

Southern Planning Committee

Agenda

Date: Wednesday 25th February 2015
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 28 January 2015.

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

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.

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

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

5. **13/2710N Ridley Bank Farm, Wrexham Road, Ridley CW6 9RZ: Installation of wind turbine 32.5m to hub and associated ancillary works for Mr R Latham** (Pages 9 - 48)

To consider the above planning application.

6. **14/0143N Former Bowling Green, Waterlode, Nantwich: Erection of 7 dwellings with integral garages and associated car parking for Black & White Cheshire Ltd** (Pages 49 - 56)

To consider the above planning application.

7. **14/5260N Land south of Sandfield House, Station Road, Wrenbury CW5 8ER: Residential development of up to 18 dwellings to include means of access for Hollyhead Estates (Wrenbury) Ltd** (Pages 57 - 74)

To consider the above planning application.

8. **14/2289C Former Charles Church Offices, Middlewich Road, Sandbach, Cheshire: Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking for McCarthy and Stone Retirement Lifestyles** (Pages 75 - 90)

To consider the above planning application.

9. **14/5285C Former Magistrates Court, Middlewich Road, Sandbach CW11 1HU: Demolition of existing building and erection of three storey accommodation comprising 15 supported living apartments (Use Class C3) with associated parking and open space for HB Community Solutions Living Ltd** (Pages 91 - 98)

To consider the above planning application.

10. **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 99 - 114)**

To consider the above planning application.

11. **14/4780N Land Adjacent, 277, Crewe Road, Haslington: Outline Planning Permission for proposed new dwelling to be used in conjunction with existing businesses for Goodwin Plastics Ltd (Pages 115 - 124)**

To consider the above planning application.

12. **14/4656M Manor Park School & Nursery, Manor Park North, Knutsford, Cheshire, WA16 8DB: Construction of a new, two storey, five class and library extension together with the associated external works at Manor Park School and Nursery, Knutsford for Sarah Greensides, Manor Park School and Nursery (Pages 125 - 132)**

To consider the above planning application.

13. **14/5754C Land to the east of London Road, Holmes Chapel (colloquially known as 'the former Fisons site): Variation of condition 23 (hours) attached to planning permission 13/3294C. Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping for C/O Agent, Bluemantle Ltd and Sainsbury's Supermark (Pages 133 - 138)**

To consider the above planning application.

14. **14/5837N Land To The North Of Cheerbrook Road, Willaston, Nantwich Cheshire: Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N) for Wainhomes (North West) Ltd (Pages 139 - 146)**

To consider the above planning application.

15. **Update following the resolution to approve application 14/4300N subject to a S106 Agreement (Pages 147 - 154)**

To consider a proposed amendment to the S106 Heads of Terms relating to planning application 14/4300N, which was determined by the Southern Planning Committee on 17 December 2014.

16. **Cheshire East Borough Council (Bunbury - Land West Of Oak Gardens) Tree Preservation Order 2014** (Pages 155 - 164)

To consider the above Tree Preservation Order.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th January, 2015 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D Bebbington, P Butterill, R Cartlidge, J Clowes, W S Davies,
S Hogben, P Groves, A Kolker, D Marren, M A Martin and A Thwaite (for
Councillor Rhoda Bailey)

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey, J Hammond, D Hough and A Martin

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Ben Haywood (Major Applications - Team Leader)
Paul Wakefield (Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors Rhoda Bailey, I Faseyi and S McGrory

118 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor J Clowes declared that she had received correspondence regarding
application numbers 14/5411N and 14/5281C.

All Members of the Committee declared that they had received
correspondence regarding application number 14/2714N.

With regard to application number 14/5411N, Councillor D Bebbington
declared that his wife was employed by the applicant, and that he would
withdraw from the meeting during consideration of this item.

With regard to application number 14/4588N, Councillor P Butterill declared
that she was a member of Nantwich Town Council and Nantwich Civic Society,
but that she had kept an open mind.

With regard to application number 14/4588N, Councillor D Marren declared that he was a member of Nantwich Town Council, but that he had not taken part in any discussions in respect of the application and had not made comments on it.

With regard to application numbers 14/5044C and 14/5736C, Councillor G Merry declared that she was a member of Sandbach Town Council but that she was not a member of its planning committee and that she had not discussed these applications.

With regard to application number 14/4588N, Councillor P Groves declared that he was a member of Nantwich Civic Society, but that he had kept an open mind.

With regard to application number 14/5411N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council but that he was not a member of its planning committee.

119 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 17 December 2014 be approved as a correct record and signed by the Chairman.

120 14/2714N FORMER HACK GREEN RAF CAMP, COOLE LANE, HACK GREEN, AUSTERSON, NANTWICH, CHESHIRE CW5 8AS: CHANGE OF USE OF LAND TO PROVIDE 9 YARDS FOR 10 TRAVELLING SHOWPEOPLE'S FAMILIES, FORMATION OF ROADS AND HARD SURFACING FOR THE HACK GREEN GROUP

Note: Councillor R Bailey (Ward Councillor), Councillor A Martin (Neighbouring Ward Councillor), Parish Councillor A Baldwin (on behalf of Sound and District Parish Council), Mr R Davies (on behalf of Save Hack Green Group) and Ms J Montgomery (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. The site is located in an unsustainable location, which is a considerable distance from local services and facilities, and due to the absence of public transport facilities, the development will be reliant on the private car, which will have adverse implications in terms of use of natural resources. The proposed development is therefore contrary to policies NE.2 and RES.13 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the principles of the National Planning Policy Framework and Planning Policy for Traveller Sites.
2. The proposed development, by reason of its nature, size and siting would form a visually obtrusive feature which would detract from the rural

character and appearance of the area within which it is located. The approval of the development would therefore be contrary to policies NE.2, BE.2 and RES.13 of the Borough of Crewe & Nantwich Replacement Local Plan and the principles of the National Planning Policy Framework

3. The proposed use would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of nearby residential property. The approval of the development would therefore be contrary to policies BE.1 and RES.13 of the Crewe & Nantwich Replacement Local Plan, and the principles of the National Planning Policy Framework.
4. A European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the environmental harm identified, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive.

121 **14/5411N THE PRINTWORKS, CREWE ROAD, HASLINGTON CW1 5RT: OUTLINE APPLICATION FOR NEW RESIDENTIAL DEVELOPMENT OF UP TO 14 DWELLINGS (RESUBMISSION OF PLANNING APPLICATION REFERENCE 13/5248N) FOR GEORGINA HARTLEY**

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

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

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

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside. The development would result in further urban creep between the settlements of Haslington and Winterley contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance.
2. The proposed development when taken cumulatively with other committed developments in Haslington would exceed the spatial distribution of development for Haslington as identified within Policy PG6 (Spatial Distribution of Development) of the Local Plan Strategy Submission Version and in advance of a new spatial distribution being determined is therefore premature. This is supported by comments made by the Inspector at Paragraphs 70-80 of the Inspector's Interim views on the legal compliance and soundness of the submitted Local Plan

Strategy. As such the proposal would result in an unsustainable form of development.

122 **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**

Note: Councillor D Marren left the meeting prior to consideration of this application.

Note: Mr G Salthouse attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED 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
7. Submission of details of levels in the area of open space

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

(c) That the Case Officer be requested to write to the Strategic Highways Manager on behalf of the Committee to request an investigation into the possibility of a 20mph speed limit along Audlem Road.

- 123 **14/4644N SITE OF BRISTOL STREET MOTORS, MACON WAY, CREWE, CHESHIRE: THE ERECTION OF A SINGLE UNIT CLASS A1 RETAIL DEVELOPMENT WITH ASSOCIATED CAR PARKING, LANDSCAPING AND INFRASTRUCTURE FOR ANDREW BIRD, MACONSTONE LTD**

Note: Mr M Robinson attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

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

1. Materials
2. Approved Plans
3. Submission / approval and implementation of Landscaping Scheme
4. Implementation of landscaping
5. Submission / approval and implementation of risk assessment and method statement
6. Submission / approval and implementation of revised parking layout
7. Submission / approval and implementation of scheme of Dust Control
8. Submission / approval and implementation of details of crash barrier to protect railway.

