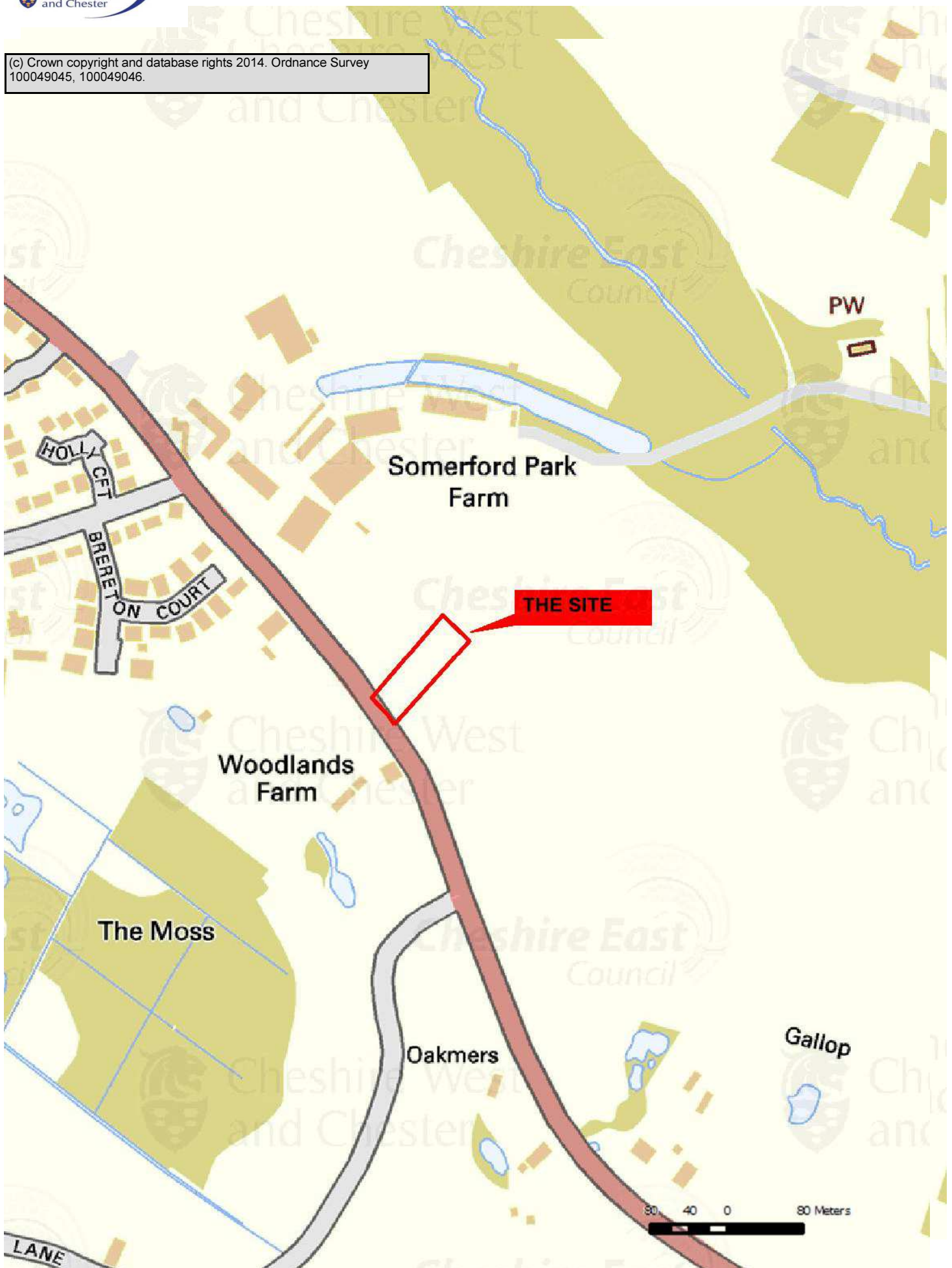
The proposal is contrary to development plan policies PS8, GR1, GR2, GR5, RC5 and E5 of the adopted Congleton Borough Local Plan First Review 2005 as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

RECOMMENDATION

REFUSE for the following reason:

- 1. The scale, height and massing of the development results in a building which detracts from the openness of the countryside and has an adverse impact on the landscape and the character of the area. It is therefore contrary to the Local Plan Policies PS8, GR1, GR2, GR5, RC5 and E5 of the adopted Congleton Borough Local Plan First Review 2005 as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF.**

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Application No: 14/4300N

Location: Lodge Farm Industrial Estate, Audlem Road, Hankelow, Cheshire, x

Proposal: Outline planning application with some matters reserved for Redevelopment of the site to provide up to 22 dwellings and an area of public open space

Applicant: Bridge Properties Ltd

Expiry Date: 12-Dec-2014

REASON FOR REPORT:

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

SUMMARY:

The principle of development on this part Greenfield part Brownfield site is considered to be acceptable given the Councils 5 year Housing Land Supply Position. However the impacts upon sustainable development need to be considered as part of a planning balance.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

In terms of the POS provision and the proposed LEAP this is considered to be acceptable.

The impact upon medical infrastructure will form part of an update report.

Environmental Sustainability

Details of the proposed landscaping would be secured at the Reserved Matters stage. There is no reason to believe that an acceptable scheme could not be secured. The site is well contained and the impact upon the wider landscape is limited.

With regard to ecological impacts, subject to the receipt of additional information in relation to Bats and other protected species the impact is considered to be neutral as mitigation would be secured.

An update will be provided in relation to the drainage/flood risk implications for this proposed development.

There would be no significant impact upon trees or hedgerows.

Economic Sustainability

The access to this site will be considered as part of an update report.

The site is part brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

The loss of the employment site is considered to be acceptable given the findings of the marketing exercise which has been undertaken.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions and the completion of a S106 Agreement

PROPOSAL:

This is an outline application for up to 22 dwellings (23 dwellings per hectare). Access is to be determined at this stage and all other matters would be reserved.

The access would be via a single priority junction off Audlem Road.

The indicative plan shows that open space would be provided on this site together with a LEAP.

SITE DESCRIPTION:

The application site is relatively flat and extends to 0.93 hectares and is located within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan 2011.

The site is located to the rear of existing ribbon development which fronts Audlem Road. The site includes a number of utilitarian buildings which form Lodge Farm with an area of external storage to the north-west. The site has an existing access to the north adjacent to the boundary of a dwelling known as 'Daisy Cottage'. The site is bound by fencing to the residential properties to the south and east with hedgerow to all other sides.

The site was last occupied by a conservatory company.

RELEVANT HISTORY:

P03/0612 – Formation of Office – Withdrawn 8th November 2004

P99/0772 – Outline application for residential development – Refused 11th November 1999 for the following reasons:

- Unwarranted intrusion into the open countryside creating unsustainable development
- Insufficient information in relation to the drainage of the site

P97/0405 – Two storey extension – Approved 26th June 1997

7/19874 - Continued use of land without compliance with personal conditions – Refused 29th August 1991

7/19778 - Light industrial building (retrospective) – Approved 26th July 1991

7/08207 - Erection of workshop for manufacture of animal weighing machines – Approved 16th July 1981

7/06359 - Storage building for agricultural weighers – Approved 18th March 1980

7/06348 - Re-building of lean-to extension – Approved 18th February 1980

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 49.

Development Plan:

The Development Plan for this area is the Crewe and Nantwich Replacement Local Plan 2011 which identifies that the site lies within the open countryside.

The relevant Saved Policies are: -

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)
E.7 (Existing Employment Sites)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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

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
North West Sustainability Checklist

CONSULTATIONS:

United Utilities: There are no known public sewers in the vicinity of the proposed development. A separate metered supply will be required for each unit.

Natural England: Statutory sites – no objection.

For advice on Protected Species refer to the Natural England standing advice.

NHS England: No comments received at the time of writing this report.

CE Flood Risk Manager: No comments received at the time of writing this report.

CE Education: There is space available in the local primary school to accommodate the 4 pupils generated, however Brine Leas Academy as a popular and successful school is significantly oversubscribed and a contribution will be needed for the secondary aged pupils.

$3 \times 17959 \times 0.91 = £49,028$ towards accommodating the secondary aged pupils generated by this proposal.

Strategic Highways Manager: Further consideration of site access and further information is required from the applicant in terms of visibility at the site access point.

Public Open Space: The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment.

Environmental Health: No objection. Conditions suggested in relation to piling works, bin storage, travel plan, dust control, electrical vehicle charging and contaminated land. Informatives suggested in relation hours of work and contaminated land.

VIEWS OF THE PARISH/TOWN COUNCIL:

Hankelow Parish Council: Hankelow Parish Council has the following observations:

- Concern about the location and height of the dwellings in relation to existing houses. There should be no dwellings which were more than 2½ storeys in height.
- Hankelow was serviced by a higher volume of heavy commercial vehicles, than other areas, by virtue of the lack of gas supply, and the fact that all houses used septic tank drainage. For this reason, the applicant must take into account the impact on the service roads.
- The Parish wished to maintain darkened skies in the interests of avoiding light pollution. If any lighting was proposed on the development, it should be low level and directed downwards.
- Drainage was a general problem in the parish. The drainage requirements identified in the applicant's report (greater than 5 cu. metres per day) must be addressed satisfactorily and meet the concerns expressed by the community and have the approval of the Environment Agency.
- Given the previous activity on the site, the land may be heavily contaminated and a full investigation must be carried out and appropriate measures put in place.
- The Parish Council wish to place on record that it appreciated the measures taken by NJL Consulting to involve the Parish Council in a continuous consultation on the development of the site. Moreover, the original plan had been for a greater number of houses but as a result of on-going consultation had resulted in an application for fewer houses and a revised layout which was more in keeping with the village.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Letters of objection has been received from 2 households raising the following points:

- The design is in the form of a mini estate which is out of character with the ribbon development in Hankelow.
- Drainage needs to be addressed.
- The outflow from septic tanks will add to the general levels of nitrates and phosphates entering the River Weaver
- Local schools are at capacity
- Local medical provision is at capacity
- A drainage assessment should be undertaken for this development. If this demonstrates that there are no drainage issues they would support the application.

Letters of general observation has been received from 3 households raising the following points:

- As an adjoining neighbour they would prefer not to have another house overlooking their property
- Construction should not affect the septic tanks of the surrounding dwellings
- Asbestos within the existing buildings will cause a demolition hazard
- A smaller number of dwellings should be developed on the site
- There should be the provision of bungalows on the application site
- Hankelow suffers from drainage problems and this development could result in flooding issues
- Street lighting would result in an urbanising effect upon the rural landscape. Low level lighting should be considered
- The impact upon health infrastructure should be considered
- The site appears suitable for residential development
- Unable to identify which are the affordable housing units for which there is a local need
- The open space should include a nature reserve area and the planting of fruit trees

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

- A development of 15 dwellings would be more in keeping with the village of Hankelow.
- Three-storey development would not be welcome and would raise privacy issues
- POS and children's play space is a positive part of the development and will benefit Hankelow which has no such facilities.

A letter of objection has been received from Audlem Medical Practice raising the following points:

- The practice currently has a list size of 4,500 patients between 2.4 full time equivalent partners. This equates to 1956 patients each, significantly above the national average of 1,600 per partner. The premises were built in 1992 and were never designed for the current levels of activity which are provided.
- This is a rural area and as such this is the only Practice where patients can register. The closest neighbouring practices in Nantwich, Wrenbury and Market Drayton do not accept patients from Audlem.
- Any additional housing will mean an increase in population which the medical practice will be unable to accommodate. The medical practice will have no option other than to close their list and not take any new patients. This will adversely affect residents of the new development and newborn children, residents at nursing homes and anyone moving into an existing property. Due to spending cuts it is unlikely that the capacity will improve in the medium term.
- The Practice urge the planning authority to refuse this application.

APPLICANT'S SUPPORTING INFORMATION:

To support this application the application includes the following documents;

- Planning Statement (Produced by NJL)
- Transport Statement (Produced by Croft transport Solutions)
- Ecological Assessment (Produced by Tyler Grange)
- Preliminary Risk Assessment (Produced by RSK)
- Design and Access Statement (Produced by GA Studio)
- Statement of Community Consultation (Produced by NJL)

These documents are available to view on the application file.

APPRAISAL

The key issues are the principle of residential development on this site, Housing Land Supply, the location of the site, landscape impact, affordable housing, highway implications, amenity, trees and hedgerows, design, ecology, Public Open Space, education, flood risk and drainage and the impact upon health infrastructure.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full

assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Loss of Employment Site

Part of the site is in employment use and the proposed residential development would result in the loss of a small employment within the open countryside. In relation to this issue Policy E.7 states that development will be permitted where amongst other things the site is not capable of satisfactory employment use and there are overriding local benefits or it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises.

In this case the applicant has provided a statement from an estate agent who has been marketing the site for sale and for let since 7th March 2013. The site was advertised on a number of websites (including the Cheshire East website), 'For –Sale' board on the site, and the sales particulars have been circulated to a mailing list. The interest has been described as *'very disappointing and almost non-existent'* with only two viewings and no offers. The feedback from the viewings was that the buildings are inappropriate for their specific needs and the cost of modernising and adapting them is prohibitive.

The estate agent has stated that when discussing the site with other businesses the isolated location away from other commercial areas, the properties poor condition and manner of construction, the poor internal layout with no separate access for deliveries and visitors/employees and siting to the rear of residential properties are further issues with this site.

Based on this it is considered that the loss of this small employment site is acceptable and it would comply with Policy E.7.

Affordable Housing

The village of Hankelow has a population of below 3,000 and as such the threshold highlighted above will apply and 30% affordable housing will be required on this site.

The proposal is for 22 dwellings therefore there is a requirement for 6 dwellings to be provided as affordable with 4 provided as social or affordable rent and 2 as intermediate tenure. The applicant in their accompanying planning statement confirms that 6 dwellings will be provided as affordable. These will be pepper potted through the site in accordance with policy.

As this is an outline application the Housing Strategy and Needs Manager would like an Affordable Housing Scheme to be submitted at Reserved Matters stage providing full details of the affordable housing include location, type and tenure. The indicative site layout appears to show 4 terraced units which may comprise the affordable housing and a pair of semi-detached units however this is not clear. On a future Reserved Matters application the Housing Strategy and Needs Manager would expect to see the affordable housing located in at least two clusters across the site.

The affordable housing provision on this site would be secured as part of a S106 Agreement.

Highways Implications

At the time of writing this report, further information had been requested in relation to visibility at the access to the site. An update will be provided in relation to this issue.

Amenity

The application is in outline form and the Design and Access Statement states that the development would include some dwellings of up to 2.5 stories in height. At this stage there is no reason why a detailed design could be secured which would ensure that separation distances are met and residential amenity is protected.

Air Quality

The comments of the Councils Environmental Health Officer are noted in relation to the impact upon air quality. However it is not considered to be necessary or reasonable to attach the suggested condition in relation to a travel plan or electrical vehicle charging infrastructure as there is no Air Quality Management Area in close proximity to this site.

The suggested condition in relation to dust management will be attached to protect the residential amenity of the adjoining residents during the construction phase of the development.

Contaminated Land

Given the previous use of the site and following the consideration of the submitted report the Councils Environmental Health Officer has suggested the use of a condition to secure a Phase II contaminated land report.

The issue of asbestos disposal is subject to separate legislation.

Noise

The main noise issue would be during the construction phase and this would be subject to the imposition of a planning condition in relation to piling and an informative in relation to construction hours.

External Lighting

A number of the representations have raised concerns about external lighting on this site. This issue will be considered at the reserved matters stage.

Trees and Hedgerows

The existing boundary plantings on site while not of a high landscape value would help screen filter views of the site and should be retained, protected and augmented as part of any future landscape scheme at reserved matters.

Landscape

Landscaping is a reserved matter and the details will be dealt with at that stage.

In terms of the wider landscape impacts, this is a flat part brownfield site within the open countryside. The site is well contained and is enclosed by boundary hedgerows. It is considered that this site has the capacity to accommodate this small development and would not have a harmful impact upon the wider character of the landscape.