- 124 **14/4901N MACON INDUSTRIAL PARK, MACON WAY, CREWE CW1 6DG: VARIATION OF CONDITION 13 (RANGE AND TYPE OF GOODS TO BE SOLD) ATTACHED TO PLANNING PERMISSION 12/0316N. PROPOSED NEW BUILD, NON-FOOD RETAIL UNIT, UP TO 3715 SQ.M. (CLASS A1_ INCLUDING ACCESS AND ASSOCIATED INFRASTRUCTURE FOR B&M RETAIL LTD**

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

- 125 **14/5044C LAND EAST OF SCHOOL LANE, SANDBACH, CHESHIRE CW1 2LS: VARIATION OF CONDITION 17 ON APPROVED APPLICATION 13/4634C - OUTLINE APPLICATION FOR UP TO 13 NO. RESIDENTIAL DWELLING HOUSES, ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES FOR JEAN PIERPOINT PAUL FERGUSON, AND GRANT AND HELEN DINSDALE**

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

Note: Councillor M Martin left the meeting prior to consideration of this application.

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor S Corcoran (Ward Councillor), who had registered his intention to address the Committee but was unable to attend the meeting.

Note: Mr R Adams had not registered his intention to address the Committee on behalf of the applicant. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Adams to speak.

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

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

The three points of access would result in a poor quality of design and layout which would be contrary to Policy GR2 (Design) of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

- 126 **14/5736C THE SITE OF THE DERELICT SAXON CROSS HOTEL, SAXON CROSS, , HOLMES CHAPEL ROAD, SANDBACH, CHESHIRE CW11 1SE: VARIATION OF CONDITION 5 & 15 ON APPROVAL 13/4442 DEMOLITION OF EXISTING HOTEL ON THE SITE. CHANGE OF USE FROM A CATEGORY C1 DEVELOPMENT TO A MIXED USE OF CATEGORY B1 AND B8. CONSTRUCTION OF A SINGLE-STOREY OFFICE BUILDING AND WAREHOUSE BUILDING. NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT, INCLUDING RELOCATION OF VEHICULAR ACCESS FOR JONATHAN BOLSHAW, BOLSHAW INDUSTRIAL POWDERS**

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Standard time limit 3 years from 5th August 2011
2. Materials to be submitted to the LPA and approved in writing
3. Surfacing materials in accordance with plan reference AD1991.12
4. Development in accordance with the Contaminated Land Assessment. Details of clean cover to be provided.
5. Condition to specify the approved plans
6. The car/HGV parking shown on the approved plans to be provided before the unit hereby approved is first occupied
7. Cycle parking facilities in accordance with plan reference AD1991.10
8. Shower facilities to be in accordance with plan reference AD1991.14
9. Drainage details to be in accordance with plan reference AD1991.13A
10. Details of oil interceptors to be submitted to the LPA and approved in writing

11. External lighting to be in accordance with plan reference AD1991.15A
 12. No external storage
 13. Bin Storage details to be in accordance with plan reference AD1991.11
 14. Landscaping to be completed in accordance with plan reference AD1991.09C
 15. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.
 16. Details of any pile driving to be submitted to the LPA and approved in writing
 17. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.
 18. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans
 19. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway in accordance with plan reference AD1991.16A
 20. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
 21. Breeding Bird Measures in accordance with the plan titles 'Breeding Bird Ecological Enhancements Figure 1'
 22. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.
- (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.

127 14/5281C LAND ADJACENT 6 HEATH END ROAD, ALSAGER, CHESHIRE: PROPOSAL FOR A GARAGE, GREENHOUSE, KITCHEN GARDEN AND ACCESS (RESUBMISSION OF 14/4462C) FOR MR ADRIAN GIRVIN

Note: All Members of the Committee declared that they had received correspondence regarding this application.

Note: Councillor D Hough (Ward Councillor), Mrs S Helliwell (on behalf of Friends of Heath End Road), Mr T Greenhough (objector), Mr D Girvin (supporter) and Mr A Girvin (applicant) attended the meeting and addressed the Committee on this matter.

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

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

The proposed garage by reason of its height and bulk would have a detrimental impact upon the residential amenities of the occupants of No 6 Heath End Road in terms of overbearing impact and loss of light. As such the development would be contrary to Policy GR6 of the Congleton Borough Local Plan First Review 2005.

128 THE WOODLANDS, ASTON

Note: Councillor P Groves left the meeting during consideration of this application.

The Committee considered a report regarding the reason for refusal relating to planning application 14/3053C, which was the subject of an appeal.

RESOLVED – That the Principal Planning Manager be instructed not to defend the appeal upon 5 year housing land supply grounds but to proceed with the appeal and fight the appeal upon open countryside grounds.

The meeting commenced at 1.00 pm and concluded at 5.40 pm

Councillor G Merry (Chairman)

Application No: 13/2710N

Location: Ridley Bank Farm, WREXHAM ROAD, RIDLEY, CW6 9RZ

Proposal: Installation of wind turbine 32.5m to hub and associated ancillary works

Applicant: Mr R Latham

Expiry Date: 26-Aug-2013

SUMMARY RECOMMENDATION:

- **APPROVE with conditions**

MAIN ISSUES:

- **Principle**
- **Visual impact**
- **Highway safety,**
- **Amenity**
- **Nature conservation.**

SITE DESCRIPTION

Ridley Bank Farm is located approximately 3.2km east of Bulkeley and 7.8km west of Nantwich.

The application relates to an area of agricultural land, located c.375m to the north of the farmstead and c.425m from the nearest third party dwelling, south of the development site. The site is situated between two areas of woodland, Ridley Wood, 144m to the west and Chesterton Wood, located 178m southeast of the development site.

The site is alongside an existing stoned access track which also serves an adjacent reservoir, telecommunications mast installation and slurry lagoon. A public right of way, which forms part of a network of paths in the vicinity, runs past the site.

The site located on a hilltop at approximately, 124m Above Ordnance Datum (AOD) and close to a triangulation point. The topography of the surrounding area comprises gently rolling hills.

DETAILS OF PROPOSAL.

Planning permission is sought for the installation of a single "Norwin" wind turbine with a height to blade tip of 49m.

The application was deferred by Southern Planning Committee on the 19th November 2014, 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; and
- The health impact (with reference to BMJ 8 March 2012 and Royal Society of Medicine August 2014)

PREVIOUS RELEVANT DECISIONS

There are no relevant previous decisions

PLANNING POLICIES

National policy

National Planning Policy Framework
National Policy Statement for Renewable Energy
Planning Practice Guidance for Renewable and Low Carbon Energy

Local Plan policy

NE.2 (Open Countryside)
NE.19 (Renewable Energy)
BE.1 (Amenity)
BE.2 (Design Standards)

OBSERVATIONS OF CONSULTEES

Manchester Airport

No objection

Ministry of Defence

No objection

National Air Traffic Control Service

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, however this has been deemed to be acceptable.

Environmental Health

No objection subject to the following conditions:

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.

Cheshire Wildlife Trust

Has the following comments in respect of the above application:

1. Bats

- CWT notes that the applicant states (page 65 of the accompanying Environmental Report by VG Energy Limited in 2013) that, because the proposed turbine location is more than 50m from existing trees or woodland (in accordance with Natural England guidelines), a bat survey is not required. CWT considers that, although location of the turbine more than 50m from existing trees/woodland will minimise the risk of harm to existing bat populations, this does not preclude the need for bat surveys – refer to p4. of Natural England technical information Note TIN 051. Proposals should be based on up-to-date information.
- The edge of Ridley Wood (listed on the Cheshire Ancient Woodland Inventory) is c. 130m to the SW and the edge of Chesterton Wood is c. 230m to the SE of the proposed turbine position. Given the size and age (both date at least as far back as the mid-C19th) of each woodland block and their locations relative to one another, it is conceivable that there could be movement of bats between them, through the proposed turbine location. A bat activity survey would provide the necessary baseline information to establish whether or not the proposed turbine location could affect actively foraging bats.

2. Great crested newts

- The applicant claims that there are no 'water sources' within 50m of the proposed site. The OS map for the area shows at least one pond within 50m immediately to the north of the turbine. A further c. 11 ponds lie within 500m of the turbine. CWT considers that all of these ponds should, as a minimum requirement, be subjected to a habitat suitability index (HSI) assessment for great crested newts. The habitats surrounding the pond/s should also be assessed and any links between ponds identified. The results will help to provide the necessary information for the Planning Authority to determine that no harm will be caused by the proposal to a population of this European Protected Species.
- We trust these comments are constructive and will be taken into account when preparing your report.