Location of the Site

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.

This issue was considered at a recent appeal decision in Hankelow which was refused on sustainability grounds but allowed at appeal.

At 4 Audlem Road, Hankelow (to the north of the application site) an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *‘The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non-members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement’.*

Based on this appeal decision it has to be concluded that this application site is also sustainable in locational terms.

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 proposal would have a density of 23 dwellings per hectare this is consistent with the surrounding residential areas of Hankelow.

In this case an indicative layout has been provided in support of this application and this shows that a basic layout can be achieved and that the areas of open space and all highways would be well overlooked. It is accepted that the site is located to the rear of the existing built form but this is not considered to represent a reason for refusal.

It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon the Setting of the Listed Buildings

Ball Farm is a Grade II* Listed Building and is located to the rear of the site. Given the separation distance involved and the intervening agricultural land it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within one of the out buildings to be demolished as part of the proposed development. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specifically protected under Schedule 1, 5, or 8 of the Wildlife and Countryside Act 1981 (as amended) or their habitats.

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

The NPPF advises LPAs to 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 development is in the interests of overriding public interest as it will re-use a previously developed site and there is no satisfactory alternative as without future works the buildings on the site would fall into further disrepair. There would be no detriment to the maintenance of the species population at favourable conservation status in their natural range as the submitted report recommends the installation of bat boxes on the proposed dwellings as a means of compensating for the loss of the roost.

However the Councils Ecologist advises that the applicant must also submit outline proposals detailing how the risk of bats being killed or injured during the demolition process would be mitigated. This information was awaited at the time of writing this report and an update will be provided.

Grassland

The Councils Ecologist advises that the semi improved grassland habitats on site do not support a sufficient diversity of grass or flowering plant species to be considered to be of substantive nature conservation value. The loss of this area of grassland would however result in the loss of small

number of common species indicative of higher quality grassland and so result in an overall loss biodiversity. In order to compensate for this loss the Councils Ecologist recommends that any reserved matters application includes proposals for the enhancement of the retained area of grassland habitat associated with the on-site public open space.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted illustrative layout plan shows the retention of the existing hedgerows as part of the proposed development.

Breeding Birds

If planning consent is granted standard conditions would be required to safeguard breeding birds and ensure some additional provision is made for nesting birds at the detailed design stage.

Reptiles & Great Crest Newts

The Councils Ecologist advises that these two species are not reasonably likely to be present or affected by the proposed development. There is however a low possibility that common reptiles such as grass snake could utilise the site on a transitory basis. To mitigate the potential risk of common reptiles be killed or injured during the construction process the applicant has provided an outline method statement of Reasonable Avoidance Measures. The Councils Ecologist advises that this approach is acceptable and recommend that these avoidance measures be incorporated into a construction method statement secured by condition.

Other Protected Species

Evidence of activity was recorded on site but no sett is located within 30m of the proposed development. Following the case officers site visit additional information has been requested in relation to this issue and an update will be provided.

Public Open Space

In accordance with Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan this development would require an open space provision of 770sq.m. In this case the indicative plans show that the development would open space for drainage and POS of 2,375sq.m.

The Councils POS Officer has requested the provision of a 5 piece LEAP. This would be provided together and would be secured as part of the S106 Agreement.

Education

A development of 22 children would be expected to generate 4 primary and 3 secondary aged pupils.

The local primary school is Audlem St James and the catchment secondary school is Brine Leas Academy.

The Councils Education department have stated that there is space available in the local primary school to accommodate the 4 pupils generated. However Brine Leas Academy as a popular and successful school is significantly oversubscribed and a contribution will be needed for the secondary aged pupils. As a result the requested contribution of £49,028 towards accommodating the secondary aged pupils generated by this proposal will be secured as part of a S106 Agreement.

Flood Risk and Drainage

The site covered by this application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment was submitted as part of the outline application.

At the time of writing this report no comments had been received from the Councils Flood Risk Manager. This information will be provided as part of an update report.

Health Infrastructure

Concern has been raised in relation to the impact upon the health infrastructure capacity at Audlem. The NHS has been consulted in relation to this issue and an update will be provided.

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.

As explained within the main report, POS and children's play space is a requirement of Policy RT.3. It is directly related to the development and is fair and reasonable.

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

PLANNING BALANCE

The principle of development on this part Greenfield part Brownfield site is considered to be acceptable given the Councils 5 year Housing Land Supply Position. However the impacts upon sustainable development need to be considered as part of a planning balance.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility currently not available in Hankelow.

The impact upon medical infrastructure will form part of an update report.

Environmental Sustainability

Details of the proposed landscaping would be secured at the Reserved Matters stage. There is no reason to believe that an acceptable scheme could not be secured. The site is well contained and the impact upon the wider landscape is limited.

With regard to ecological impacts, subject to the receipt of additional information in relation to Bats and other protected species the impact is considered to be neutral as mitigation would be secured.

An update will be provided in relation to the drainage/flood risk implications for this proposed development.

There would be no significant impact upon trees or hedgerows.

Economic Sustainability

The access to this site will be considered as part of an update report.

The site is part brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

The loss of the employment site is considered to be acceptable given the findings of the marketing exercise which has been undertaken.

It is considered that the planning balance weighs in favour of this development. Material considerations indicate that this development should be approved as a departure to the development plan. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP to be maintained by a private management company
 3. Secondary School Education Contribution of £49,028

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Construction Method Statement for any piling works
6. Dust control measures
7. Contaminated land
8. Bat mitigation measures
9. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
11. The reserved matters application shall include retention of the boundary hedgerows
12. Submission of an updated badger survey in support of any future reserved matters application.
13. Submission of a Construction Method Statement including Reptile mitigation measures in support of any future reserved matters application.
14. Any reserved matters to be supported by proposals for the ecological enhancement of the proposed public open space area.
15. Submission of a habitat management plan.
16. Reserved matters application to include details of existing and proposed levels

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

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Application No: 14/1147C

Location: Land to South of, Main Road, Goostrey, Cheshire

Proposal: Residential development (Use Class C3) for up to 25 dwellings with construction of access from Main Road, areas of public open space, landscaping and associated works.

Applicant: Linda Simpson

Expiry Date: 22-Jul-2014

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The application therefore turns upon whether it does comprise a sustainable development in the planning balance.

The proposal would satisfy part of the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is some existing infrastructure and amenities for those future residents. The proposal would provide policy compliant levels of affordable housing. In addition it would also provide appropriate levels of public open space both for existing and future residents.

There is an economic and environmental impact in the locality due to the loss of open countryside and Grade 3 agricultural land which has been used for growing potatoes until recently. The Landscape Architect advises that subject to compliance with scale parameters the visual intrusion will be limited and on this basis, the proposal will not have a significant impact on the landscape character of the area and thus would not be an unacceptable visual intrusion into the open countryside.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design could be secured at reserved matter stage as can any impacts on amenity. Trees of merit are outside the indicated development area.

However, Jodrell Bank has objected to the proposal on grounds of the impact of this proposal in conjunction with other housing proposals within the Goostrey vicinity of the Telescope upon the operation of the Telescope. The experts opinion is that this development, in conjunction with other proposals and appeals in the vicinity, will have an unacceptable impact upon the operation of the telescope. This has both a social and economic impact in terms of the future operation of the telescope, which is of international importance.

The adverse effects of the impact upon the internationally important telescope is considered to outweigh the benefits of the scheme, which therefore represents an unsustainable form of development in the planning balance

RECOMMENDATION

REFUSE

PROPOSAL

Outline Planning Permission is sought for the erection of up to 25 new dwellings. An indicative layout shows the access being provided by upgrading the Dromedary Lodge (Footpath 9 Goostrey) access that currently serves three residential properties. The single access will be widened to provide two way traffic flow to the development, the existing properties will be accessed from a spur from the new access road. A new 2.0m separate footway is proposed linking the development to Main Road.

All matters except access are reserved.

SITE DESCRIPTION

This application site relates to an agricultural field located behind residential park homes on Main Road, Goostrey, within the Open Countryside. The site covers an area of approximately 1.18 hectares of agricultural land. To the west and north the application site is bound by the Mount Pleasant Residential park, to the north of this is Main Road; Footpath 9 Goostrey follows the eastern boundary of the application site and to the south is the wider agricultural landscape.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone.

RELEVANT HISTORY

No relevant history

POLICIES

Local Plan Policy

PS8 – Open Countryside
PS10 - Jodrell Bank Radio Telescope Consultation Zone
GR1 - General Criteria for Development
GR2 – Design
GR4 - Landscaping
GR6 - Amenity and Health
GR9 - Highways & Parking
GR16 – Footpath, Bridleway and Cycleway Networks
GR19 - Infrastructure
GR20 – Public Utilities
GR22 – Open Space Provision
H1 & H2 - Provision of New Housing Development
H6 – Residential development in the Open Countryside and the Green Belt
H14 (Affordable Housing)
PS10 – Jodrell Bank
NR1 – Trees and Woodlands
NR2 – Wildlife and Nature Conservation – Statutory Sites
NR3 – Habitats

National Policy

National Planning Policy Framework (NPPF)

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
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE13 – Flood Risk and Water Management
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Planning Considerations

- SPG2 - Provision of Private Amenity Space in New Residential Development
- The EC Habitats Directive 1992
- Conservation of Habitat & Species Regulations 2010
- Interim Affordable Housing Statement: Affordable Housing

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections

Jodrell Bank (University of Manchester) – Object to the proposal on the grounds that a development of the size proposed, together with the other developments known to be proposed, in Goostrey would create a significant increase in the amount of interference with the telescope.

Environmental Protection – No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, the prior submission of a Travel Plan, the inclusion of Electric Vehicle Infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative and an hours of construction informative.

United Utilities – No objections, subject to a conditions concerning foul and surface water drainage and informative.

Greenspace (Cheshire East Council) – No objections, subject to a financial contribution towards the maintenance of the Amenity Green Space (AGS) that would be provided on site. The calculated amount would be £31,941 to maintain this over a 25 year period.

With regard to Children's and Young Persons provision, a site on Booth Bed Lane could be improved to accommodate the extra need. £5,677.34 would be required for this upgrade and £18,507.00 would be required to maintain the facility over 25 years.

Housing (Cheshire East Council) – No objections, subject to the provision of the relevant affordable housing. Advice that 30% of the dwellings proposed would need to be affordable.

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

Environment Agency – No objections, subject to a number of conditions including; that the development shall be carried out in accordance with the submitted Flood Risk Assessment and associated mitigation measures; that the mitigation measures be carried out prior to the first occupation of the dwellings; the prior submission of a surface water drainage scheme and the prior submission of a scheme to create adequate flood flow paths and routing across the site.

Ramblers Association : Objection on grounds that the Council Should ensure that the PROW is respected by the developer, before, during and after the development, and let us know what bearing the proposed development will have on Goostrey FP9

PROW Unit: The development is to affect Public Footpath No. 9 Goostrey, as recorded on the Definitive Map of Public Rights of Way held at this office.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

It would appear that the line of the footpath will remain unchanged, however it is proposed that the first 100 metres, or thereabouts, of the northern end of FP9 Goostrey will become adopted. We have no objection to this, however, is our opinion that that the footpath should remain on the Definitive Map & Statement even if a 'footway' is added to the Council's List of Streets. This is to ensure there is a record of the paths status.

At the point where the public footpath crosses the access road into the development the safety of pedestrians should be considered.

VIEWS OF THE PARISH COUNCIL:

Goostrey Parish Council – Object to the development on the following grounds;

- Cheshire East has established a 5 year supply of housing land
- Goostrey and Holmes Chapel has already exceeded the number of houses required as detailed within the emerging Site Allocation and Development Policies Document
- The impact upon the Open Countryside
- The site is unsustainable
- The detrimental impact upon Jodrell Bank
- The proposal is contrary to the Goostrey Parish Council Housing Policy

OTHER REPRESENTATIONS:

Objections have been received from and on behalf of 169 neighbouring or properties within Goostrey and from the Local MP. The main areas of objection relate to;

- Principle of housing development
- Cheshire East Council already have a 5-year supply of housing land
- Contrary to Emerging Plan
- No further Allocations are necessary
- Loss of Open Countryside
- Affordable housing built in the last 2 years remains unsold
- Cumulative impact of nearby housing application
- Highway safety – danger of access onto Main Road/Dromedary Lane, increase in traffic volume, pedestrian safety, cycle safety, horse rider safety, poor visibility
- Will ruin much loved PROW which gives access to countryside
- Amenity – Privacy, light, outlook, noise, land contamination, light pollution
- Design – dwellings would not respect/enhance local character, impact upon streetscene
- Impact on infrastructure – school, doctors, drainage etc
- Drainage and flooding
- Impact upon landscape
- Lack of affordable housing interest
- Loss of agricultural land (potato growing)
- Impact upon Jodrell Bank
- Impact upon ecology – Bats, owls and birds of prey
- Impact upon trees
- Ownership and certification of application forms

Other matters such as the impact upon property prices have also been raised. However, these are not material considerations.

SUPPORTING INFORMATION:

Design and Access Statement
Highways Statement
Statement of Community Involvement (SCI)
Extended Phase 1 Habitat Survey
Tree Report
Arboricultural & Method Statement
Proposed tree planting plan
Planning and Sustainability Statement
Affordable Housing Statement
Flood Risk Assessment
Visual Impact Assessment

APPRAISAL

Principle of Development

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

As part of the Cheshire East Local Plan Strategy – Submission Version, which is a material consideration in the determination of this application, it is proposed that Policy H6 will be replaced by Policies PG5 (Open Countryside). The principles of this policy broadly reflect those of Policy H6.

The proposed development would not fall within any of these 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 SHLAA 2012, identifies the site as one with capacity of up to 36 units. It also states that it is a suitable site, with policy change. In addition the site is also described as available, achievable and developable (in years 6-10 onwards).

The application site therefore does not form part of the Council’s most recent housing land supply position. Therefore, the application provides the opportunity for the Council to increase its housing land supply.

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council’s calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

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."*

Open Countryside Policy

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 out 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.

Sustainability

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

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

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

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

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

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

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

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

- Outdoor Sports Facility (500m) – 480m
- Playground/Amenity Area (500m) – 480m
- Bank or Cash machine (1000m) – The Trading Post CW4 8LP 645m
- Public park or village green (1000m) – 480m
- Public Right of Way (500m) – 0 m – runs adjacent to site
- Post Office (1000m) – CW4 8JP 800m
- Pharmacy (1000m) – 800m
- Leisure Facilities (1000m) – Goostrey Tennis Club and Playing Fields 965m
- Child Care Facility (nursery or crèche) (1000m) – Goostrey Pre-school 965m

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

- Railway station (2000m where geographically possible) – Goostrey 2090m

- Bus Stop (500m) – Main Road 600m
- Goostrey Community Primary School (1000m) – 1450m
- Local meeting place (1000m) – Goostrey Village Hall 1290m
- Public House (1000m) – The Crown 1290m
- Convenience Store (500m) – The Trading Post CW4 8LP 645m
- Post box (500m) – The Trading Post CW4 8LP 645m
-

The following amenities/facilities fail the standard:

- Secondary School (1000m) – Holmes Chapel 5950m
- Supermarket (1000m) – Co-operative Food 4843m
- Medical Centre (1000m) – Holmes Chapel 5600m
- Amenity Open Space (500m) – CW4 8NA 965m
- Children's Play Space (500m) – CW4 8NA 965m

In summary, the site does meet or is within a reasonable distance of the majority of the public facilities listed.

In a recent appeal decision (Ref: APP/R0660/A/13/2190651), at an edge of village site in Cheshire East that proposed housing, the Inspector referred to the Council's use of this checklist as a guide. Within paragraph 14 of this decision, the Inspector advised that '*...this gives a number of useful guidelines...*'

The inspector concluded in this instance that although the village had no shop or school, it had good access to 2 bus routes which serve a number of local destinations. It was advised '*...whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.*'

It is considered that a similar conclusion can be drawn from this application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 600 metres from the development site. This bus stop is served by bus Routes 319 and 49. The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station. The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich. Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement and therefore locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being '*an economic role*', '*a social role*' and '*an environmental role*'.