CPRE

- Wish to object strongly to the erection of a wind turbine in this location.
- The Government's planning practice guidance for renewable and low carbon energy, published in July 2013, is a 'material consideration in planning decisions and should generally be followed unless there are clear reasons not to' (para 2). There are therefore several clear points within this guidance that the CPRE believe gives Cheshire East Council strong material reasons to refuse this application.
- The guidance refers to how local planning authorities can identify suitable areas for renewable energy, clearly stating that the impact on the local environment needs to be taken into account and that the views of the local communities likely to be affected should be listened to (paragraph 8). The impact on both the local landscape and local amenity from a wind turbine being located here outweighs the very limited benefit from the energy that this turbine would generate. This is further supported in paragraph 15 which states that when considering planning applications, it is important to be clear that protecting local amenity is an important consideration which should be given proper weight in planning decisions. The CPRE believe that if the local amenity of this area is given proper weight by the Council, this application will be refused.
- The new government guidance also encourages local planning authorities to use the Local Plan process to identify areas which are suitable for renewable energy such as wind turbines. The CPRE would encourage the Council to adopt this approach as the Local Plan is progressed as there may be other more appropriate locations within the Council area where wind turbines may be appropriate. This site on Ridley Bank Farm is however, not an appropriate site. Assessing possible locations through the Local Plan would give Cheshire East Council further robust justification for refusing future speculative applications on clearly inappropriate sites such as this.
- *This is within a beautiful area of Cheshire Countryside - and on high ground. Its within an ASCV (Area of Special County Value) so it warrants a formal LCA (Landscape Character Assessment). The CPRE note that the Landscape Officer for Cheshire East is one of the consultees - and look forward to seeing his report to the planning committee. In the CPRE's opinion the impact on landscape in this sensitive location is not acceptable.*

VIEWS OF THE PARISH / TOWN COUNCIL:

Bulkeley and Ridley Parish Council

Strongly object to this application for a wind turbine on the following grounds.

1. This is an area of Special Scenic Value. On the proposed site the turbine will be visible from the Bickerton and Bulkeley Hills which are well used by the public for walking, both locally and on the Sandstone Trail. The applicant says this turbine is for monetary gain not personal use and therefore should be classed as industrial. It is Cheshire East policy that industrial turbines should not be placed in areas of Special Scenic Value.
2. The turbine will be sited in Ridley, a hamlet of some 50 homes, yet none of the literature and maps accompanying the application even mention the existence of Ridley. The view points of the turbine are shown from miles away, where of course it

will appear small. From the 26 homes within half a mile of the site it will be enormous and the noise will be intrusive.

3. The height of the proposed turbine is given as 32.5 metres to the hub with a rotor diameter of 33 metres and height to blade tip of 49 metres, meaning that each blade will be 16.5 metres long. However the technical and acoustic figures relate to blades measuring 13.4 metres in length and a hub height of 30.8 metres. The difference in size means that the data is totally irrelevant to this application.
4. Two main trunk roads, the A49 and A534 intersect at three points in Ridley. All three intersections have been the sites of many accidents due to poor visibility and the speed of traffic. A wind turbine will be seen from all three intersections and will add to the danger as drivers are distracted by the turbine.
5. The ancillary works will need heavy machinery which in turn will require a wider track through the woodland. The entrance to the wood is on a long double bend where visibility is severely restricted. Motorists will not be able to see large slow vehicles manoeuvring on and off the site until they are almost on top of them.
6. The applicant states that he wants to diversify his agricultural holding. There are many ways in which he can diversify which will not impinge in any way on his neighbours or on the landscape. He has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.

Spurstow Parish Council

Objects to the above planning application on the grounds set out below.

1. The surrounding area to the proposed wind turbine site is of Special Scenic Value with mainly agricultural application and some long established scattered residential buildings.
2. The selected site chosen is a high point in the area confirmed by its prior selection as a trig point, water relay reservoir and mobile telephone mast location.
3. The proposal seeks to exploit the location in order to generate additional income for the owner at the expense of the harm to the visual amenity to local residents and visitors to the many nearby attractions, e.g., from the Bickerton and Bulkeley Hills and Beeston Castle which are well used by the public for walking, both locally and on the Sandstone Trail.
4. The Parish Councillors are disappointed that, as a Parish less than a kilometre from the proposal, they have not been consulted or asked to comment, which is specifically at odds with recent Government policy.
5. The report outlines three Grade Two listed buildings to the north of the proposed development, but down plays the impact of them by quoting "Low Impact" in the summary despite the narrative stating it as Medium to Low. The report is also factually incorrect when it states that the view from Lower Hall Cottage is partially blocked by Lower Hall Farm. It is not, as they are on an east - west grid.

6. The two adjacent A roads (A49 and A534) are accident black spots and distractions caused by views of the turbine are clearly not welcome.
7. The owner has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles, which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.
8. Spurstow Parish Council understands from local residents that a large thriving population of bats and great crested newts is adjacent to the proposed turbine site in woods and pools. The danger to these is obvious.
9. The views expressed to the Council by residents are almost unanimous in their objection.
10. The Parish Council believes across the country that the time has come to move away from inshore wind turbines.
11. The Parish Council asks Cheshire East Borough Council to reject the application at the planning meeting.

Haughton Parish Council

Haughton Parish Council carried out a questionnaire survey of the Parish as part of its Parish plan and 70% of replies under the environmental section objected to wind turbines in or around the Parish.

OTHER REPRESENTATIONS:

Objection

Letters of objection have been received making the following points:

Visual Impact

- Proposed turbine, sited adjacent to a trig. point at 125m, will be circa 550ft above sea level and not significantly below the level of the Sandstone trail.
- It will be clearly seen from the Peckforton Hills and the castles at Beeston and Peckforton. The visual impact of the turbine will be extremely detrimental to these popular tourist attractions.
- A wind turbine is an alien structure in open countryside and is completely inappropriate in this location.
- The proposal also contravenes a key principle of Government Policy PPS7 which is “*to protect the countryside for the sake of its’ intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife*”. There cannot be many areas in England where these criteria are more important!
- Will be a blight on the landscape,
- moving blades will have a devastating impact on the local landscape
- Environmental impact has not been adequately assessed.
- Massive structure, well over 150ft high

- Will produce only a trickle of intermittent electrical energy. Although the capacity is 225kw, the average output will be approximately 55kw.
- Noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places
- Approximately 50,000 people visit Cheshire each year to enjoy and appreciate the landscape and tranquillity.
- The proposed site is a 124 meter high point. Adding a turbine which is 49meters in height which will clearly dominate the vista and detract from this stunning landscape whilst,
- Turbine adds no aesthetic value what so ever.
- To state that the woodland will act as a barrier to this and minimize the impact is simply false as the turbine will clearly stand well above the tallest trees that make up the wooded area.
- The chosen site is the highest in this part of Cheshire East. The moving blades will have a devastating impact on the local landscape, particularly when viewed from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- A brief survey of the area suggests that within only 1000 metres of the proposed site there are footpaths whose total length is approximately 10,000 metres (6 miles). The proposed wind turbine would be visible to walkers from most of these public rights of way.
- If you extend the area surrounding the proposed site to a circle of 1500 metres (a mile) radius, the total length of the public rights of way affected is close to 10 miles. This is quite unacceptable in my view.
- The nearest public right of way is about 55 metres from the proposed site so walkers in the vicinity are possibly vulnerable to large pieces of ice thrown from the turbine blades or debris in the event that there is a fire in the hub as sometimes happens.
- It is difficult to imagine the size and visual impact of industrial wind turbines when viewed from such a footpath, however, comparing the height of the proposed wind turbine with St Boniface's Church in Bunbury (this is the nearest man made structure to the proposed wind turbine site) the proposed wind turbine is more than twice the height of the church tower!
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places.
- The claim of natural screening by the woodland is also erroneous. The only residence screened from view is the applicants own home! Trees that are less than one third of the height of the turbine cannot provide screening, either visual or noise
- The whole countryside will be subject to this eyesore for many miles around for 25 years!
- This proposed monstrosity will dominate this glorious part of the Cheshire countryside and will be visible for miles around. Incidentally, there seem to be some discrepancies over the heights given throughout the back-up documentation. Whatever the eventual height, it will despoil the area. The damage to wildlife, especially birds, is well-reported and totally unacceptable.