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

There is an economic benefit to be derived from the scheme. A housing development of this size would bring the usual economic benefit to the closest shops, services and amenities and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. The New Homes Bonus will be of benefit to the Council. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Landscape Officer has considered the Landscape and Visual Impact Assessment and subject to conditions about compliance with the parameters as detailed in this application raises no concerns regarding the development.

Overall, it is concluded that the site is sustainably located and there are numerous benefits in economic, social and environmental and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF is engaged.

The application turns, therefore, on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the sustainable housing development should not apply; this is considered in more detail below.

Landscape Impact

The application site covers an area of approximately 1.18 hectares of agricultural land. To the west and north the application site is bound by the Mount Pleasant Residential park, to the north of this is Main Road; Footpath 9 Goostrey follows the eastern boundary of the application site and to the south is the wider agricultural landscape.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, LFW1 Marthall, as identified in the Cheshire Landscape Character Assessment 2008.

The Landscape Assessment indicates that the development would have a medium to low magnitude of change and that the residual effects after 15 years will be minor to moderate adverse. The Landscape Architect considers that the magnitude of change will be greater than this and that the effects after 15 years will be greater than minor to moderate adverse, although not significantly so. He also agrees that any landscape effects will be very localised.

The Landscape Architect concurs that the visual assessment that has been submitted as part of the Landscape and Visual Impact Assessment, namely that the construction effects on Footpath 9 Goostrey will be minor adverse at the construction stage and moderate adverse after 15 years, and that the most significant effects will relate to residential receptors overlooking the northern and western edges of the scheme, namely Nos 57, 59, 61 and 63 The Meadows and Nos 6, 8 and 63 Alison Drive. He also agrees with the assessment of visual impacts for other identified receptors, of more distant dwellings, users of local roads and the wider footpath network.

This is an outline application and the Landscape and Visual Impact Assessment is based on the layout and mitigation shown on the Indicative Site layout, which shows a landscape buffer along the eastern and southern boundaries.

While there will be a change from agricultural landscape to a residential one, the discreet nature of the application site, the close proximity of existing residential development – on two sides of existing urban development, along with the existing vegetation along the southern boundary mean that any landscape impacts will be site specific, and if the proposed mitigation, as shown on the Indicative Site Layout is implemented, it will remain site specific.

There are a number of residential receptors to the north and west, but the most sensitive visual receptor is PROW FP 9 Goostrey; if the proposed mitigation were to be carried out, the Landscape Architect does not consider that the visual impacts would be great, especially in the context of the existing residential development to west and north.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan. Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Prof. Garrington from Jodrell Bank, in response to application 14/0081C, (site at Hermitage Lane close to this application site) advised that;

'To assess the potential interference from a particular location we may calculate the path loss, i.e. the extent to which signals from that location are diminished by the time they reach JBO. The path loss has been calculated using the methodology recommended by the International Telecommunications Union (ITU) when considering the potential interference between one radio service and another (ITU-R P.452 (2009) 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz'). This procedure takes several factors into account, including diffraction over a specified actual terrain profile. The loss was calculated for a frequency of 1.42 GHz, the 'prime frequency' for the Lovell Telescope; a height of 63m was used for the height of the telescope; the height of the source of interference was set at 3m (for a two storey house) and a representative value of 'clutter' was set at 17.6 dB following the ITU recommendation for a village scenario. The path profile was calculated using digital elevation data from the Ordnance Survey – in this case the line of sight from the site to the telescope focus is unimpeded due to terrain. More detailed investigations would be required to assess the degree of low level clutter. For the Hermitage Lane site the estimated path loss is 124 dB. Inside a building we may add a typical attenuation due to walls of 9dB (from CEPT)

As an illustration, a domestic IT device which just meets the CISPR 22 limit suffering this loss would exceed the ITU threshold for detrimental interference by approximately 10 dB, ie a factor of 10. Additional shielding such as the use of foil backed plasterboard can mitigate this to some extent (and is recommended by JBO) but the aggregate effect of several devices per house in a development of 26 houses is likely to exceed the threshold.

*This quantitative argument supports our general concern about a significant development at this location. We appreciate that additional development may be regarded as incremental, and not a large addition to the size of the village. However, the **cumulative effect** of incremental growth will steadily increase the overall level of interference which would reduce the quality and scope of radio astronomical observations which can be carried out at Jodrell Bank Observatory.'*

Professor Garrington, in replying to the consultation undertaken in respect of this application has re-iterated his concern regarding the incremental and cumulative impact new housing development is having upon Jodrell Bank in the area of Goostrey.

The impact upon the Telescope was considered by the Inspectorate in a housing scheme for 13 dwellings in Twemlow.

In the appeal against the Council's resolution to refuse the Twemlow application, APP/R0660/A/12/2174710, the Inspector took the view that since there were dozens of houses already in Twemlow, that we must already accept the level of interference.

The Inspector, in approving the scheme stated,

..I have found that the proposed development would be likely to increase the level of interference at Jodrell Bank Observatory from devices used by the future occupants. However, the theoretical models that have been used to try to identify whether this increase would be unacceptable are inconclusive, given that there is already a significant level of interference and mitigation measures would be used to reduce the level from the proposed development. Therefore, I conclude on this main issue that it has not been demonstrated that the proposal would have any unacceptable effect on the efficient operation of Jodrell Bank Observatory..

However, Professor Garrington has now carried out further research and modelling on how such developments will impact upon Jodrell Bank. In response to this application, Professor Garrington has now advised that;

'We have been developing a more extensive and detailed analysis of the potential contributions to radio interference received by the radio telescopes at Jodrell Bank from residential and other developments in the surrounding area.

This work confirms our previous concerns about similar sized developments in Goostrey but also allows a quantitative assessment of the incremental contributions from existing and new proposed developments. Noting that there is more than one development of this size proposed in Goostrey and that further development is to be expected we must also consider the cumulative effect of these increases in the potential to cause harmful interference to our scientific observations. '

Given that the position of Jodrell Bank, following further research, has been to object to this application and others, including raising concern about other developments that are subject of requests for Screening Opinions and are those potential housing development sites, it is considered that on the basis of the evidence available to the Council, the proposed development would have an unacceptable impact upon Jodrell Bank Telescope and as such, would be contrary to Policy PS10 of the Local Plan and Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version.

Highway Safety and Traffic Generation

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

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

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

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

The development will be served by upgrading the Dromedary Lodge access that currently serves three residential properties. The single access will be widened to provide two-way traffic flow to the development, the existing properties will be accessed from a spur from the new access road. A new 2.0m separate footway is proposed linking the development to Main Road.

The Strategic Highways Manager (SHM) initially advised that the access should be moved further away from the existing access to the residential park. The Applicant had further discussions and the SHM advises that the access to the residential park operates a one-way system on exit (albeit this is a private system) with the western access used for exiting vehicles and the eastern access for inbound trips. The separation distance from this access point is 35m from the proposed access position and this is considered an acceptable separation distance.

Additionally, the applicant does not consider that the potential conflicts at the access points are high given the reasonably low level of development being proposed. The SHM agrees and concludes that the access does not constitute a severe impact in NPPF terms and on this basis raises no objections.

Given the semi rural location of the site, the accessibility of the site to a frequent, convenient, public transport services does not occur. It has to be recognised that the proposed development will be car based with most trips undertaken by car.

The site can be accessed from the public footway network and also the accessibility of the site for cycling trips is an opportunity for residents. It should also be noted that recent appeal decisions in similar locations (Hankelow and Rose Cottages) have been allowed with Inspectors giving great weight to home working and internet shopping in reducing car borne trips in rural locations.

Given the relatively small size of the development proposed, the SHM does not consider the locational accessibility of the site being a reason of refusal.

Amenity

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

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

In terms of the separation distances, no definitive details regarding the position of openings are detailed as this application seeks outline permission only.

However, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. It is considered that these standards can be achieved within and outwith this site.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions and informatives. These suggested conditions include; Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction, the prior submission of a Travel Plan, the prior submission of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

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

Ecology

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

The Council's Nature Conservation Officer has advised that he is satisfied that the findings of the report are accurate.

It is advised that the application site is of relatively limited nature conservation value. Should the application be approved, it is recommended that a condition to safeguard breeding birds be included and a condition for the prior submission of details of features suitable for breeding birds to be included within the site be submitted for prior approval.

With regards to hedgerows, it is recommended that conditions are imposed to ensure that any woodland hedgerows and the plantation woodland are retained as part of a landscaping scheme.

As such, subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE.3 of the emerging Cheshire East Local Plan Strategy – Submission Version, which seeks to replace Policy NR2.

Open Space

Amenity Green Space (AGS)

25 new homes will generate a need for 600 sq m new Amenity Green Space (AGS). It is understood that 2,500 sq m is to be provided on site, however few details including landscaping are available. Taking into account the area required for play, this gives an over provision of 1,800 sq.

If the total area (2,500 sq m) of AGS was to be transferred to The Council based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be for Maintenance: £29,575.00 (25 years).

Children and Young Persons Provision

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 25 new homes will place extra demand on the facilities at Booth Bed Lane if on site provision is not provided. The Supporting Planning and Sustainability Statement 6.23 states that the scheme includes "POS and Landscaping, which could include children's play for the benefit of existing and new residents of the village" If provision is on site then there are no requirements for offsite, however if not provided then a qualitative deficit can be improved at Booth Bed Lane to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of the existing site that could be improved such as further DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area and ancillary items such as picnic tables and benches.

Applying the standards and formulae in the 2008 Guidance the Council would need £5,494.20 to upgrade Booth Bed Lane site. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £17,910.00 to maintain the upgraded facilities over 25 years.

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

Affordable Housing

The Interim Planning Statement (IPS) advises that there should be a 30% on-site affordable housing requirement on sites for 3 dwellings or more within all settlements in rural areas of 3000 or more population. Furthermore, a tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update. Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18. Cheshire Homechoice,

the Council's Choice-based lettings systems shows that there are currently 26 applicants who have selected Goostrey as their first choice.

In the time period of the SHMA Update (2013/14-2017/18) there has been some affordable housing provision in the Holmes Chapel Rural sub-area of 13 dwellings in Twemlow. However this leaves a shortfall of 72 affordable homes needed in the Holmes Chapel Rural sub-area and therefore there is a need for affordable housing.

The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%.

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

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

Policy SC5 of the emerging Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

Footpaths / Public Right of Way

Public Footpath No. 9 Goostrey adjoins the site and forms the access point into the site from Main Road with the first 100m of the PROW to be made to adoptable standards

The Council's Public Rights of Way Officer, advised that she has no objections to the proposed development. However, the developer would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site.

She also comments upon the desirability of a footpath link from the site being other than that proposed – which is further away from the centre of the village.

As such, subject to the maintenance of this footpath being included within the open space legal agreement, it is considered that the development would adhere with Policy GR15 of the Local Plan.

Trees and Hedgerows

The application is supported by a tree report and tree location plan.

All existing trees within the application site lie outside the development footprint. Most of the trees stand on and adjacent to the southern boundary of the site and comprise of individuals and groups of Oak, Alder and Silver Birch. A number of these trees within the central and eastern section of the southern boundary are currently conflicting with an overhead powerline and the submitted report has identified that pruning work will need to be carried out on this trees to ensure adequate safe operating clearances. Such matters will need to be considered as part of future management and maintenance obligations for the proposed open space within which the trees stand.

Subject to conditions, it is considered that the development would not have a significant detrimental impact upon trees.

A hawthorn hedgerow located along the eastern boundary is shown for retention within open space, although a small section to the northern corner, will likely require removal to accommodate the proposed access.

It is considered that the development would not significantly detrimentally impact trees or hedges and would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Flood Risk and Drainage

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site. In addition, it is recommended that separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

Levy (CIL) Regulations

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

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

The development would provide sufficient Amenity Green Space on site. However, to ensure its maintenance, a commuted sum of £29,575.00 would be required for its maintenance over a 25 year period.

In relation to Children and Young Persons Provision, this could not be provided on site. As such, the closest existing site is on Booth Bed Lane which would require upgrading and a maintenance plan. As such, sums of £5,494.20 for the upgrade of the Booth Bed Lane site which would be spent on upgrading the equipment and infrastructure and £17,910.00 would be required to maintain this over a 25 year period.

This is considered to be necessary, fair and reasonable in relation to the development.

It is also advised that the maintenance of a proposed footpath link from the site onto Main Road be included in the Open Space maintenance provision within the S106.

This is considered to be necessary, fair and reasonable in relation to the development.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure. The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 requirements are compliant with the CIL Regulations 2010.

PLANNING BALANCE AND CONCLUSIONS

The proposal is contrary to development plan policy PS8 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The decision maker must reach an overall conclusion having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweigh the negative in order to reach an eventual judgment on the sustainability of the development proposal.

The Dartford case makes clear that this should be done simultaneously with the consideration of whether “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” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

However, Jodrell Bank (The University of Manchester) has raised an objection in relation to the impact of the scheme upon the Radio Telescope. Given that this objection is based on further research undertaken since the determination of the Twemlow Appeal, and the Applicant has provided no evidence as to the impact upon the Telescope that would dispute the findings of Jodrell Bank in this regard, it is considered that the development would have a detrimental impact upon the Radio Telescope and as such, is deemed to be contrary to Policy PS10 of the Local Plan.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. This is taken cumulatively with the negative impact upon the operation of the Telescope and is considered sufficient to outweigh the benefits of the proposal in terms of housing land supply in the overall planning balance.

Jodrell Bank is of international importance in space research and astronomy and is a significant economic and tourism contributor in the area. The cumulative impact of this housing proposal with other housing developments in the area, upon the Telescope is considered to outweigh the benefits of the development in the overall planning balance.

As such, the proposed application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that:

- the development is unsustainable because the unacceptable economic, environmental and social impact of the scheme upon the efficient operation of the Jodrell Bank Observatory and its internationally important work significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the Cheshire East Local Plan Strategy Submission Version that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope as well as the provisions of the National Planning Policy Framework.