- Cheshire is already blighted by motorways, railways, heavy industry and overspill from Manchester, Chester, Liverpool and the potteries. Another blight on the countryside is unforgivable.
- Residents hate seeing the wind turbines in the Welsh Mountains and think they spoil the beauty of the area.
- Bath House, Dob Lane, Spurstow is over 400 years old and Listed Grade 2 *.
- The outlook from this house is over unspoilt Cheshire countryside with historic Bath Wood to the left hand side, famous for its' ancient spa. To the right hand side is beautiful arable farm land rising to the mound where the wind turbine will be situated, and which will be directly visible.
- Recently some telegraph cables were set underground to enhance the beauty of the area which has now left a completely unspoilt and natural outlook for everyone to enjoy including the many walkers who benefit from this beautiful part of our country.
- The construction is equivalent to a 16 storey building which totally dwarfs every building within 15 miles and is almost higher than the Bickerton Hills.
- The Council is supposed to protect its citizens from loss of its green belt.
- It is also stated in the application that if the turbine is removed in 25 years time that only the above ground facility will be removed and that any underground infrastructure such as cables would be left buried. This can only be considered as industrial pollution.

Questionable Benefits

- There will be no economic or ongoing benefit to the local community.
- The owner and energy suppliers are the sole beneficiaries even when taking into account the energy feed into the national grid.
- A decision by the developers of the Bickerton wind farm to cease that development determined that, after evaluating the energy generation from a test mast, there was insufficient generation from the available wind resource.
- Although this was on a larger scale, the fact remains that a commercial farm was not deemed to be viable so why would 1 turbine be considered any more viable? Has a test in conjunction with the Met Office actually been undertaken to evaluate? It is of interest that the report states the site is only "likely to have good wind resource."
- This massive structure, well over 150ft high will produce only a trickle of intermittent electrical energy. Although the capacity is 225 kw, the average output will be approximately 55kw.
- Do not produce what is claimed by those who have interests in obtaining cash subsidies from the Government.
- According to Ofgen the average household electricity consumption is 3300kWh. The proposed 225kW turbine could generate this amount in nine hours (or 2.4 minutes per day per year). Therefore the proposed wind turbine would seem to be far in excess of the requirements for a domestic generator.
- These turbines do not provide an adequate and reliable source of power for the environmental damage caused by them and their need to have additional generating plant on stand-by for when they are unable to generate power due to either no wind or relatively high winds.
- The Prime Minister has said that any new schemes must benefit the local community

- Ridley is, in any event, sheltered from the prevailing wind by the Beeston and Peckforton Hills. On this ground alone, a windmill at this location is singularly unsuitable.
- Wind power is not carbon neutral as emergency diesel generated electricity has to be available for when there is no wind or the wind is too strong.
- "Likely to be a good wind resource" is hardly conclusive proof that the turbine will perform efficiently. An independent, year long test, should be performed to monitor wind speeds with the results published
- The economic justification is invalid; de-commissioning earnings in 25 years have nil present value, and the cost of generation is more than the value of electricity earned - otherwise substantial subsidy through tariff support would not be needed.
- Other objectors have quoted respected professors and specialists who have reported that the building of wind turbines in this country is environmentally bankrupt
- The farm's need for electricity profit to fund investment is slight - they are currently building a substantial new farm unit without the support of electricity income. They could use the money needed to build the windmill to invest in the farm instead.
- Many eminent scientists have examined the marketing claims supporting wind turbines and found them wanting. For example, Professor Jack Steinberger, Director of the CERN particle physics laboratory in Geneva and a Nobel prize-winner, said "... wind represents an illusory technology — a cul-de-sac that will prove uneconomic and a waste of resources in the battle against climate change."
- To be acceptable the turbine should contribute to the affected community in cash, jobs and a benefit to the power supply that is in excess of the damage that it will cause. If there is no appreciable benefit then it should not be allowed. With a potential output of only 55kw coming from the turbine this will contribute nothing to the local or even national community and will serve as a burden for no purpose.
- for a turbine that is rated as having a maximum output of 225kw, the average output is likely to be only 55kw
- Ridley Bank farm could employ many other truly "green" strategies such as water collection and heat pumps that have no negative impact. Indeed, even as a commercial enterprise there are no benefits to the local economy as the farm is family run with little employment opportunity for others (see plan app 12/1235N). It is also unclear from the application as to whether this turbine is to be connected to the National Grid.

Environmental Report

- The energy company benefitting have submitted the report to the council re impact - there is no independent report.
- Report has a pro installation bias and a lack of balance.
- Unsubstantiated and uncommitted reference to local benefits (jobs and economic) whilst down playing local concerns around visual impact.
- The proposal, which seems to have been written in subjective terms by a company with a vested financial interest in the project going ahead
- Application should only be considered when independent surveys have been completed.
- There seem to be some discrepancies over the heights given throughout the back-up documentation.

- The photographs taken in the application by the agent/applicant to support that it would not damage the vista have quite conveniently been taken from behind trees and in dips. There needs to be a bigger assessment into the visual impact on the surrounding area before any decision is made.
- The Application does not show what the turbine will look like from the A49 or the nearest dwelling. Most of the visuals are from far away and not from the perspective of local homes or local infrastructure.
- The application refers to a 32.5m to hub wind turbine. The actual height is 49m when the propeller is taken into account. The plan does not show a 40m x 40m x 6m deep (approximates) slurry storage pit that has been created adjacent to this site and close to the public footpaths. This has already impacted on the green belt area in this vicinity and does not seem to have been subject to a planning application
- The Environmental Report and the supporting Technical Analysis prepared by VG Energy to be full of errors and misleading statements that undermine its credibility and render the submission invalid. The details of my objection are given below in comments relating directly to pages and paragraph numbers of the Environmental Report:
 - **Page 5 para1. i.** The height of the turbine to blade tip is shown as 47.6 m. This figure indicates a blade length of 14.6 m. However, at Page 7 para 2. iv the tip height is given as 49 m and the blade length 16 m. With a rotation rate of 36.71 revolutions per minute, the increase in diameter of the blades raises the tip speed significantly to well over 100 mph (calculated to be 145 mph) with associated increases in noise and damage to wild life.
 - **Page 5 para 1. ii.** The rationale for the installation of the wind turbine is purely financial. There would be no increase in employees nor in employment scope, merely an increase in revenue from subsidies. The laudable objective of decreased carbon footprint could be achieved much less obtrusively by the installation of photovoltaic (PV) panels on the south-facing roofs of the two large warehouse structures that are in the process of construction on the farm.
 - **Page 6 para 2. i.** The Site Description states that the turbine would be situated at an elevation of 124 m AOD. It adds that the turbine “is likely to have a good wind resource”. For a purportedly authoritative document, this is a staggering admission that there has been no research into wind speeds at this location and therefore no evidence is forthcoming. The whole argument is consequently based on speculation without substantiation. The elevation of the proposed turbine location, added to the height of the structure itself, makes the tip almost equivalent to the highest point in the Sandstone Hills. And yet the proposed Bickerton wind turbine was eventually abandoned by Banks Developments because there was insufficient wind to make it viable. Furthermore, the proposed site is a mere 453 m from the nearest third party dwelling. Research has shown that a separation distance of 2 kilometres is needed to avoid serious health issues affecting the inhabitants of dwellings nearer than this distance owing to the non-modulated, low-frequency noise emanating from wind turbines. The British Medical Journal Editorial of 8 March 2012 states categorically that there is epidemiological evidence of a strong link between wind turbine noise, ill health and disruption of sleep. For this reason a 2 kilometre separation has been declared mandatory in Scotland.
 - **Page 6 para 2. iii.** Topography – There is no evidence produced to support the statement that the turbine is “well placed to receive good wind resource”.

- Nearby structures – The turbine would not be a safe distance from dwellings.
- Landscape and visual impacts – No information is given on relative heights and the turbine would totally dominate the surrounding area.
- Noise – As stated above, a distance a just 453 m is far too close for the health and wellbeing of the inhabitants of the nearest dwelling and could cause irreparable physical and mental damage to the inhabitants.
- Page 7 para 2. iv. As stated above, the same outcomes could be achieved by PV panels and the proposed tip height has increased without explanation from 47.6 m on Page 5 to 49 m.
- Page 8 para 2. vii. I treat with scepticism the assertion that, after 25 years have elapsed, 81 cubic metres of concrete would be removed and the area reinstated.
- **Page 9 para 3. i.** There is no indication of the quality or characteristics of the small sample of 1009 adults and the assertions lack authenticity and credibility. For instance, what proportion of those questioned were town dwellers and what proportion rural dwellers? It is also interesting that the survey ignored solar power as an alternative source of energy.
- **Page 10 para 3. iv.** The arguments are both speculative and spurious. The borrow from Prince Charles, we may get used to seeing a carbuncle but it remains a carbuncle and remains no less offensive regardless of the passing of time.
- **Page 10 para 3. iv.** This paragraph reads like a cut and paste exercise taken from a standard manual. It is certainly not specific to this particular case.
- **Pages 11-12.** The arguments do not resonate locally but again appear to have been copied from a manual. There is absolutely no evidence that there will be an improvement in employment when only the owner of the turbine would benefit. The concluding statements are spurious and without foundation.
- **Pages 13 – 23.** These pages are largely irrelevant and repetitive. They are a generic series of generalisations that contribute nothing except a vain attempt at justification for the project.
- **Page 24** is another waste of print as it is a direct, word-for-word repeat of Page 6. Page 25 similarly repeats Page 7 until the final small paragraph and adds nothing to the submission. Page 29 is interesting solely for the fact that all the photomontages exclude the most affected area – namely Ridley and its inhabitants. Pages 30 to 36 continue in this vein, with lots of justification for methodology but no specific mention of the most affected area. These omissions of any reference to the most affected area are an indictment of the whole report. There is a large amount of spurious justification from sources that are not affected by the proposals but none from the areas directly affected.
- **Page 37 para 6. iv. d.** Wind turbines are clearly completely out of character with all the various descriptions of the countryside's characteristics and no attempted justification for the turbine can alter this fact.
- **Page 39 final line.** The proposed positioning of the turbine at an elevation of 124 m AOD and with its own tip height of 39 m would create a "pronounced and intrusive addition to the landscape" and for this reason alone the proposal should be rejected.
- **Page 41 line 1.** The use throughout the report of modifying adjectives and adverbs such as "slight", "somewhat", "transient" and "moderate" suggests a

lack of conviction in the arguments and certainly weakens the case being presented.

- **Page 42 para g.** The impact will, as stated, be “more greatly” felt at a localised level. This localised level is Ridley. But there is no mention at all of Ridley in this report. For this reason, I find it a complete sham and totally unacceptable.
- **Page 43 para g. ii.** It is beyond belief that the so-called Zone of Theoretical Visibility excludes Ridley and its 120 inhabitants, many of whom live 400 m to the west of the proposed site. I am led to the conclusion that Ridley has been excluded because its inclusion would contradict all the spurious conclusions drawn from the report. In a similar fashion, the roads quoted (A49, A51 and A54) might seem to produce a convincing argument to anyone unfamiliar with the area, but the conspicuous omission is the A534, which runs past the site. The turbine would be a massive item on the horizon even from west of the A49/A534 junctions and any vehicle turning east into Wrexham Road (A534) from the A49 (Whitchurch Road) would have full view of the turbine until nearly in Faddily. The A534 is statistically one of the most dangerous roads in Britain. The proposed construction, being so near to the A534, would create a major distraction to drivers and can only exacerbate the dangerous nature of the road.
- **Page 44 Viewpoint 1.** The existing power line that is used to mitigate the effects of the proposed turbine is insignificant in comparison with the size and impact of the proposed turbine. The conclusions drawn (low visual sensitivity, moderate impact and minor significance) are subjective and are used to enhance the argument in favour of the development. Local residents and indeed road users are likely to disagree very strongly with these conclusions. On subsequent pages, the photomontages from Cholmondeley Castle, Bulkeley, Haughton and Bunbury are almost irrelevant but give bulk if not substance to the developer’s argument. The most significant photomontage, from Ridley, again is conspicuously absent from the report.
- **Page 47 Table 6.9.** The use of words such as “fleeting” and “transient” (twice) is designed to distract the reader by attempting to minimise the sensitivity of the visual effects. Hence the conclusions that the sensitivity is low and the impact slight, conclusions that are very contentious. There is mention of the nearest road, the A534, but the statement that the views are “transient” is both erroneous and misleading and repeats the duplicity highlighted above at Page 43. The Summary at Page 48 merely reinforces all these errors and misleading conclusions.
- **Page 49 para iii.** The statement that the development will have a minor/moderate overall effect on the landscape and landscape amenity, is not significant, is acceptable to the local landscape, and does not create an irreparable and detrimental medium change to character and landscape fabric is quite simply wrong. The proposal is fundamentally unacceptable to the residents of Ridley and the surrounding area.
- **Pages 50-51 para iv.** Mitigation. This section is simply padding to make the submission look good as the whole section is speculative. There are no mitigation schemes proposed for the project. Furthermore, the assertion that the scale of the turbine is not at odds with the local area is highly disputed, especially in Ridley, which is again excluded from mention at Page 52.

- Section 7 is largely irrelevant and adds nothing to the case for the turbine at Ridley Bank Farm. It simply begs the question why photovoltaic panels on the new sheds have not been considered as a far more acceptable option.
- **Page 71 para 10. iii.** The noise factor is dealt with in technical jargon and generalisations in statements such as “single turbines with very large separation distances between turbines and the nearest properties” without defining these distances. My studies of noise factors have concluded that the BMJ statement (see above under Page 6 para 2.i) regarding public health should be the yardstick by which any turbine installation is measured. This proposal clearly falls well short of the minimum criteria and consequently poses potential risks to the health and wellbeing of the residents of Ridley. The final justification for the turbine is meant to be in the Appendix to the report. However, the Appendix refers to a smaller turbine and the greater span of the proposed construction would increase the wing-tip speed to well over 100 mph with concomitant noise and lethality.
- Throughout the VG Report there are references to its being a desk-top study and it certainly reads like one, with a scarcity of facts about the immediate area and a lack of attention to those living in close proximity to the site. Too much of the report is obviously taken from generic sources and little care has been taken to correct anomalies and errors. More importantly, the report fails to address the concerns of those living in the vicinity, whose views of the Cheshire landscape will be blighted for the rest of their lives if this development is allowed to proceed. There are also serious health and safety issues, not only regarding drivers along the A534 who may well be distracted by the new structure but also for the residents of Ridley who would be within earshot of the low frequency, non-modulated noise from the turbine.

Danger to Air Traffic

- The suggested site lies within a “Wind turbine Dev. Safeguarding area” and could interfere with local airspace especially the police and air ambulance helicopters.
- NATS (W(F) 17573) has objected to the development pending an operational assessment as it appears to conflict with their safeguarding criteria.
- As previously stated, this is the highest point in the area and is directly below very busy flight paths. The risk of interference to Air Traffic Control would be a real and ever present danger
- Given the frequent helicopter and light planes that pass over Ridley at low altitude, the NATS response to the proposal should be taken as a shot across the bows of the proposal and a clue to the wishes of the great majority of local residents.

Road Safety

- The staggered road intersection between the A49 and A534 is highly dangerous and has resulted in at least four major accidents in the last 7 months.
- The photomontage information included with the application is taken from too great a distance and is totally inadequate to assess the visibility of the proposed turbine at these two junctions but does suggest that it will be seen by traffic using these roads. In order to assess the increase potential risk to drivers there is a clear requirement for accurate photomontage images ;

- From the A534 travelling east circa 200m* from the junction with the A49
 - From the A49 travelling north circa 200m* from the junction with the A534
- Cheshire East Highways Dept. should decide the actual locations and review the new images prior to the determination of the application to establish the degree of driver distraction as these junctions are already an accident blackspot and the sight of the moving blades of a sunlit turbine would further add to the risk of traffic collisions.
- Would be a distraction on an important local trunk road that already has a poor accident record

Public Consultation

- None of the neighbours to the proposal have been notified
- There are no notices near to the site.
- The proposers and Cheshire East planning department appear to be trying to sneak this application "below the radar"
- People living less than 1000m from the proposed location have not been advised of this proposal by letter or public communication.
- Such a controversial proposal should be advertised to the local community in order that their comments can be taken into the decision making process.
- The underhand approach to this proposal with zero consultation or engagement is counterproductive and provocative.
- The non-independent report refers to "Public perception".
- The local community has not been advised of this application, and the opinions sort from those being directly effected.
- Homes that are close to this proposed development have not been contacted by the Council
- It seems rather a stealthy approach.
- A recent High Court Judge, Mrs Justice Lang, ruled that the "rights of local villagers to preserve their landscape" was more important than the government's renewable energy targets. Additionally, Mrs Justice Lang stated that "lower carbon emissions did not take "primacy" over the concerns of the people". As tax payers residents deserve the right to be advised of this application and have sufficient time to respond accordingly. The timescale detailed in the "Important Dates" section of this application is not justifiable or fair. These dates should be reviewed and a public enquiry / hearing should become part of the process, along with a full independent report.
- Published Government policy (July 2013) gives local government guidance on how these inshore wind turbines should be considered in regard to local community consultation and impact on the environment. Cheshire East Council has not complied with that policy in this case.
- None of the neighbours have been consulted over this plan nor any of the residents of the village of Ridley where the proposed turbine will be erected. The impact of such a large structure will not only affect the immediate neighbours but will clearly affect residents in other villages such as Houghton, Chorley, Faddiley, Bickerton, Croxton Green, Bulkeley, Spurstow, Cholmondeley, etc and they have been consulted over this.
- decision makers should only consider the application once the whole community has been given their opportunity to comment. It is clearly stated in numerous comments that the need for renewable energy and diversity of land usage does not automatically

override all other environmental protections, landscape and the visual impact of the local community.