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

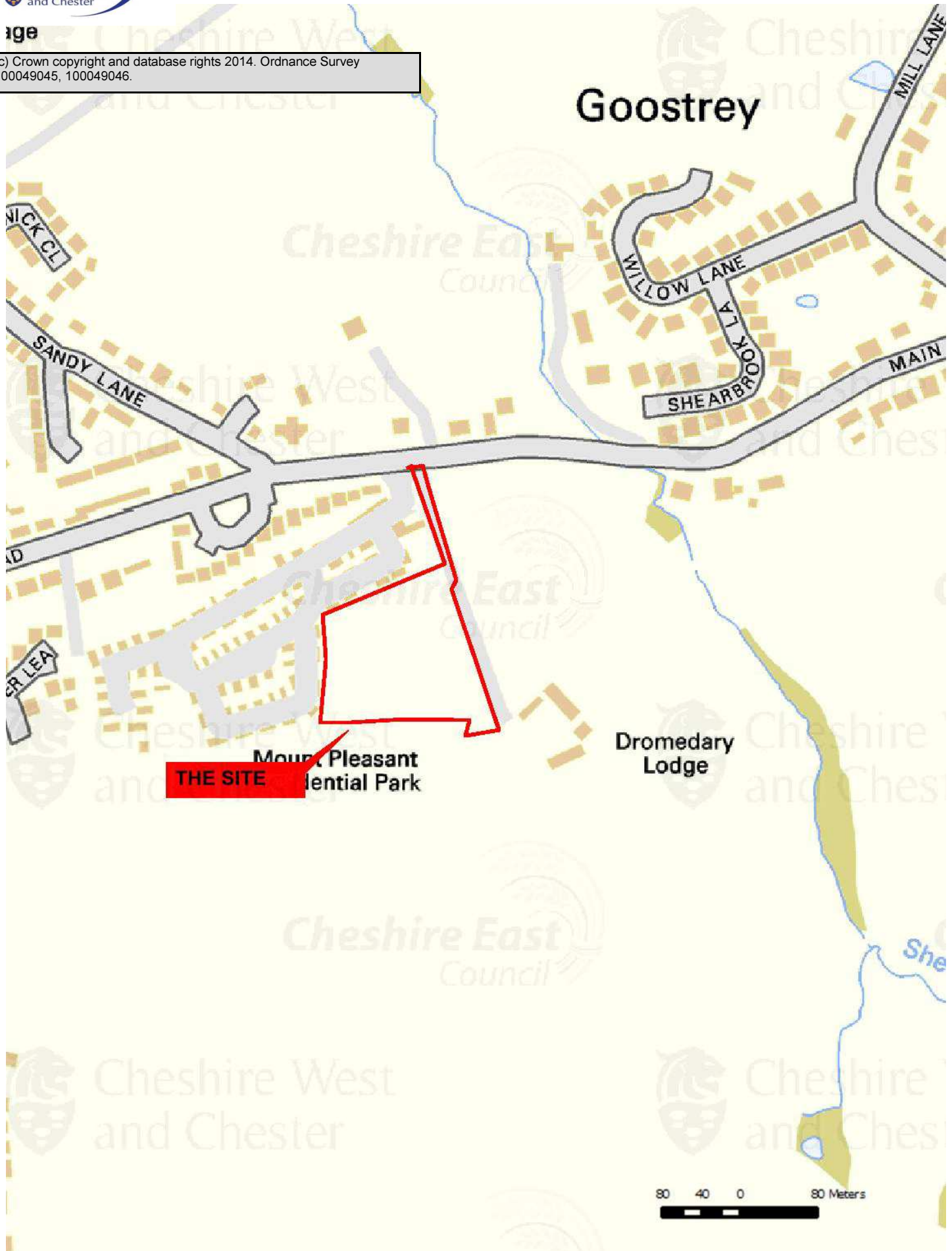
Should this application be the subject of an appeal, authority s given to enter into a S106 Agreement to secure the following:

Heads of terms;

- 1. A commuted payment of £29,575.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).**
- 2. A commuted payment of £5,494.20 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.**
- 3. A commuted payment of £17,910.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.**
- 4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.**

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Application No: 14/2018N

Location: 246, NEWCASTLE ROAD, BLAKELOW, CW5 7ET

Proposal: 2 no. detached and 2 no. semi detached houses.

Applicant: Renew Land Developments Ltd

Expiry Date: 23-Jun-2014

SUMMARY:

The proposal is considered to be acceptable in principle, given the site is brownfield and is located within an established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport, it is considered that on balance, the proposal would outweigh the conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

It is also considered that the proposed development would represent a more commensurate use in relation to the neighbouring uses and on the basis of the information provided, the loss of an employment site would be justified in this instance. The development would assist the Council's 5 year housing land supply position and would promote economic growth.

It is considered that these considerations would outweigh the proposals conflict with the adopted local plan in terms of the site location which lies outside the settlement boundary. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is considered to be acceptable in terms of its impact on residential amenity and its design and layout would respect the character and appearance of the surrounding area. The proposal would not detrimentally impact on existing levels of highway safety and the proposed landscaping is considered to be acceptable subject to conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL:

The proposal is for the construction of two detached and two semi-detached, two storey dwellings with integral garages. The works would include the provision of private driveways and hard and soft landscaping.

SITE DESCRIPTION:

The application site is a portion of brownfield land lying to the rear and side of No's 240 - 246 Newcastle Road in Blakelow and within the open countryside. The application states that the site is currently in use as a haulage yard and workshop, vehicle repairs and transport garage.

RELEVANT HISTORY:

7/07122 - Use as a turning area and for the parking of trailers. Approved 18th September 1980.

7/08530 – Change of use transport garage and depot to vehicle repairs and maintenance. Refused 10th December 1981.

7/08904 – Change of use to vehicle repairs and maintenance. Approved 29th April 1982.

P99/0024 - Four detached dwellings associated garages and one additional detached garage. Refused 04th March 1999.

P99/0448 – Four Dwellings and Associated garages and one additional garage. Refused 22nd July 1999.

P05/1624 - Outline Application for Demolition of Existing Garage and Workshop and Erection of Two Dwellings. Refused 24th July 2006.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

17, 49, 55 & 111

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open Countryside

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 - Development on Potentially Contaminated Land

E.7 – Existing Employment Sites

RES.5 - Housing in the Open Countryside

TRAN.9 - Car Parking Standards

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 - Overall Development Strategy

Policy PG 2 - Settlement Hierarchy

Policy PG 5 - Open Countryside

Policy PG 6 - Spatial Distribution of Development

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy EG 3 – Existing and Allocated Employment Sites

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

Policy SE 12 - Pollution, Land Contamination and Land Instability

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highways: No objection.

Environmental Health: No objection subject to pre-commencement conditions requiring a method statement for any piling work, dust suppression scheme and a Phase II contaminated land report. Compliance condition relating to hours of work is also suggested.

United Utilities: No objection subject to pre-commencement conditions avoiding any building works over the existing public sewer which crosses over the site.

View of the Parish Council:

Wybunbury Parish Council: No objection

Shavington Parish Council: No comments received at the time of writing this report.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Five representations received objecting to the proposal. Concerns raised include:

- access into and out of the site
- drainage
- impact on visual and residential amenities

APPRAISAL:

The key issues are:

Principle of Development
Character and Appearance
Residential Amenity
Access and Parking
Landscaping
Drainage

Principle of Development

The application site is a Brownfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

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.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraphs 17 and 111 of the NPPF states that the planning system should encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is currently a B1 use, operating as a haulage yard and workshop, vehicle repairs and transport garage. The site is located to the immediate rear and side of the established built frontage along Newcastle Road and Blakelow Crescent. It is considered therefore that the site is brownfield and would represent an acceptable infilling opportunity for new housing in this location.

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

Paragraph 55 of the National Planning Policy Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, for example development in one village may support services in a village nearby.

There is a limited range of services within Blakelow, however there are bus stops approximately 20m west and 350m east and a public house also 350m east of the site. The larger settlement of Shavington is located within walking distance, 1km east of the site and has a wider range of facilities including convenience stores, primary and secondary schools and a surgery.

Nantwich is located 4km west of the site which has yet a wider range of facilities and services, including a train station. The bus stops along Newcastle Road provide a regular bus service to this settlement, as well as to Crewe town centre which is 5.5km north of the site.

Having regard to the current housing land supply, given the site is brownfield and is located within an established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport, it is considered that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

(iv) Loss of an Existing Employment Site

Policy E.7 (Existing Employment Sites) advises that development resulting in the loss of an existing employment site will only be permitted where it can be demonstrated that the site is not capable of satisfactory use for employment.

The applicant has provided evidence to demonstrate that the site is not capable of an alternative satisfactory use for employment.

A letter received by Rory Mack Associates on 21st November states that the site was marketed between September 2010 and June 2013, of which the asking price was reduced during this time by £50,000 when a formal offer was received by the current owners in November 2012. The letter confirms that limited interest in the site was expressed for its use as commercial premises during the marketing period, given the sites proximity to surrounding residential properties and its location away from more established industrial estates.

It is considered therefore that the proposed development would represent a more commensurate use in relation to the neighbouring uses and the loss of an employment site in this instance would be justified.

In taking the above into account, the proposed development would accord with both Local and National Policy in terms of its principle.

Character and Appearance

The dwellings would be sited in line with the terraced properties at the end of Blakelow Crescent, respecting the existing pattern of development in the area and not appearing discordant within the street scene.

The proposal for four two storey dwellings with integral garages, private driveways and front and rear gardens would be commensurate to the plot size and the development would not appear cramped, sitting comfortably within the sites parameters.

The overall scale of the proposal would be comparable to dwelling No's 238 – 246 running along the front of the site.

House type B1 would appear larger than the terraced properties at the end of Blakelow Crescent. However, there would be a 10m separation distance between the proposed integral garage and side elevation of the nearest dwelling at 4 Blakelow Crescent and the single storey height of the garage would help to offset the impact of the dwelling on the boundary between both properties. The existing 2m+ high hedge running along the eastern boundary of the site would provide further screening between both properties.

The overall design and layout would appear appropriate in the context of surrounding properties with features such as porches, dormers, finials and chimneys and front gardens with private driveways. Surrounding dwellings are finished in red brick with dark slate roof tiles. A condition securing these materials would ensure the property further integrates with the existing vernacular.

Proposed planting along the front (northern) boundary would help to soften the impact of the development, as would varying surface materials. Landscaping details can be secured by condition.

Overall, the scale and design of the proposed development is considered to integrate with the established character and appearance of the locality, according with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011 and Policy SE 1 of the Cheshire East Local Plan Strategy – Submission Version.

Residential Amenity

Separation distances between existing neighbouring properties and the proposed dwellings would exceed the recommended distance as contained within the Authorities SPD on 'Development on Backland and Gardens'.

An existing 2m+ high conifer hedge runs along the boundaries of the site, which would provide further screening between the application site and surrounding properties.

Each proposed dwelling would be off-set from the site boundary, allowing adequate space for the storage and movement of waste bins, therefore not compromising the character and appearance of the site frontage.

The rear gardens and amenity space would measure a minimum of 66.5m², accommodating all of the basic amenities required, as set out in the 'Development on Backland and Gardens' SPD.

It is not considered that the siting of the access would result in increased disturbance to the rear of No's 5 – 8 Blakelow Crescent and side of No 246 Newcastle Road, given it is currently used by small trucks and lorries in association with the use of the site as a haulage yard and workshop.

Environmental Health request conditions to control construction activities including hours of work and method statements for dust suppression and piling.

The application site has a history of vehicle service and storage use and therefore has the potential for contamination. Following the results of the Phase I Site Investigation, the Contaminated Land Team request the submission of a Phase II Contaminated Land Report in the event of any planning permission.

The proposed development would be in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Access and Parking

Plots 3 and 4 would have three bedrooms and would accommodate a minimum of two car parking spaces. Plot 2 would have four bedrooms and plot 1 would have 5. Both would accommodate a minimum of 3 car parking spaces. The proposal would accord with the Authorities Maximum Car Parking Standards and Policy TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

Highway Authority raise no objections.

The proposal would accord with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011.

Landscaping

It is considered that the existing conifer hedges bordering the site should be retained given they would continue to provide an effective screening method between neighbouring

properties and are considered to be an established landscape feature surrounding the site. Proposed landscaping and boundary treatments can be secured by condition.

The proposal would accord with Policy NE.5 of the Borough of Crewe and Nantwich Local Plan 2011 and Policies SE 3, SE 4 and SE 5 of the Cheshire East Local Plan Strategy - Submission Version.

Drainage

United Utilities have requested that the development is not constructed over the public sewer which crosses the site. An informative would be attached to any grant of planning permission to secure an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, in accordance with the distances specified in the current issue of 'Sewers for Adoption'.

Planning Balance

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy NE.2, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which 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 decision taking 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 the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted."*

In this case, the development would provide market housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion is considered to be of limited harm and given the site's location within an established cluster of dwellings and the site comprising brownfield land, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

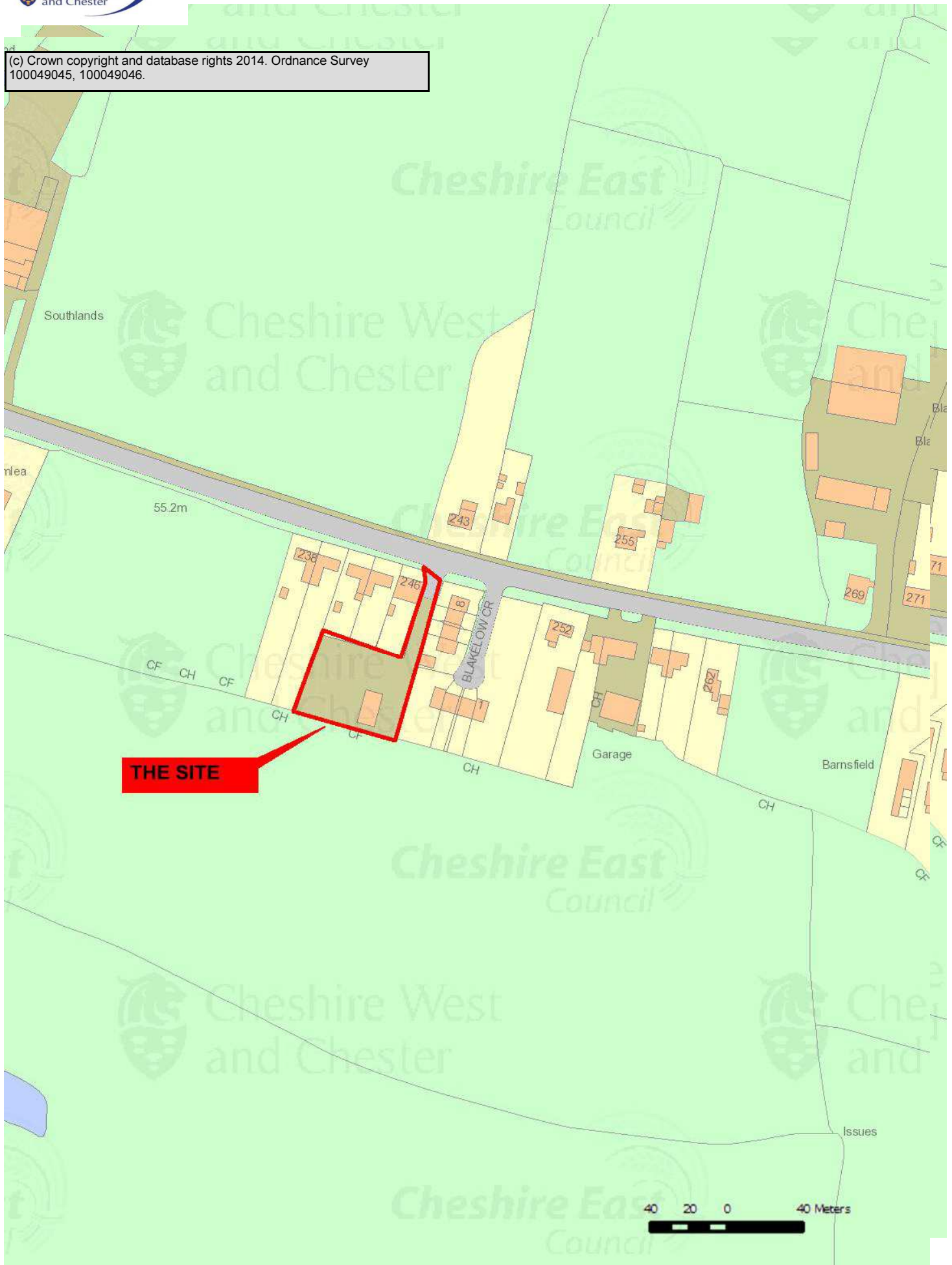
- 1. Standard time 3 years**
- 2. Plans**
- 3. Materials**
- 4. Landscaping Scheme**
- 5. Implementation of Landscaping Scheme**
- 6. Retention of Existing Hedges**
- 7. Boundary Treatments**
- 8. Submission / Approval and Implementation of Dust Suppression Scheme**
- 9. Submission / Approval and Implementation of Piling Method Statement**
- 10. Contaminated Land**
- 11. Bin Storage**

* * * * *

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

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

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Application No: 14/2082N

Location: ADJ 16, HUNTERSFIELD, SHAVINGTON, CW2 5FB

Proposal: 2 no. semis and 2 no. detached houses and ancillary works-resubmission of 14/0183N

Applicant: Renew Land Developments Ltd

Expiry Date: 18-Jun-2014

SUMMARY:

The Planning balance is conclusive in support of the development taking into account the planning history (and appeal decision) and the design, amenity and sustainability issues all being resoundingly in favour of the proposed development.

RECOMMENDATION:

Approve with conditions

PROPOSAL:

This is a full planning application for the construction of a four houses of which two would be detached and two would be semi-detached. The detached houses would have four bedrooms and integral garage. The semi-detached house would have three bedrooms.

SITE DESCRIPTION:

The application site is a slither of open land, and immediately to the south of houses on Huntersfield and east of Dig Lane. Huntersfield is a relatively modern close of houses that is immediately to the south of Newcastle Road. This slither of land forms part of the greater site known as the Shavington/Wybunbury Triangle that benefits from outline planning permission for residential development for 365 houses (12/3114N).

RELEVANT HISTORY:

14/0183N – 4 detached houses and ancillary works – Refused 24/4/14. Appeal Allowed 24/9/14. (Full costs awarded to the appellant against Cheshire East Council)

12/3114N – Outline Application for Residential Development of up to 360 Dwelling, Local Centre of up to 700 sq m. Etc – Approved 23/01/14

P95/0310 - 4 detached dwellings – Refused (Restraint Policy and Proximity to Rear elevations) 01/06/95

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 49 and 55.

Development Plan:

The Development Plan for this area is the Crewe & Nantwich Local Plan, which allocated the whole site as open countryside, under policy NE2.

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

NE.2 – Open Countryside

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

CS6 - The Shavington/Wybunbury Triangle

SE1 – Design

PG5 – Open Countryside

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

Development on Backland and Gardens Supplementary Planning Document

CONSULTATIONS:

Highways: Any comments will be reported as an update.

Environmental Health: Conditions requested regarding pile foundations, lighting, dust control, contamination.

PARISH COUNCIL:

Wybunbury PC object on the following grounds:-

"This is a failed previous planning application P95/0310 when it was refused by Crewe and Nantwich B C on the following grounds: the development is too close to the rear elevations of houses recently built to the north, the proximity posed a risk to anyone in the garden during construction phase - this would equally apply to the current application particularly in respect of residents at Nos. 7 and 8 the walls being immediately adjacent to the existing boundaries.

The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow was protected and therefore could not be removed. The triangle sites approval now means there is no need to provide four houses squeezed into a narrow site. The hedgerow has been reduced in height prior to the application being submitted to avoid any suggestion of the need for protection of the hedgerow. This is at odds with the applicants own ecology statement which states where possible trees and hedgerows should be retained and gaps closed with native species. There are privacy issues with the proposed development as it overlooks the rear gardens of Nos. 5, 6, 7 & 8 Huntersfield. Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."

Shavington PC object on the following grounds:-

"Failed previous planning application P95/0310 Planning application P95/0310 (again an application for 4 dwellings) was previously refused by Crewe & Nantwich Borough Council on the following grounds: the 'proposed development is too close to the rear elevations of the houses recently built to the north.'

The Parish Council understands that at the time the residents objected that the proposed new dwellings partly on the grounds that they would be sited too close to their boundaries and posed a risk to anyone in the garden during the construction phase. This would also apply to the current application particularly in respect of the residents at Nos. 7 and 8, as again the wall of one of the dwellings is directly next to some of the existing boundaries.

Removal from previous 'Shavington Triangle' planning application The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow bordering the site of this current application was identified as being protected, and as a caveat of outline approval of 12/3114N was required to be maintained and thus couldn't be removed. As a result of the approval of the triangle site, and the removal of this small piece of land from that application there is no need to construct an additional 4 houses squeezed into a narrow site. The residents feel that the land would create a welcome small buffer between existing homes and the very large triangle site development. Removal of Hedgerow prior to submitting a planning application

Prior to the submission of this application agents of the registered land owner attended the site and reduced the hedgerow (and trees contained in it) from 20 feet to as little as tree stumps in some places, clearly to improve the appearance of the site before submitting the application to Cheshire East Council where restrictions may have been imposed to protect the hedgerows. This is at odds with the applicant's own Ecology Statement which states

'Wherever possible trees and hedgerows should be retained and enhanced at this site during the proposed development. Any gaps in hedgerows should be planted with native species.'
Impact on Privacy: There are privacy issues with the proposed development as it overlooks the rear gardens of 5, 6, 7 & 8 Huntersfield. *Access to the Site:* Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants.

More than 10 letters have been received objecting on the following grounds:

- Loss of privacy and outlook
- Site is designated as Open Countryside by Policy NE2
- Inappropriate design on new proposals that should be new application
- Access is inadequate
- Inadequate parking
- Increase in traffic
- Loss of important ecology, wildlife and hedgerows
- Loss of open space
- Should be retained as green gap/play space
- Emergency access

This is a very brief summary of the objections and the full content of each letter is published on the Council's website.

APPRAISAL:

Principle of Use

It is of overriding weight that the principle of development has previously been accepted within the very recent outline permission of January 2014. Furthermore, the recent appeal decision has given permission for 4 houses on this application site with costs awarded against the Council. The site does presently lie within an area of open countryside as designated by policy NE2 of the Crewe and Nantwich Local Plan 2011. However, in this particular instance, of even greater significance is the emerging site allocation policy CS6 of the Cheshire East Local Plan of March 2014. This policy commits the overall site, of which the application site is a constituent part, to the delivery of 350 new homes, appropriate retail provision to meet local needs, community hub and village green and the provision of green infrastructure.

Landscape

It is considered by the Landscape Officer that the trees and hedgerows are not significant and the trees are grade C and not worthy of protection. Should the development be implemented it is proposed that the hedgerow, although not of notable value, would be utilised as boundary treatment and thus would be retained and that should be commended and is acceptable.

Ecology

The Nature Conservation Officer has confirmed that the proposed development is unlikely to have an adverse impact upon the features for which Wybunbury Moss was designated. A detailed Appropriate Assessment under the Habitat Regulations is not therefore required in respect of this application. If planning permission is granted conditions are attached to safeguard breeding birds and ensure some additional features are provided for breeding birds and roosting bats as part of the proposed development. Although badger activity has been recorded on site there is no habitat on this or adjacent land and therefore the development is not likely to have an adverse impact.

Design and Layout

The application has been amended in comparison to the appeal scheme to re-position the two detached houses that are proposed. A detached would face centrally onto the access point and abut the rear of the site. The proposals are for a built form very similar to those on Huntersfield. The area has no specific character and the relationship with neighbouring development is within context. Huntersfield is a fairly modern development and of a red brick suburban vernacular and this proposal would follow suit. The layout is an efficient use of the oblong shape of the site. Therefore, the proposals comply with extant Policy BE1 Design and emerging Policy SE1 Design.

Amenity

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwellings is a key consideration. The proposal would have a minimal impact upon the residential amenities of the nearby residents. The proposal provides separation of distances that respects and complies with all local plan SPD guidelines. In layout terms the proposals are in keeping with the surroundings and respect the pattern of development on Huntersfield and Dig Lane.

Highways

In Highway terms the proposed access, layout and parking provision would appear to be acceptable but the comments of the Highways Officer are awaited and will be reported to Committee as an update. The proposal requires use of the access way that serves 16 Huntersfield and the planning assessment must consider whether this would be acceptable in Highway safety terms. The legal rights over the strip are for the applicant to resolve (or not) and cannot be used to withhold planning permission

Response to Objections

The proposals meet Council standards on design and amenity and the principle of the development is set by the Inspectors decision on the previous appeal scheme.

PLANNING BALANCE

The planning balance and history are overwhelmingly in favour of the proposal especially given the recent appeal decision and costs award against the Council decision to refuse the

previous application. Thus, this application modestly amended application should be approved.

RECOMMENDATION –

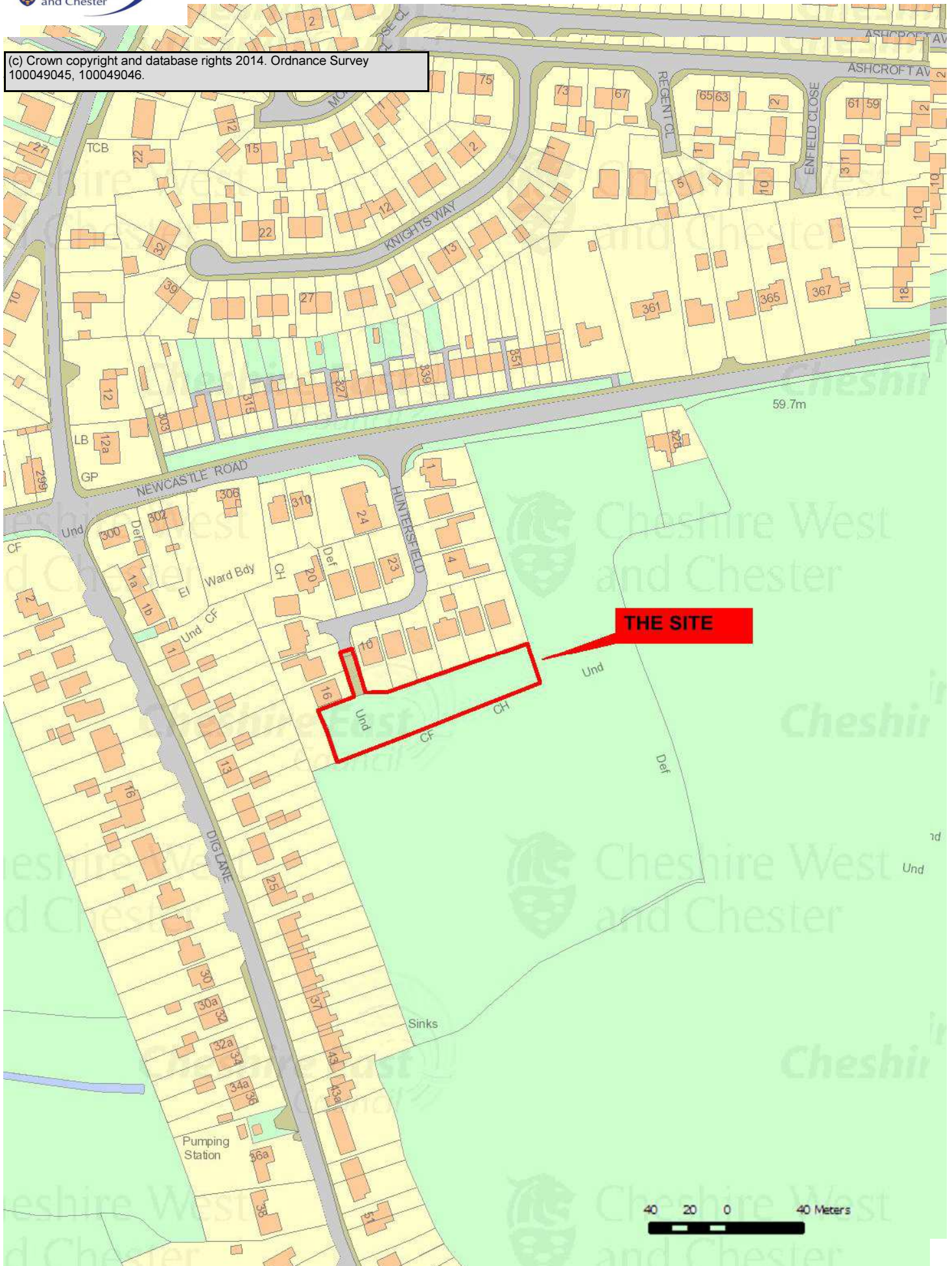
Approve subject to the following conditions

- 1. Time- 3 years**
- 2. Plans**
- 3. Scheme of landscaping**
- 4. Landscaping completion**
- 5. Boundary Treatment**
- 6. Materials**
- 7. Permitted Development rights**
- 8. Hours of construction**
- 9. Nesting bird survey**
- 10. Breeding birds**

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 Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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Application No: 14/2648N

Location: Land off Gutterscroft, Haslington, Crewe

Proposal: Residential development of 13no. two storey houses, 6no. one bed apartments, associated roads and garages.

Applicant: Mr Kevin Higgins, Cransleigh Estates

Expiry Date: 22-Aug-2014

SUMMARY:

The proposal is for housing within the settlement boundary of Haslington where there is a presumption in favour of development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon design, highway safety, amenity, flood risk, drainage, landscape and ecology and therefore satisfies the environmental sustainability role.

The proposal would satisfy the social sustainability role by providing for much needed housing in an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing.

The proposal would contribute to employment and economic growth which satisfies the economic sustainability role.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable scheme.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject completion of a Section 106 Agreement and conditions.

SUMMARY RECOMMENDATION:

Approve with conditions

PROPOSAL:

This is a full planning application for the erection of 13 detached and semi-detached dwellings and 6 one bed flats within the site. The houses would be accessed from a cul-de-sac off Gutterscroft and the apartments from Gutterscroft itself. The dwellings would be of traditional design and materials, including black and white 'Tudor' style features.

SITE DESCRIPTION:

The application site comprises an irregular shaped backland site to the rear 149 Crewe Road, Haslington. This is accessed via a relatively unmade public right of way known as Gutterscroft which bounds the site to the south. Surrounding land uses are predominantly residential, with access to local amenities within Haslington. Properties within the locality are of varying types, design and age. Consent has already been granted for 10 dwellings on the opposite side of Gutterscroft (13/4968N).

RELEVANT HISTORY:

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

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

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, 49 and 50.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- RES. 5 – Housing in Villages with Settlement Boundaries
- RES.3 – Housing Densities
- RES.7 – Affordable Housing

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

Supplementary Planning Document – Development on Backland and Gardens

CONSULTATIONS:

Highways:

No objections subject to conditions relating to service strips, junction construction and a construction management plan.

Environmental Health:

Recommend conditions and informatives suggested in relation to construction and piling hours and external lighting.

United Utilities:

No objection.

Haslington Parish Council:

This is an application for houses on the southern part of the area originally granted permission some years ago at appeal, when included with the northern section for a total of 44 houses including 14 affordable units. The northern section has had permission renewed twice, but development has never progress beyond removing a hedge.

Haslington Parish Council submit objections in two capacities, firstly representing the views of local residents and secondly as the owner of the Gutterscroft Community Centre which is accessed via the Gutterscroft road which forms part of the application area. Planning permission has expired for the land within this application.

Assurances were provided by Cheshire East "Planning" during the renewal application for the northern part of the site that even though the number of houses proposed was below the level requiring affordable homes to be provided, the commitment for the site as a whole would be transferred to the southern section if that area was subject to a further planning application.

The site is in the centre of the village, close to shops, pub, churches, primary school and bus stops all of which can be readily accessed on foot, ideal for the location of affordable housing. The commitment to provide 14 affordable homes was in return for permission to build on a site that included greenfield land, this requirement can not be evaded.

The original developer who gained planning permission at appeal for this land, committed to resurface the road up to the gates of the Gutterscroft Centre (a community hall owned by Haslington Parish Council), and also resurface the car park for the hall.

The submitted plans show at least two properties with vehicle access directly on to the Gutterscroft road, this will add to the congestion of the road, which is used intensively by parents bringing and collecting children from groups using the community hall.

A turning point needs to be provided close to the Gutterscroft Centre, to allow visitors to turn safely, as the proposed development encroaches onto land that has historically been used for parking and turning vehicles that visit the Centre.

Need to ensure that refuse and delivery vehicles can safely visit The Gutterscroft Centre and neighbouring properties.

The application does not show any evidence of the proposals taking into account the difference in height between the application land and adjoining properties on Batterbee Close - residents have concerns over drainage water running off the site and swamping their gardens.

The submitted plans do not accurately represent the dimensions of adjoining properties, longstanding extensions on houses in Batterbee Close are not shown, these include rooms with principal windows that would be very close to the proposed new properties.

The houses proposed are large and predominantly detached, non appear close to being considered affordable.

This development would not be safe to use the existing Gutterscroft road, the road is narrow, unsurfaced and has appalling visibility at its junction with Crewe Road. The development of the northern part of the site was to provide land for a wider access road, but development of this has not yet taken place. A condition must be applied that no development of the southern land can take place until safe access is provided either by the developer of the northern land or by the southern land developer buying additional land to then build the required safe access.