- Communities Secretary Eric Pickles said: "The views of local people must be listened to when making planning decisions. Meeting Britain's energy needs should not be used to justify the wrong development in the wrong location.
- There are clearly a number of areas where this proposal is found wanting and it has been made worse by Cheshire East not notifying residents and allowing only a minimal time for objections to be raised to this proposed blight on our community

Noise / Residential Amenity

- As with most wind turbine applications the proposer hides behind a report based on the generally disputed ETSU-R-97 regulations, now 15 years old and set by the turbine manufacturers when turbines were in their infancy. Wind turbine noise is a complex subject but I am seriously concerned about noise issues such as health and sleep deprivation and quote a recent government planning inspectors' comments on houses less than 750m from a wind turbine *"for a family to be exposed to the pervading influence of this windfarm for a period of 25 years appears to me to be wholly unacceptable and I do not consider that there is adequate reason to accept such harm in this instance"* (Mr. Chris Frost APP/Y2430/A09/2108595) These comments seem particularly relevant to this case when the only beneficiary will be the proposer.
- ETSU-R-97 is a standard written 14 years ago when wind turbines were much smaller and the blade tip speed was much slower than today. The developer states that they will comply with the ETSU-R-97 standard. However, even if they do comply with this standard, the levels of noise for residents who live nearby can still be unbearable. The internet is a telling library of evidence from people who have had their lives impacted by noise pollution from turbines and this simply cannot be ignored as a major concern.
- It should be noted that while the planning documentation for this development makes frequent reference to Scottish planning considerations, Scottish law suggests a minimum separation distance of 2km between the turbine and housing. In England there is no such guidance but if examples are to be used to add weight to the developers argument, such facts add perspective to the discussion regarding the environment in which applications are managed north of the border.
- Despite assurances in the application, noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- The noise generated by the turbine appears to have been conservatively estimated by 24Acoustics. The 35db noise level is measured at only 10m/s or 22mph; a mere breeze outside of the summer months. A noise study of the Norwin 29-33/225KW stated that the noise which is generated by the tips of the turbine rotors will increase with the wind speed and even at 12m/s or 26mph it will be over 600m before 35db is reached. Given the winter weather the conditions at Chesterton Lodge will be dreadful and the noise in the surrounding area unpleasant. Source: Noise study of Norwin 29-33/225KW Wind Turbine
- There are a number of studies which highlight issues of noise pollution which can be apparent across a wide area of the landscape.
- Government policy is being developed with the Distances from Residential Premises Bill which is proposing a minimum distance of 1500m for 50m-100m turbines.

Therefore, this turbine is far too close to many family homes that derive no benefit whatsoever from its existence.

- In terms of noise generation, according to the figures given in the report, at a wind speed of 10m/s the sound generation for the proposed turbine is 100dBA (as loud as a motorbike). Only at a distance of 750m does this fall to 30dBA, an acceptable level of noise.
- A lady had a wind turbine being built close to her house in Norfolk and the effects were ill health, disruption to sleep patterns and eating patterns and a real suffering from the effect of noise pollution.
- UK Noise Association recommends that wind turbines are not sited within one mile of houses.
- The turbine will be just 216 metres from the nearest residential dwelling. The Wind Farms Distance from Housing states a minimum distance of 350m. A Bill going through parliament called, 'The Wind Turbines (Minimum Distances from Residential Premises) Act 2012' by Lord Reay states that the minimum distance from a turbine to a residential dwelling requirement is 1000m.
- There is a potential risk of sleep disturbance and related health issues from this proposal.

Television Interference

- Television Interference on up to 220 homes: According to the BBC Wind Farm Assessment Tool 60 homes will be affected by interference to television service and up to 220 might be affected. Ofcom has not been consulted.
- d) Highway Safety and Shadow Flicker: Shadow and light flicker occurs within ten rotor diametres of a turbine; in this case, 192 metres. The A49 lies within 550 metres of the proposed turbine, thus it could cause significant flicker and danger to motorists as well as to local residents.
- It is recognised that Electromagnetic interference from wind turbines may affect electromagnetic or radio communication signals including, broadcast radio and television, mobile phones, radar and telemetry. Have the companies who use transmitters on the existing mast (sited within 100 meters of proposed turbine) been contacted to check the effect on their signals? And what are their responses.

Ecology and wildlife

- Residents note owls, bats and birds of prey are regular features of the local environment. A turbine would be a great risk to these creatures who thrive in this area.
- It will be a substantial danger to rare local birds and wildlife
- The application has acknowledge the potential impact on wildlife, particularly raptor and bats however the applicant has dismissed the potential impact on wildlife. No mention has been made of the peregrine falcons nesting 1.5 km distant.
- The ecological impacts of wind turbines are well documented and it short sighted that the proposed footprint of the turbine will sit not only in an area of natural beauty but also within the range of a number of protected bird and bat species. If adequate

mitigation is not provided, which it almost never is, then the impacts of species covered by The Cheshire Biodiversity Action Plan could be deleterious.

- It would appear that there has not been a proper impact assessment regarding the affect on local wildlife and the consequential effect on protected species such as Buzzards, Owls and Bats which are plentiful within the immediate area of the turbine site.
- The plan of the proposed development shows its close proximity to a pond. This pond is a natural feature and is vital for the areas Great Crested Newt population. The pond is essential for the breeding season as it is one of the few pieces of natural established standing water in hundreds of square acres.
- Request that a full independent study is performed to protect these endangered animals.
- It is illegal in this country to capture or disturb this species or otherwise endanger its wellbeing. Furthermore, we have a thriving bat population that feed in the area between the two woodlands that this turbine is proposed to be situated. This would directly effect the activities of the bats and endanger their environment and wellbeing. It is illegal to interfere with the bats.
- It is also worthy of a mention for the local wildlife in the woodlands. Since a change of ownership, efforts have been made by the new owners to encourage the local species of birds and wildlife, and increased populations are noticeable.

Impact on Footpath

- The proposed location of the turbine is very close to the confluence of two footpaths and may well be within *topple distance*.
- Apart from the potential risk to walkers the turbine would constitute a significant reduction of the visual amenity to walkers in the area.
- Will be visible from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- Site is adjacent to a local right of way (currently blocked by an electric cattle fence constructed by the farmer involved).

Precedent

- Would set a precedent for further turbines
- The information included in the application appears to have been a significant investment for a single turbine
- Could be “the thin end of the wedge” attracting further applications for multiple turbines if this is approved.
- As there is no justification being put forward for this application other than as a potential income source then may we presume that all landowners in Cheshire East would be able to have their own turbine to create additional income – beware of creating a dangerous precedent.

Impact on Property Value

- There will be a substantial damage to property values as a result of the ruination of the views across the landscape.

- This farming family is rooted to their farm. Everyone else may choose to move on with their lives. This could really prevent them from selling up and moving without long delays and loss of capital.
- Presumably the applicant will compensate me for the potential loss of inheritance when the value of house prices fall. He will also be able to compensate the other house owners in the area. In other areas where wind turbines have been allowed, house prices have fallen dramatically. The average price of a house in Ridley is over £400,000. In areas where wind turbines have been put up, similar priced houses have lost over £100,000 in value. In addition, the council tax bands have had to be reduced. This would mean a loss of over £10,000 per year for Cheshire East council.
- Do not see how the proposer would be able to compensate everyone with the estimated £1,000 profit per year he would make from a 2.5k turbine (Source - Centre for Alternative Technology).
- The erection of turbines has been shown to reduce property prices and there are some 200 residential properties within a 2 mile radius. These properties could lose up to 20% of their sale price or become unsaleable if the turbine goes ahead equating to a loss of value of well in excess of £10m.

Other matters

- On the 1st August new guidelines and planning practice for renewable energy were issued by the Department for Communities and Local Government (DCLG)
- The new advice, which replaces PPS 22, will help shape local criteria for inclusion in Local Plans and provide the context for dealing with individual planning applications.
- The document makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that "cumulative impacts" will require particular attention
- A report by Defra will shortly be published which will show that wind farms are harmful to local areas, are inefficient and have an adverse effect on rural life and the economy.
- 25 years may be deemed temporary in the eyes of the law but for people living close by that constitutes the remainder and then some of a working life. Temporary by law is not really temporary for those living along side such invasive structures.
- Technology moves at a tremendous pace and solar panels are advancing and becoming more efficient and cheaper. How can a turbine stay concurrent with latest technology over 25 years? Government and countrywide opinion is already moving away from wind turbine technology.
- This planning application may cause local businesses such as B&B's the Thatch, Beeston Castle and the Peckferton Hotel, to suffer despite no benefits to the local community.
- The supporting documentation at no point mentions Ridley, the very place where it is to be sited. Additionally, five photomontages purporting to show how unobtrusive the proposed turbine would be, are taken from five villages, but not a single one is taken from Ridley, the place whose residents will be most affected. Nor is there any mention of Ridley in the back-up documentation and Ridley mysteriously does not feature on the maps used to show the wind turbine's proposed position. One has to wonder why this is. Even the front-page report in the Nantwich Chronicle says that Ridley Bank Farm is near Faddiley, so presumably the editor/reporters have been deceived or misled.

- In an area of Norfolk that has seen a large number of turbines appear across open countryside and without exception they have all had a negative impact on the landscape, there appears to have been no attempt to lessen the impact when viewed from any angle or distance. Residents around the areas complain of health issues that were not there before the turbines appeared. In addition there are extensive reports of disruption to wildlife on the ground and to bird movements and nesting areas.
- This development is a commercial enterprise as the application clearly states that it is considered to be a means of diversification, which solely benefits the applicant to provide an additional source of income. As dairy farming and electricity production are not dependant upon each other then this application should be viewed as a new business enterprise (as declared by the applicant), and should be rejected on the grounds of the negative impact on the residents, wildlife, and landscape of this beautiful, historic area.
- Solar technology is a realistic alternative which does not have an impact on its neighbours, local population or surroundings. The extremely large cattle shed that is currently being constructed has a very large south facing roof that could be utilised to provide more than enough energy for the farm.
- The carbon footprint of the farm could be better improved by reducing the road miles incurred in providing feed and bedding and the spreading of slurry and manure in the area. Recent development work at the farm suggests that this is likely to increase rather than reduce.

Support

A Letter of Support has been received making the following points:

- I support this application as a life long resident of Bulkeley and Ridley Parish , who lives in direct sight of the proposed wind turbine, also as a organic farmer, I feel strongly we must use more green energy sources, especially with recent controversy about Fracking and Nuclear power stations dumping radioactive waste to sea. Personally in my opinion, having seen many wind turbines (home and abroad) I find them peaceful and not intrusive. Policies_and_guidance As I understand it, the site is in one of the area's designated suitable for Wind Turbines in a report commissioned by Cheshire East in 2011. Also it is away from Bickerton Hills (area of special scenic value).
- The scale and design is as in keeping as is practical, with much of the base hidden by woodland, and has very few close neighbouring properties.
- I do not believe construction traffic is a problem, after all if we can close roads for a BIKE RACE or concerts, surely we can manage traffic for construction of something which is saving the environment.

Stephen O'Brien MP

Let me state from the outset I am against wind farms full stop. You may be aware that changes introduced by Conservatives recently will give people a much greater say over wind farms in their communities, shifting the balance of power to local communities in deciding whether to agree to onshore wind proposals. Indeed new planning guidance from the

Department for Communities and Local Government will make clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It will give greater weight to landscape and visual impact concerns, especially for heritage sites.

I have written in support of the objections to this application to the office of the Chief Executive of Cheshire East Council.

7. APPLICANT'S SUPPORTING INFORMATION:

- Noise Study
- Environmental Report

8. OFFICER APPRAISAL

Principle of development

Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- the development would cause no significant harm to the character and appearance of the surrounding area;
- highway safety standards would not be adversely affected;
- the development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- the proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

Therefore the proposal is considered to be acceptable in principle and the main issues in the consideration of this proposal are the visual impact, highway safety, amenity and nature conservation implications of the increase in height.

Planning Guidance

In respect of the issue of planning guidance, the developer has responded as follows:

"The new planning guidance produced by the Department for Communities and Local Government entitled 'Planning practice guidance for renewable and low carbon energy', was mentioned in the representation from Stephen O'Brien. Although this document was not referenced within the application, the reason for this is discussed later, the topics which are raised within this practice guidance have been addressed in relation to the proposed development at Ridley Bank Farm. Within the guidance highlighted, areas of assessment include: noise impacts, safety, electromagnetic transmissions, ecology, heritage, shadow flicker, energy output, cumulative landscape and visual impacts, and decommissioning. Throughout the Environmental Report submitted, each of these key points have been thoroughly analyzed, concluding that the development will not present an adverse impact to the local area. As such, we do

not feel it is necessary to repeat the findings of the assessment within this brief statement, and direct interested parties to the relevant chapters of the submitted Environmental Report.....May it also be highlighted that the proposed application was registered by Cheshire East Council on 1st July 2013, and the mentioned planning guidance was not published until post-submission of the application resulting in the document not being referenced.”

Officers agree with the developers interpretation of the guidance and, the proposed development has been deemed acceptable by Officers and Consultees in relation to each of the topics noted within the guidance referred to by Mr. O'Brien as detailed elsewhere in this report.

Visual Impact

The proposed wind turbine would have a hub height of 32.5 metres and an overall blade tip height of 49 metres. The development would also involve the construction of a temporary access track, a permanent concrete pad and a small meter house.

The proposed site is about 375 metres to the north of Ridley Bank Farm at an elevation of about 125 metres AOD which is the highest point in the local area.

The site lies between Ridley wood to the west and Chesterton wood to the east. A covered reservoir and a telecommunications tower are located 120 metres to the southeast. There's a concrete surfaced track from the A534 to the reservoir and beyond that a stone track to a field gate that is within about 70 metres of the proposed wind turbine site.

The planning application includes a Landscape and Visual Assessment prepared by VG Energy. The assessment considers the landscape and visual effects of the proposed wind turbine separately:

Landscape Effects

The VG study assesses the Regional Character Area - The Shropshire, Cheshire and Staffordshire Plain area as defined in The Character of England 1996, The Landscape Character Type - Rolling Farmland and the Landscape Character Area – Faddiley as defined in the Cheshire Landscape assessment 2008.

The assessment predicts the following:

- The landscape sensitivity is Medium
- The magnitude of change would be Moderate
- The significance of the effects of the proposed development would therefore be Moderate

Their definition of a moderately significant effect on the landscape and landscape amenity is:

The proposed scheme would be moderately out of scale with the landscape or at slight odds with the local pattern and landform; will leave an adverse impact on a landscape of recognised quality.

Visual Effects

The study assesses the effects on visual amenity and sensitive receptors (viewers). It includes a map showing the Zone of Theoretical Visibility (ZTV) which shows the area over which the development may be visible. This type of mapping does not take account of natural or man-made obstacles which would screen views.

Five representative viewpoints were selected and approved by the Council.

For each viewpoint a wire frame topography image with the proposed turbine plus a photomontage with the proposed turbine has been prepared.

The significance of the potential visual impact of the proposed wind turbine from each view point was then determined by assessing the sensitivity of the receptors (viewers) and the predicted magnitude of the visual effect by using a matrix.

Viewpoint 1. From Wrexham Road. 1.7Km to the east of the site

In this view the upper part of the turbine is visible amongst roadside vegetation in the foreground and is not particularly conspicuous.

- Sensitivity of receptor – Low
- Magnitude of impact - moderate
- The predicted significance of the visual effect on receptors (i.e. drivers) from this point is Minor

Viewpoint 2. From Cholmondeley Castle. 4.8Km to the south

This is an important heritage asset and visitor attraction. Receptors (or visitors) are therefore highly sensitive. From this viewpoint the turbine would be a relatively small feature on the skyline.

- Sensitivity of receptors – High
- Magnitude of effect - Minor
- The predicted significance of the visual effect on receptors (i.e. visitors) from this point is Moderate

Viewpoint 3. from Bulkeley Village 3.8Km to the west.

From this point the upper part of the turbine is visible in the distance on the skyline between trees that are in the foreground. The study states that this vantage point was chosen due to its elevated position and its distance away from the main settlement. It goes on to say that in terms of residential amenity, it is highly unlikely that receptors within the village would be able to see the turbine at any time of the year due to intervening distance and screening from the two wooded areas surrounding the turbine and intervening tree-lined fields.