Haslington has been relying on this site to provide affordable homes in the village on what is effectively brownfield land. Most of the affordable units were in a block of apartments with 1 and 2 beds, this type of accommodation has not been offered on Vicarage Road, or other sites submitted outside the settlement boundary. The developer of this land off The Gutterscroft needs to provide some affordable property that includes 1 and 2 bedroom apartments.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted

Seven representations have been received objecting on the following grounds:

- Increase in vehicle movements
- Highway safety
- Gutterscroft is hazardous and needs to be improved
- Insufficient parking provision
- Existing problems with bin collections
- No need for more housing other than affordable
- Loss of amenity in terms of privacy, light, noise and outlook
- Disturbance during construction
- Damage to property during construction
- Loss of wildlife
- Flood risk
- Increased use of footpath could impact on security of existing properties

APPRAISAL:

The key issues are principle, design, amenity, ecology, trees, highways and affordable housing.

Principle of Development

The principle of residential development has previously been accepted on this site under application P07/1103. The site is situated within the Haslington Settlement Boundary where the key issues in the determination of this application is whether or not the proposal accords with Local Plan policies NE9 (Protected Species), NE5 (Nature Conservation and Habitats), BE1 (Amenity), BE2 (Design Standards), BE3 (Accessing and Parking), BE4 (Drainage, Utilities and Resources), BE5 (Infrastructure) and TRAN9 (Car Parking Standards).

Amenity

In terms of residential amenity, due to the siting of the houses and the distances between those proposed and those existing, there would be no significant adverse impact on the amenity of the existing dwellings on Batterbee Court, School Street and Crewe Road or the new dwellings that are currently under construction off Gutterscroft. Having regard to the flats, the distance to the properties at the rear is 15m and as such the windows on the elevation

facing Batterbee Court should be obscure glazed and the kitchen windows should be high level. Amended plans to show this have now been received by the Council.

Having regard to the residential amenity of future occupiers of the dwellings, all would have adequate private amenity space in order to provide usable garden space and bin storage.

There would be some disruption during the construction phase of the development; however it is considered that this could be adequately controlled by conditions limiting the hours of construction and any piling that may be necessary.

Design

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

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

The proposed dwellings would be 2 storey and of a mix of 8 styles. They would all be of a relatively traditional design having brick and render finishes, with timber detailing and tiled roofs. The apartment block would face on to Gutterscroft with the other properties facing onto the cul-de-sac serving the proposed dwellings

The design and layout of the development is considered to be in keeping with the character and appearance of the local area.

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

Highways

This site has previous permissions which have included for an approved junction design with visibility splays and geometry which meet required design standards therefore the access strategy to this brownfield site is viable. This development is for 13 houses which are to be accessed from a new road of adoptable standard with a turning head and 6 flats accessed from Gutterscroft. A refuse vehicle turning track has been provided which demonstrates appropriate access and egress for the site.

The proposed site layout does need a 2 metre wide service strip or footway on both sides and this will need an amended plan by condition as currently there is shortfall in this regard. Parking standards comply with Authority requirements.

Traffic generation is not considered to be a material impact against current standards.

The Head of Strategic Infrastructure recommends that conditions are imposed requiring the submission of a plan showing the service strip, construction of the access prior to

construction of the dwellings and submission of a construction management plan. Subject to these conditions the development is considered to be in compliance with Policy BE.3 of the adopted local plan.

Affordable Housing

As originally submitted, the application did not include any affordable housing provision. Following negotiations, there has been a revised layout submitted which includes 6 apartments that are to be 100% rented and this has been accepted by the Strategic Housing Manager. As such the proposals are considered to be acceptable in affordable housing terms. This provision can be secured by Section 106 Agreement..

Trees and Landscape

The submission is supported by a Tree Survey Report which incorporates a tree constraints plan as existing. The survey covers 15 individual trees and several lengths of hedge. The survey concludes that the majority of trees of higher value are located on the site boundaries and that trees within the site should not pose a constraint to development.

There would be some loss of hedges on the site, which while regrettable, can be mitigated by landscaping conditions requiring replacement planting.

Overall the impact of the proposal on trees and landscape is considered to be acceptable subject to conditions relating to tree protection and landscaping.

Ecology

The submitted report identifies a veteran birch tree towards the centre of the site but it is unlikely to be of sufficient quality to warrant its retention as part of the development.

Hedgerows are a priority habitat and a material consideration in the determination of the application. There are two sections of hedgerow present on site, one of which would be lost as a result of the development. The second hedgerow could be retained, but is likely to be affected by the driveways of the proposed housing. If planning consent is granted it is recommended that suitable replacement hedgerow planting is incorporated into the landscaping scheme for the site.

An area of semi-improved grassland is present on site. The submitted ecological survey was undertaken too early in the season to allow a full assessment to be made of the nature conservation value of the grassland habitats however based upon the species recorded it is unlikely that the grassland is of substantial nature conservation value.

If planning consent is granted conditions should be imposed requiring protection for nesting birds and incorporation of features for breeding birds.

Sustainability

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

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

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

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

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

Environmental Sustainability

The application site is previously developed land and is, therefore, classed as brownfield and is therefore a priority for development. The proposal is acceptable in terms of trees, landscape and ecology and is therefore considered to be environmentally sustainable.

Social Sustainability

The proposal will provide dwellings on a brownfield site within an existing residential area. Six affordable units in the form of one bedroom flats that would contribute to an acknowledged need in the area. The site is within walking distance of a range of shops and services in Haslington village. The proposal is therefore considered to be socially sustainable.

Economic Sustainability

The proposed development will help to maintain a flexible and responsive supply of housing, bringing direct and indirect economic benefits to the village, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal is therefore considered to be economically sustainable.

Response to Objections

The representations of the members of the public have been given careful consideration in terms of impact on amenity, highway safety and ecology and these issues are addressed in the report.

One objector has expressed concern about increased use of the public footpath leading to a risk to security and possible vandalism. Whilst these concerns are understood, there is no evidence that additional residential properties would cause this.

The Parish Council has requested that additional parking and turning provision is provided for the Gutterscroft Centre. This however is not considered to be a reasonable requirement commensurate with the scale of the development.

Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is within the Settlement Boundary of Haslington, an established residential area, and is in accordance with development plan policy RES.2 (Unallocated Housing Sites), therefore there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Therefore, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to a Section 106 Agreement to secure the affordable housing (all rented) and the following conditions:

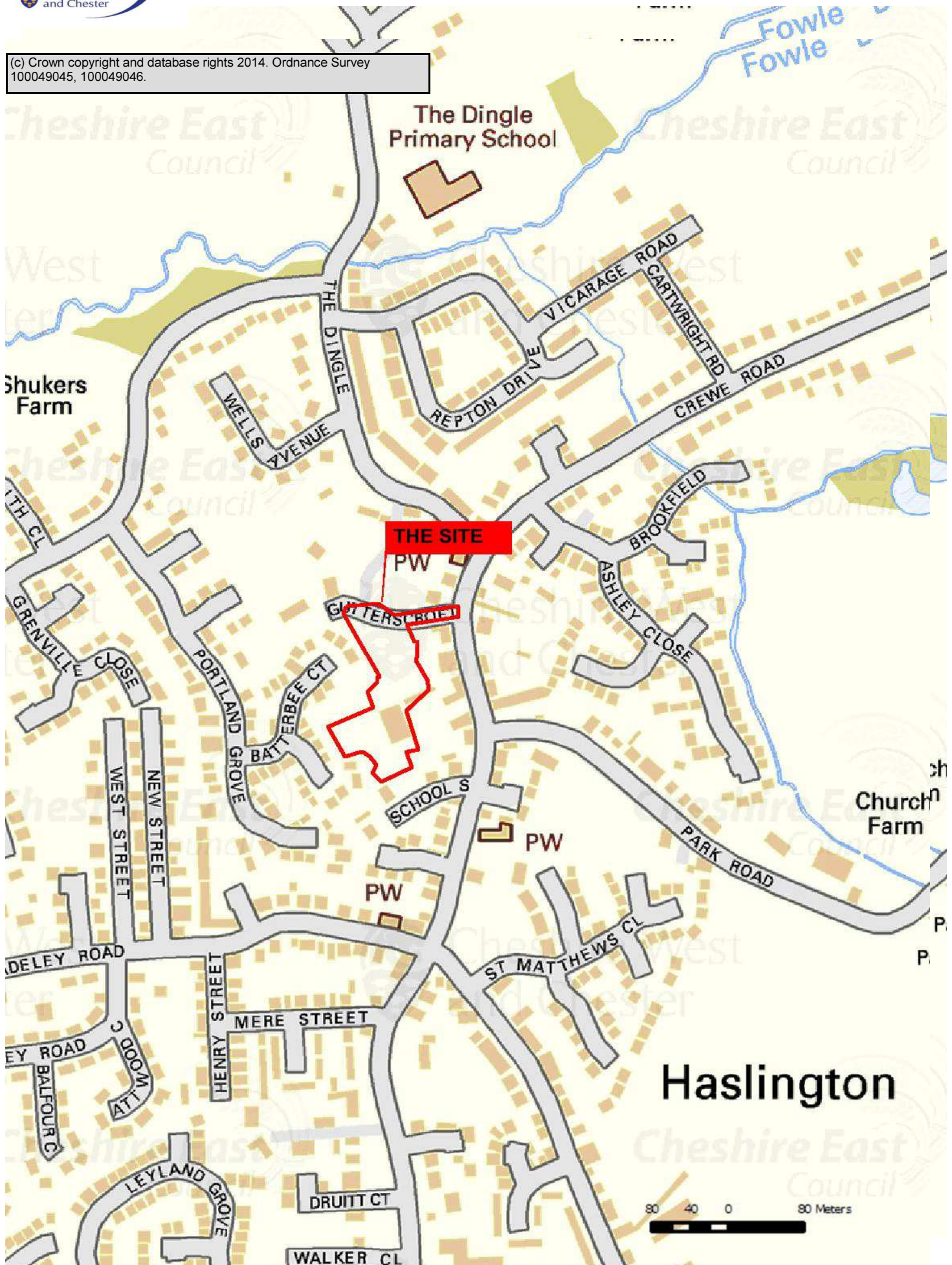
- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Submission of amended layout plan showing 2m service strip**
- 4. Construction of access prior to construction of the dwellings**
- 5. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 6. Construction method statement**
- 7. Materials to be submitted for approval**
- 8. Tree and hedgerow protection measures**
- 9. Landscaping details including boundary treatments to be submitted and approved**
- 10. Implementation of landscaping**
- 11. Prior to the commencement of development details of existing and proposed levels are to be provided.**
- 12. Protection of birds during the breeding season**
- 13. Incorporation of features to house breeding birds, including House Sparrows and Swifts.**
- 14. Submission of external lighting details**
- 15. Submission of foul and surface water drainage details**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim 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: 14/0841N
Location: Land Off, SPINNEY DRIVE, WESTON
Proposal: Residential development of 4 detached houses
Applicant: G McDermott, CDM Developments (North West) Ltd
Expiry Date: 08-Apr-2014

SUMMARY:

The proposal is for housing within the settlement boundary of Weston where there is a presumption in favour of development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon design, highway safety, amenity and drainage and therefore satisfies the environmental sustainability role.

The proposal would satisfy the social sustainability role by providing in an existing settlement where there is existing infrastructure and amenities.

The proposal would contribute to employment and economic growth which satisfies the economic sustainability role.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable scheme.

Local concerns of residents are noted, particularly in respect of amenity and parking matters but the impact is not considered to be severe under the NPPF test.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions.

PROPOSAL:

The proposal seeks full planning permission for the erection of four detached dwellings with integral garages. The proposed dwellings would face on to Spinney Drive with separate accesses on to the highway.

An application for two detached bungalows with detached garages was approved on the site in 2013. (13/0830N)

SITE DESCRIPTION:

The application site was originally part of the large rear garden of 63 Cemetery Road, which has now been separated from the site with a 2m high, vertically boarded fence. It is an almost rectangular shaped parcel of land 0.14 hectares in size, which actually faces on to Spinney Drive. The site previously contained several trees; however these have now largely been cleared.

The surrounding development is residential and the site is designated as being within the settlement boundary of the village of Weston.

RELEVANT HISTORY:

13/0830N 2013 Approval for 2 detached bungalows with detached garages

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, 49 and 50.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
RES. 5 – Housing in Villages with Settlement Boundaries
RES.3 – Housing Densities
RES.7 – Affordable Housing

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

Supplementary Planning Document – Development on Backland and Gardens

Other Material CONSIDERATIONS:

National Planning Policy Guidance.

CONSULTATIONS:

Highways:

No objections subject to provision of 3 parking spaces within the site.

Environmental Health:

Recommend conditions and informatives relating to hours of construction, piling, dust control and contaminated land

United Utilities:

No objection.

Weston Parish Council:

The Parish Council objects to this development and requests that it be refused for the following reasons:

The Parish Council are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. In the parish Councils judgment there will be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that

the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

Whilst two storey houses as distinct from bungalows adjoin the application site on the SE side of Spinney Drive, the development on the NW side of Spinney Drive, opposite to the application site, as viewed from the rear of Nos 6 and 7 Westmere Close comprises single storey bungalows. This creates a much more open feel within the street scene at this point. The development of two bungalows as currently approved on the application site would be more in keeping with the character of the immediate area.

The Parish Council has received an objection from the occupier of 7 Westmere Close along with a request that the application be called in for Committee consideration.

The Parish Council is requesting that the Local Cheshire East Ward Councillor calls in the application for the reasons specified above and will be asking to address the Planning Committee in due course.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants.

Eight representations have been received relating to this application expressing concerns about the following:

- Over development of the site
- Out of keeping with the character of the area
- Parking issues
- Highway safety
- Inadequate drainage
- Loss of light, privacy and outlook
- Concern about trees
- The developer should just build the 2 bungalows already approved
- Selfish and unreasonable behaviour by the developer
- Makes a mockery of the planning process

APPRAISAL:

The key issues are principle, design, amenity, ecology, trees, highways and affordable housing.

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, this is considered to be consistent with NPPF policy for development on residential gardens. 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 an appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety and whether it is appropriate to require a contribution to affordable housing.

Amenity

There are dwellings surrounding the site of the proposed dwellings on three sides. The distances between the neighbouring properties and the proposed dwellings and existing boundary treatments mean that the development would not cause any significant adverse impact on the amenities of these properties.

The Supplementary Planning Document, Development on Backland and Gardens sets down that the distance between principal elevations should ideally be 21 metres. In the case of this proposal the new dwellings would be between 21 and 23 metres away from the principal elevations of the properties on Westmere Close, which is in compliance with the required separation distances. Concerns have been expressed by local residents about loss of privacy that would result from the erection of 2 storey dwellings. However; given that the development would achieve the required separation distances, a reason for refusal on these grounds could not be sustained. This also applies to the new extension being constructed to the property to the north of the site on Cemetery Road.

Other objections relate to light loss. However it is not considered that any light loss would not be significant due to the scale and siting of the proposed dwellings. Having regard to loss of outlook, there is no right to a view over other peoples land and it is considered that the new dwellings would not create an oppressive outlook that would warrant a reason for refusal.

Concerns have also been expressed about the properties having an adverse impact upon privacy and light. Whilst the development meets all the minimum requirements, it is considered reasonable to remove permitted development rights for alterations to ensure that amenity is protected by having control over further development.

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance

during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

It is therefore considered that the proposal would be acceptable in terms of residential amenity and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

The Strategic Housing section of the Council has objected to the proposal on the grounds that it does not meet the requirements of the Interim Planning Statement on Affordable Housing (IPS). The IPS states that there is a requirement for a provision of 30% affordable housing in settlements with a population of less than 3,000 where the proposal is for 3 dwellings or more and this applies to the village of Weston.

In response to this objection, the applicant has submitted a Financial Viability Analysis which is being assessed by external consultants.

During the life of this application the Government has introduced new Planning Practice Guidance relating to planning obligations and affordable housing. This is set out below:

“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home”*

In the light of this guidance, which is an important material consideration, it is no longer appropriate to require a contribution to affordable housing provision.

Highways

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. Subsequently an amended plan has been submitted showing a garage 3m x 5.5m which meets the requirements of the parking standards set out in the Development Strategy – Submission Version.

The proposal is considered to be in compliance with Policy BE.3 (Highways).

Sustainability

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

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

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

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

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

Environmental Sustainability

The application site is within the settlement boundary of Weston where there is a presumption in favour of development as it does not involve the development of greenfield land. The proposal is therefore considered to be environmentally sustainable.

Social Sustainability

The proposal will provide dwellings within an existing settlement. Government guidance states that Council's should not require affordable housing provision on small scale developments such as this. The proposal is therefore considered to be socially sustainable.

Economic Sustainability

The proposed development will help to maintain a flexible and responsive supply of housing, bringing direct and indirect economic benefits to the village, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal is therefore considered to be economically sustainable.

Response to Objections

The representations of the members of the public have been given careful consideration in terms of impact on amenity, highway safety, trees and drainage and these issues are addressed in the report.

Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is within the Settlement Boundary of Weston, an established residential area, and is in accordance with development plan policy RES.2 (Unallocated Housing Sites), therefore there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The Government has stated that small scale developments such as this should not be required to provide affordable housing.

It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Therefore, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Submission and approval of external materials for approval**
- 4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Submission and approval of gas protection measures**
- 6. Submission and approval of landscaping details including boundary treatments**
- 7. Implementation of landscaping**
- 8. Submission and approval of existing and proposed ground levels**
- 9. Removal of PD Rights – Extensions and Outbuildings**

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Application No: 14/4165N

Location: Manor Way Centre, MANOR WAY, CREWE, CW2 6JS

Proposal: Erection of 14 no. semi detached houses and ancilliary works

Applicant: Renew Land Developments Ltd

Expiry Date: 02-Dec-2014

SUMMARY:

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is in within the Settlement Boundary for Crewe, and an established residential area, and is in accordance with development plan policy RES.2 (Unallocated Housing Sites), therefore there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

SUMMARY RECOMMENDATION:

Approved with conditions

PROPOSAL:

The proposed development is for the demolition of the existing building and the construction of fourteen, three bedroom two storey semi-detached dwellings with associated ancillary works.

The proposed dwellings will have a height of approximately 8.8 metres and cover an area of approximately 53sq metres. Seven of the proposed properties will have attached garages and one parking space with the other seven having two off road parking spaces.

The site will be accessed via the existing access from Manor Way.

SITE DESCRIPTION:

The application site covers 0.39ha and is found along Manor Way towards the south of the Crewe Settlement Boundary. The site is bound on all sides with existing residential development, to the east and west are the relatively long rear gardens of the dwellings along Manor Way which either side of the proposed access to the development.

The site is currently occupied by a two storey former nursing home.

RELEVANT HISTORY:

12/4007N – demolition of existing building and erection of a 72 bed 2/3 storey care home – refused 2012

7/19517 – Continued use as a residential care home (C2) – approved 1991

7/07632 – Home for Elderly Persons – approved 1981

7/08440 – Elderly Persons Home and 2 staff houses – approved 1981

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 and 49

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Saved Policies are: -

RES.2 – Unallocated Housing Sites

BE.1 – Amenity

BE.2 – Design

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.9 – Protected Species

NE.17 – Pollution Control

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 Sustainable Development in Cheshire East

SD.2 Sustainable Development Principles

SE.1 Design

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

Supplementary Planning Document – Development on Backland and Gardens

CONSULTATIONS:

Highways:

No objections subject to conditions relating to access works to be completed prior to occupation, parking provided as shown on plan 1983-110-P2 and provision of refuse bin storage area.

Environmental Health:

No objections with recommended conditions/informatives relating to hours of pile driving, hours of construction, dust control and contaminated land.

Housing:

No objection.

As this site is for less than 15 units and is less than 0.4 hectares in size there is no requirement for affordable housing to be provided.

United Utilities:

No objections subject conditions relating to foul and surface water.

Crewe Town Council:

No objection subject to neighbour's comments, and subject to a condition requiring that the landing window to plot 5 is obscure glazed and non-opening for the privacy of plot 3. If any s106 contribution is available traffic calming measures on Manor Way should be a priority.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

One letter has been received objecting on the following grounds:

- Over intensive development resulting in loss of open space and environmental resources
- Visual intrusion, extra noise and disturbance to dwellings on Manor Way
- Increase traffic
- Prejudice the safe movement of traffic
- Adverse effect on streetscene
- Does not respect the pattern character and form of the surroundings
- Proposal reduces public views and vistas
- Proposal lacks any innovative energy efficiency features
- Unsafe vehicular access due to volume of traffic using it
- Proposal will create problems with on street parking

APPRAISAL:

Principle of Development

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

In this case the site is surrounded by residential properties on all sides and was last used as a care home, however now lies redundant. Furthermore the proposal would assist with the Councils 5 year housing land supply. The proposal is therefore considered to be acceptable in principle.

Affordable Housing

As stated in the consultation response from the Housing Officer, the site is for less than 15 units and is less than 0.4 hectares in size there is no requirement for affordable housing to be provided.

Amenity

In terms of the amenity of neighbouring dwellings, the two dwellings (131 and 127 Manor Way) that sit either side of plots 1, 2, 3 and 4 to the entrance to the site are free of principal windows to the first floor side elevations facing the application site. Furthermore, the proposed dwelling will not have principal windows in their side elevations. Number 131 Manor Way will be screened by the proposed boundary fence.

The proposed dwellings of plots 3 and 4 will project approximately two metres beyond the rear elevation of the existing 131 Manor Way. However, given the distance in between there will not be a breach of the 45 degree code when applied to the rear principal windows of this neighbouring dwelling.

To the east side of the site entrance the proposed dwellings of plots 1 and 2 are set back from the side elevation of the existing dwelling at 125 Manor Way.

Therefore, it is not considered that there will be a significantly detrimental effect upon the existing dwellings along Manor Way from this perspective.

To the north of the application site lies the residential development of Salisbury Close which is a mixture of townhouse and mews style dwellings, some of which face onto the proposed development. The closest of these dwellings sits at a distance of 21 metres from the rear elevation of the closest of the proposed dwellings. This meets the minimum separation distance of 21 metres as set out in the SPD.

To the north east of the site are the dwellings of Salisbury Avenue. These dwellings sit approximately 35 metres away at the closest point.

Directly to the east and west of the application site are the rear gardens of the neighbouring dwellings along Manor Way. There will not be an amenity issue from the siting of the proposed dwelling.

The proposed dwellings to the frontage of Manor Way will face the existing properties on the opposite side of Manor Way at a distance of 27 metres. This is also in excess of the recommended separation distance.

The obscure glazing of the landing window to the dwelling of plot five is not considered to be necessary as this is a secondary window and does not serve a habitable room.

Given all of the above, overall it is not considered that the proposed development will have a significantly detrimental effect upon the residential amenity of the surrounding existing dwellings.

Design

Policy BE.2 (Design) states that proposed development should respect the pattern character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed development will have a direct relationship and be viewed in context with the existing dwellings along Manor Way, which are predominantly two storey semi-detached dwellings. The proposed dwellings are all two storey semi-detached dwellings and are of a traditional appearance and similar in size and scale to those found along Manor Way. The materials to be used can be secured by condition to ensure that they are acceptable and sympathetic to those used in the existing dwellings.

Therefore, given the surrounding properties the design and appearance of the proposed dwellings, as conditioned, is considered to be acceptable in terms of the relationship with the surrounding dwellings.

Highways

The existing access will be utilised for the proposed development. Each dwelling will have two off road parking spaces.

The Strategic Highways and Transport Manager has considered the submitted information relating the highways aspects of this application and offers no objections subject to conditions requiring:

- The access point to be construction to the satisfaction of the LPA and SHTM prior to the occupation of the proposed dwellings
- As a minimum, parking should be provided to the quantum shown in drawing number 1983-110-P2
- An area for refuse collection to be provided at the boundary of each property to prevent the highway from being cluttered on refuse collection days.

From the consultation response received the Strategic Highways and Transport Manager does not consider that the proposed development will have a detrimental effect upon the safety of the surrounding highways.

Ecology

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

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

(b) no satisfactory alternative and

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

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

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 given that the development is for the demolition of a disused building the applicant has submitted a protected species survey with the application. A protected species survey has been received and the Council's ecologist has stated that the bat survey was undertaken by suitably qualified surveyors and considering the relatively limited opportunities available for roosting bats, the Council's Ecologist is satisfied that an acceptable level of survey has been completed. Limited evidence of roosting bats was recorded and the Council's ecologist advises that protected species do not present a constraint on the proposed development. The proposal is therefore considered to be in accordance with policies NE.5 and NE.9, the National Planning Policy Framework.

Evidence of bat activity in the form of a minor roost of a relatively common species has been recorded within the existing buildings. The usage of the building by bats is likely to be limited to single-small of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and on the proposed development 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. This can also be conditioned.

It is also recommended that the number of additional trees to be planted be increased to provide further foraging opportunities for bats on the site. This can be secured via condition.

For the protection of breeding birds a standard condition will be attached to any permission requiring a nesting bird survey to be carried out should any vegetation be removed between 1st March and 31st August.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

The issue of securing a Section 106 contribution is not a reasonable or relevant part of this application.

PLANNING BALANCE

It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Therefore, it is considered that the application should be approved subject to the imposition of appropriate conditions.

It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Therefore, it is considered that the application should be approved subject to the imposition of appropriate conditions.

Environmental Sustainability

The application site is previously developed land and is, therefore, classed as brownfield and is therefore a priority for development.

The existing boundary vegetation to the site will be retained and supplemented; this can be secured by condition.

Social Sustainability

The proposal will provide dwellings on a brownfield site within an existing residential area. The proposed properties will be of a similar size and design to the existing along Manor Way.

The site is within walking distance of a range of shops and services along Nantwich Road as well as schools and a college.

Economic Sustainability

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

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Approved plans**
- 3. External materials to be submitted**
- 4. Surfacing materials to be submitted**
- 5. Scheme of landscaping to be submitted**
- 6. Boundary treatment as shown on plan 1983-110**
- 7. Prior to occupation access to the satisfaction of the SHTM and the LPA**
- 8. Recommended bat mitigation measures to be implemented**
- 9. Bird survey between 1st March and 31st August**
- 10. PD rights removed**
- 11. Pile driving Method Statement**
- 12. Dust control**
- 13. Contaminated land**
- 14. Drainage scheme**

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Application No: 14/4769C
Location: The Hollies, 16, Smithfield Lane, Sandbach, Cheshire, CW11 4JA
Proposal: Detached House with Integral Garage
Applicant: Andy Mines, Smithfield Court Ltd
Expiry Date: 08-Dec-2014

REASON FOR REPORT:

This application has been called in for determination by the Committee by Councillor Sam Corcoran for the following reason:

'The size of the property is out of keeping with the surroundings and will disturb the amenity of neighbours on Booth Avenue.'

CONCLUSION:

Local concerns of residents have been raised, in respect of highways, amenity and design/streetscene matters. However, the proposal complies with the relevant policies of the Development Plan and should be approved. Where impacts are noted they would not result in a level of harm that could justify a refusal of planning permission.

The application includes an appropriate quality of design with materials to be secured by condition. The proposal complies with local amenity standards and the Strategic Highways Manager does not raise objections in respect of highway safety or impact.

The application site is within the Settlement Boundary for Sandbach and the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject conditions.

SUMMARY RECOMMENDATION:

Approved with conditions

PROPOSAL:

The proposed development is for the construction of a two storey detached five bedroom dwelling with attached single storey garage to the rear garden area of 16 Smithfield Lane. It will measure approximately 9.4 metres by 13 metres with a roof ridge height of 6.9 metres. The proposed dwelling will have sufficient space to accommodate the parking of at least three cars.

Amended plans have been received from the applicant's agent which have a lowered eaves height to the rear elevation to reduce the starkness of this elevation. Dormer windows have now also been added to the rear following the lowering of the eaves.

SITE DESCRIPTION:

The site lies to the rear of Smithfield Lane within the Settlement Boundary for Sandbach and is surrounded by existing residential dwellings. To the west are the existing dwellings of Smithfield Lane, while to the east lie the properties of Booth Avenue which are predominantly dormer bungalows. To the north is the rear garden of 18 Smithfield Lane and to the south are two detached bungalows currently being constructed in what was the rear garden of 14 Smithfield Lane.

RELEVANT HISTORY:

7953/3 – First floor extension – approved with conditions 1978

13013/3 – New entrance and garage – approved with conditions 1981

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 and 49

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan 2005 First Review

The relevant Saved Policies are: -

PS 4 – Towns

GR 1 – New Development

GR 2 – Design

GR 6 – Amenity and Health

GR 9 – Accessibility, Parking and Service Provision

H 1 - Provision of new housing development

H 2 - Housing Supply

H 4 - Residential Development in Towns

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

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 Sustainable Development in Cheshire East

SD.2 Sustainable Development Principles

SE.1 Design

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS:

Highways:

No objection

Environmental Health:

No objections with recommended conditions/informatives relating to hours of pile driving, hours of construction, dust control and contaminated land.

Landscape:

No objection provided the Oak tree and boundary hedges are retained and protected in accordance with the submitted Arboricultural Method Statement.

United Utilities:

No objections

Sandbach Town Council:

No objection, in principal to development of the site, subject to consideration amenity and privacy of adjacent houses.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

12 letters have been received objecting on the following grounds:

- Overdevelopment
- Proposed house is too large
- Detrimental to properties on Booth Avenue
- Loss of privacy to properties on Booth Avenue
- Minimum separation distances not met.
- Highway access not safe
- Detrimental to the character of the area
- Proposal is out of keeping with surroundings
- Increase traffic and disturbance
- A bungalow would be more appropriate
- Plans do not show neighbour's extension

APPRAISAL:

The key issues are:

Principle of Development

PS4 (Towns) of the Congleton Borough Local Plan First Review 2005 states that *“within the settlement lines of towns, there is a general presumption in favour of development provided it is in keeping with the town’s scale and character and does not conflict with other policies of the Local Plan”*.

The application site lies within the Settlement Boundary for Sandbach, therefore the principle of residential development is acceptable providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Other Material Considerations

Amenity

In terms of neighbouring residential amenity the closest neighbouring dwellings to the site are those of Boothe Avenue to the rear (east) and 16 Smithfield Lane to the front (west).

The recommended separation distance between directly facing principal windows as stated in the Supplementary Planning Guidance Note 2 is a minimum of 21.3 metres.

The rear elevation of 16 Smithfield Lane faces the front elevation of the proposed dwellings at a distance of 21.5 metres. The two dwellings that lie directly to the east of the application site are numbers 13 and 14 Booth Avenue the distances here are 25 metres and 24.5 metres respectively between the principal windows. Number 11 Booth Avenue does not share a directly facing relationship with the proposed dwelling and is at a distance of approximately 26 metres at the closest point. Number 16 Booth Avenue stands to the south east of the site at a distance of approximately 27 metres. The distance from Cherry Cottage to the north west of the proposal is 24 metres between the directly facing parts of the principal elevations.

The approved dwelling, currently under construction, to the rear of 14 Smithfield Lane is to the south of the proposed dwelling approximately 6 metres away. However, this is a side elevation to side elevation relationship and does not involve any principal windows in either property.

It has been noted that 14 Booth Avenue has a single storey rear extension that is not shown on the submitted plans. This does indeed shorted the separation distance, however this is at ground floor level only and visual amenity issues will be mitigated as the existing boundary treatment will remain in position, with further planting to be secured via condition, and will screen the view from the ground floor principal windows to the rear elevation of the proposed dwelling.

It is accepted that views will be possible into the gardens of neighbouring dwellings, however this is an existing situation and overlooking of gardens is already possible from the first floor windows of the existing surrounding dwellings. It will be possible to view the gardens of dwellings on Booth Avenue, however given the distances involved and the existing boundary treatments this is not considered to be of a significant enough scale to sustain a refusal. Furthermore, enhance boundary planting could be secured by condition to further reduce this.

Design

With regard to the design of the proposed dwelling Policy GR.2 (Design) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

With the above in mind the surrounding area is predominantly single storey dwellings on Smithfield Lane and Booth Avenue. However, the application site has a pair of two storey dwellings to the west (16 and 18 Smithfield Lane) and the detached property of Cherry Cottage the north. The proposed dwelling has a height of approximately 6.9 metres while the two bungalows to the south have a height of approximately 6.5 metres.

Therefore, the proposed dwelling will be viewed in context with the neighbouring two storey dwellings and the two bungalows. Given the height of the proposed dwelling and that of the neighbouring bungalows it is not considered that it will be of a scale that will have a significant detrimental effect in terms of its bulk and scale.

In terms of the design of the proposed dwelling there is not set vernacular or overriding style found in the local area, the existing dwellings are also of differing sizes. The proposed dwelling has a roof ridge height of while the two bungalows to the south have a height of

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

Highways

Access to the proposed dwelling will be from Smithfield Lane via the private driveway which also serves the two dwellings currently being constructed behind number 14 Smithfield Lane.

The proposed dwelling will be have space for the parking of at least three cars as well as turning space to allow egress in a forward gear.

The Strategic Highways and Transport Manager considers that the addition of one dwelling will have a negligible impact on the private driveway and highway network.

It is, therefore, considered, that the proposed development will not have a detrimental impact regarding highway safety.

Landscape

There are a number of ornamental trees on the site which will be removed as part of the proposed development, these are shown within the submitted Arboricultural information.

A significant Oak stands in the south east corner of the application site, clarification has been received from the agent that this tree is to be retained and protected during any development. A condition to this effect will be attached to any permission.

The existing boundary hedges are to be retained, this can be conditioned via a Landscaping Scheme to be submitted for approval to include further planting along the eastern boundary to act as a screen to mitigate any loss of amenity to the window in the single storey rear extension of number 14 Booth Avenue.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

Planning Balance

Paragraph 14 of the NPPF states Local Planning Authorities should approve development proposals without delay where they accord with the Development Plan.

The proposal is in within the Settlement Boundary for Sandbach, and an established residential area, and is in accordance with development plan policy PS.4 (Towns), therefore there is a presumption in favour of development.

Environmental Sustainability

The application site is a rear garden of an existing residential dwelling and is, therefore, classed as a Greenfield site. However, the site is also within the Settlement Boundary for Sandbach therefore development of the site is acceptable.

Several of the existing ornamental trees on the site are to be removed. The Council's Landscape officer has no significant forestry concerns provided that the existing Oak tree and boundary hedgerows are retained.

The site is in a sustainable location in terms of Sandbach Town centre as well at a distance of approximately 0.8 of a mile.

Social Sustainability

The proposed development will provide a dwelling on a site within an existing residential area and the Settlement Boundary of Sandbach.

The site is in a sustainable location in terms of Sandbach Town centre as well at a distance of approximately 0.8 of a mile.

Economic Sustainability

The proposal is for a single dwelling and therefore has a very limited impact. However, it will to a very limited degree help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The proposed development is considered to comply with the relevant policies of the Development Plan. It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Section 38(6) of the Planning and Compulsory Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material consideration indicate otherwise. Therefore, it is recommended that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

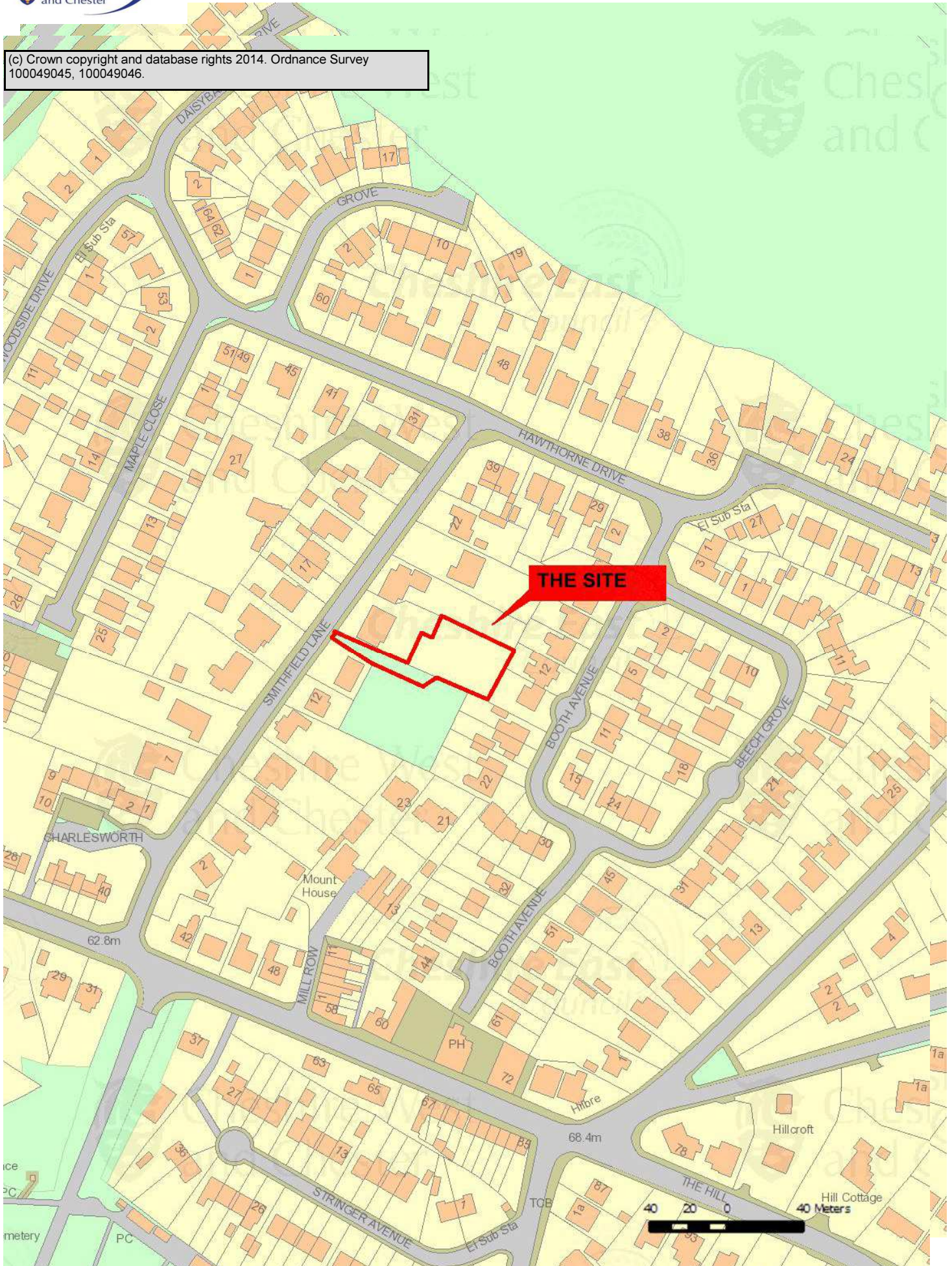
1. Standard three year time limit
2. Approved plans
3. External materials to be submitted
4. Surfacing materials to be submitted
5. Scheme of landscaping to be submitted
6. Boundary treatment as shown on plan 1983-110
7. Tree protection
8. Bird survey between 1st March and 31st August
9. PD rights removed
10. Pile driving Method Statement

11. Dust control

12. Contaminated land

13. Drainage scheme

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Application No: 14/3687C

Location: HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE,
HOLMES CHAPEL, CHESHIRE, CW4 7DX

Proposal: Permanent retention of modular teaching buildings to provide teaching
and learning facilities

Applicant: Tony Halsall, Holmes Chapel Comprehensive School

Expiry Date: 08-Oct-2014

SUMMARY

The NPPF advises that planning should give great weight to the need to expand or alter schools. It also requires that existing open space, including playing fields shall not be built upon unless certain criteria are met. In addition, the NPPF states that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The acceptability of the proposal with regards to sustainability is dependent on the scheme meeting these requirements.

The school have detailed a need for the permanent retention of the buildings which provide a targeted level of intervention to a growing group of students who have either; physical, educational or emotional needs.

The section of playing field which forms this application site has been identified as being surplus to requirements.

The scheme is of an appropriate design which does not have a significant impact upon neighbouring amenity or highway safety.

The scheme therefore represents a sustainable form of development.

RECOMMENDATION

APPROVE subject to conditions

DETAILS OF PROPOSAL

Full planning permission is sought for the permanent retention of modular teaching buildings to provide teaching and learning facilities at Holmes Chapel Comprehensive School.

SITE DESCRIPTION

The application site falls on playing fields to the rear of the school which fall within the Open Countryside. Residential properties bound the application site to the north. To the east, south and west of the application site are the school grounds.

RELEVANT HISTORY

12/2934C – To install temporary Portakabin Limited buildings to be used as teaching facilities for the 6th form whilst works are carried out to rectify the structural defects in the existing 6th form teaching facilities. It is proposed that there will be 2 classroom buildings, 1 building to be used as a common/study area and one building to be used as office space, all buildings to be hired from Portakabin Limited for a period of 3years – Approved 24th September 2012

NATIONAL & LOCAL POLICIES

National policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance to this application are paragraphs; 17 (Core planning principles), 56-68 (Good design), 72-74 (School and Playing Field development).

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005. The relevant Saved Policies are:

PS8 - Open Countryside
RC2 - Protected area of open space
GR1 - New Development
GR2 - Design
GR6 - Amenity and Health

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

Strategic Highways Manager – No objections

Sport England – No objections, subject to the following condition; within 1 month of determination a scheme for the restoration of the rugby pitch margins shall be submitted to and approved

Jodrell Bank (University of Manchester) – No comments received at time of report

Children's Services (Cheshire East Council) – Support the proposal

Environmental Protection - No objections

VIEWS OF THE PARISH COUNCIL:

Holmes Chapel Parish Council – Object to the proposal due to the loss of the playing fields

OTHER REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. 4 letters have been received objecting on the following grounds:

- Principle of the development – No requirement for them anymore now works to school are completed & sufficient space within the existing building
- Design
- Amenity – Visual intrusion, loss of light, loss of privacy
- Loss of playing field
- Highway safety – loss of parking
- Question some of the application content – e.g. that the playing field is boggy

5 letters of support have been received.

APPRAISAL

The key issues are:

- Principle of development
- Impact of the design
- Impact upon neighbouring amenity
- The impact upon highway safety

SUSTAINABILITY

This application shall consider the sustainability of the proposed development in the context of the application for the permanent retention of modular teaching buildings to provide teaching and learning facilities at Holmes Chapel Comprehensive School.

In this instance, consideration of the need for the development, the loss of the playing field, design, and amenity are the principle considerations.

Paragraph 72 of the NPPF states that;

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

The applicant has advised that these buildings are in use to *'...provide quality accommodation for some of our most vulnerable children who have additional physical, educational, or emotional needs. This is a group of children who are increasing in number as more parents choose our school for their children.'*

More specifically, the new building will provide; 2 specialist teaching rooms, 1 computer learning centre, an area for teacher training, 2 small group areas and a de-escalation room for children in crisis.

It is advised that student performance at GCSE level for children with specific needs is being hampered by a lack of space and the quality of the areas available without access to this modular facility.

It is stated that *'without this facility, the school does not have the capacity to continue to provide this level of targeted intervention to a growing group of students who choose to come to HCCC [the school].'*

The application is also supported by Cheshire East Council's Children's services.

As a result of this justification, it is considered that there is a 'need' for this facility.

Paragraph 74 of the NPPF states that;

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

The applicant has advised that the application site was chosen for development as it was not in use and was *'notoriously poorly drained.'*

It is advised that the application site remains unsuitable for use in PE, sport or games.

It is also noted that the application site is in an unsafe location for such activities due to its proximity to the school car park.

The school advise that the playing pitches for rugby, football and athletics are marked out and are sufficiently distanced from the application site so to not interfere.

In response, Sport England have advised that they raise no objections to the permanent loss of this part of the playing field, subject to a condition that the applicant mark out the existing rugby pitch within 1 month of the determination date of the planning application.

As such, it is considered that the applicant has clearly shown that the land is surplus to requirements and satisfy's Sport England's original concerns.

Design

Paragraph 56 of the NPPF advises that;

'The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

Paragraph 63 of the NPPF advises that;

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Paragraph 64 of the NPPF advises that;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The application proposes to retain the presence of 4.No portakabin units to the north of the site which take the form of a courtyard layout adjacent to the existing car park.

3.No classroom buildings are approximately 16.5 metres by 9.6 metres with a height of 3.5 metres. The 4th building is smaller and measures approximately 12.1 metres by 3.9 metres with a height of 3 metres.

The units are of typical portakabin design, and whilst they have a relatively large footprint, given the amount of accommodation they provide, they are all single storey in height. The development is seen within the context of its school setting and would not have any detrimental impact upon the character and appearance of the Open Countryside or visual amenity of the area.

As such, in conjunction with the needs of the school, there would be no significant conflict with the provisions of Local Plan policies GR1 (New Development) and GR2 (Design).

Amenity

Paragraph 17 of the NPPF states that planning should; *'always seek to secure... a good standard of amenity for all existing and future occupants of land and buildings.'*

The proposed mobile units (and associated courtyard) are sited to the north of the site in proximity to the northern boundary. Residential properties are situated to the north, with the nearest property to the development being number 9 Mardale Court. The closest of the mobile units is approximately 1.6 metres away from the common boundary with this property. The boundary is defined by an established hedgerow which measures between 1.8 and 2 meters in height and would provide a level of screening to the proposal.

It was considered as part of application 12/2934C, that because the closest classroom would have a number of windows to the north and west facing elevations in proximity to this boundary, that a form of obscure glazing treatment to windows would be appropriate to prevent any issues of overlooking or loss of privacy.

It is proposed that this condition be re-worded so that these obscure windows are retained should the application be approved.

Although the closest mobile unit lies within close proximity to the side elevation of No.9 Mardale Court, given that the only windows within the side elevation of this property, parallel to this porakabin represent secondary ground-floor windows to a lounge, in conjunction with the tall boundary treatment between the built forms and the relative low height of the application units, it is not considered refusal of this application on visual intrusion or loss of light grounds would be significant enough to warrant refusal on this application on amenity grounds.

It is not considered that the proposal would create any loss of amenity with regards to loss of privacy, light or visual intrusion to any other neighbour because of its relative low height and distance from these other neighbouring units.

With regards to environmental disturbance, the Council's Environmental Protection Team have raised no objections.

As such, the proposal is considered to adhere with Policy GR6 of the Local Plan.

Highway Safety

The Strategic Highways Manager has advised that as no changes are proposed to the existing access or parking arrangements at the school, he raises no objections.

Planning Balance

The NPPF encourages the alteration or expansion of schools where a need has been identified and allows for the loss of playing fields where the site is surplus to requirements.

The application proposal lies on a northern portion of the school playing field, with built form to the north, east and south. As such, it is not considered that the development has a detrimental impact upon the wider openness of the countryside in this location.

The school have identified a need for the buildings which provide a targeted level of intervention to a growing group of students who have physical, educational, or emotional needs.

The section of playing field used has been identified as being poorly drained and does not interfere with existing playing pitches. As such, the principle of the development is accepted.

The proposed scheme provides an appropriate design that subject to conditions, would not have a detrimental impact upon neighbouring amenity or highway safety.

The scheme therefore represents a sustainable form of development providing needed teaching facilities of a sufficient quality of design without impacting the usable playing fields, neighbouring amenity or highway safety.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

- 1. Plan**
- 2. Materials**
- 3. Obscure glazing retention**
- 4. Submission within 1 month of determination of a scheme for the restoration of the rugby pitch margins.**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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