- Sensitivity of receptors – high
- Magnitude of impact – Moderate
- The predicted significance of the visual effect on receptors from this point is Moderate

Viewpoint 4. From a footpath in Bunbury 3.2Km to the north

The turbine would not be visible from this point it would be screen by vegetation in the foreground. The assessment states that tree coverage bordering intervening fields has meant that potential views of the turbine from Bunbury are non-existent and there should be zero visual impact on the village despite what the ZTV indicated.

- Sensitivity of receptors – High
- Magnitude of impact – Negligible
- The predicted significance of the visual effect on receptors from this point is Moderate/Minor

Viewpoint 5. From Haughton 3.2 Km to the North East.

Again the wind turbine would not be visible from this point. The study states that when searching for a vantage point for views towards the turbine site, it became apparent that as with the photomontage taken from Bunbury, views towards the turbine site from this area are virtually non-existent.

- Sensitivity of receptors – High
- Magnitude of impact – Negligible
- The predicted significance of the visual effect on receptors from this point is Moderate/Minor

Surrounding Roads

The visual assessment considers views from surrounding roads i.e. the A49, A51, A534 and local access roads. It generally finds that views would be fleeting as the roads are flanked by established hedgerows and trees. It concludes that the significance of the visual effects on these roads to be Minor/Moderate

National Cycle Route 45 around 4.4Km to the south and west

This cycle route passes through Wrenbury, Norbury Common, Egerton Green and then to the west of the Sandstone Ridge. The route then re-emerges at Peckforton and runs north.

It concludes that the significance of the visual effects on this route to be Moderate.

Their definition of minor and moderately significant effects on visual amenity is as follows:

- Minor - *The proposed scheme would slightly intrude on local visual receptors; would slightly affect important visual amenity*
- Moderate – *The proposed scheme would noticeably intrude on local visual receptors; would leave an adverse impact on the recognisably important visual amenity.*

The Council's Landscape Officer has examined the proposals and made several visits to the site and the surrounding area and broadly agrees with this assessment but it is deficient in the following respects:

- It should have included photo viewpoints from locations in closer proximity to the proposed site.
- It should ideally have included winter views and/or properly considered seasonal variations in visual effects.

- It should have considered the impacts on the users of public footpaths including the Sandstone Trail.
- It should have considered the impacts on the residential properties in the vicinity

VG Energy was therefore asked to provide five additional photomontages from short and middle distance viewpoints and these were submitted in November.

The Landscape Officer makes the following additional comments:

Likely Impacts on Landscape Character

The countryside surrounding the proposed site is attractive and is highly valued by local residents but it is not a designated landscape. The nearest Local Landscape Designation Areas (formerly ASCVs) are the Cholmondeley Estate located 4.8 Km to the south and the Beeston, Peckforton, Bolesworth & Bickerton Hills which lie about 4.0Km to the west.

In the 2008 Cheshire Landscape Assessment, the proposed development site lies within the Rolling Farmland Landscape Character Type and the Faddiley Landscape Character Area. The Faddiley Landscape Character Area is described as follows:

- This is generally a medium scale landscape with many large to medium scale arable fields laid over a rolling landform.
- This is an area of gentle broad rolling topography, with shorter slopes and an increase in undulation in the vicinity of High Ash.
- Hedgerow trees are generally abundant and the occasional large block of woodland is locally prominent.
- Between the major roads of the A49 and the A534 which intersect at Ridley Green, there are relatively few roads. These tend to be narrow meandering lanes rising and falling with the topography, connecting dispersed and isolated cottages and farms passing between high hedges which restrict many views.
- Settlement has a low density compared with the rest of this character type.
- Where the rolling ground provides a more elevated open location there are views out over large fields under arable crops with an extensive and intact hedgerow system.
- Some vantage points enjoy extensive views to distant higher ground. To the east the Pennine Hills are visible. To the west the adjacent Sandstone Ridge is very prominent and the heavily wooded Peckforton Hills dominate most views along the area's western boundary. Beeston Castle provides an unmistakable landmark on the northern skyline.

This is considered an accurate description of the countryside surrounding the proposed site.

Landscape Sensitivity to Wind Turbine Development

In 2013 Cheshire East Council commissioned an assessment of the sensitivity of the landscape to wind turbine development within each of the borough's 15 Landscape Character Types. The final report titled Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013 is a key evidence document in the emerging Local Plan.

In this study, landscape sensitivity is defined as:

The extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.

The study is based on an assessment of landscape character using carefully defined criteria based on the landscape attributes most likely to be affected. The criteria are: Landform shape and scale, Land cover pattern and presence of human scale features, Skylines, Perceptual qualities, Historic landscape character and Scenic and special qualities.

The sensitive features/characteristics of the Rolling Farmland LCT are identified as:

- Habitats including ponds, species rich hedgerows and species-rich acid grassland
- Historic field pattern and historic parkland
- Rural character of vernacular settlements/dispersed houses and minor roads
- Network of footpaths which link farms in Spurstow and Ridley Green coincide with medieval field pattern
- Woodlands are relatively rare and should therefore be conserved. Includes woodlands at Ridley Wood, Wrenbury Wood and Peckforton Wood.
- Views to distinctive landmarks e.g. Beeston Castle, Peckforton Castle and Peckforton Hills.

The study considers a range of wind turbine blade tip height categories. With a tip height of 49 metres the proposed wind turbine falls within the small scale category (26 to 50 metres)

The study finds that the Rolling Farmlands Character Type would have a low to medium sensitivity to wind turbine development. The discussion or summary states:

Although the gently rolling and relatively large scale reduces sensitivity to the principle of wind energy development, the undeveloped skylines, presence of human scale features and rural scenic qualities increases sensitivity.

As the proposed wind turbine is at the upper edge of the height category and would be located on relatively high ground it reasonable to conclude that the local landscape has a medium sensitivity to the type and scale of wind turbine development proposed

The wind turbine would clearly be a large scale and uncharacteristic feature in the landscape and although it would be located on the highest ground in the locality, the topography and land cover would tend to minimise viewpoints. Available views of the wind turbine would tend to be on the skyline. The relative proximity to main roads (A49 & A534) would tend to reduce the perception of tranquillity in the locality. The development would not obstruct or otherwise harm the network of footpaths which follow medieval field pattern. It would not result in the loss of woodland or any other natural habitats and would not obscure or interrupt views to distinctive landmarks. It is therefore likely that the proposed wind turbine would have a moderate impact on the landscape character of the area.

Likely Visual Impacts

From the proposed site the Sandstone Ridge, Peckforton Castle and Beeston Castle are visible in the distance to the north-west and the Cholmondeley Estate is discernible to the south. Views to the east and west are screened by woodland.

The nearby 20 metre high telecommunications mast is a useful feature which helps to locate the proposed site in the landscape and to provide scale.

The wind turbine would be a large scale and uncharacteristic feature in the landscape and due to the movement of the rotor blades it would be more noticeable than a static structure of a similar scale.

The turbine would mainly be visible against the sky. The pale grey colour and non-reflective finish would help to reduce its prominence to some extent.

Due to the timing of the planning application it has not been possible to assess potential winter views. The telecommunications mast and the proposed wind turbine are likely to be more visible in the landscape during the winter months when the leaves have fallen and the hedgerows have been trimmed.

Additional Photomontage Viewpoints:

Viewpoint 1. Wrexham Road, 300 metres south of the site.

From this location on the A534 (and from nearby public footpath Ridley FP8) the wind turbine would be a prominent feature against the sky.

Viewpoint 2. Public Footpath (Ridley FP 5) 200 metres south of the site.

In this view from the public footpath that runs along the edge of Ridley wood within the same field as the proposed site, the wind turbine would be a very dominant and uncharacteristic feature. This view was requested because it illustrates the most conspicuous view of the wind turbine.

Viewpoint 3. Ridley Green 900 metres west of the site

From this point at the entrance to the Ridley Green properties near to the junction of the A534 and A49 the top half of the mast, the hub and the rotor blades would be visible above Ridley Wood against the sky. In this middle distance view, it would be a recognisable new element in the overall scene and would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

Viewpoint 4. Public Footpath (Spurstow FP 25) 600 metres northwest of the site.

From this footpath the wind turbine would be a noticeable and uncharacteristic feature on the skyline and would be similar in scale to the surrounding trees. It would not have a marked affect on the quality of the overall scene. The telecommunications mast is visible to the left of the turbine.

Viewpoint 5. Public Footpath (Spurstow FP 32) 2.1Km from the site.

From this footpath (and a short section of the lane nearby) the wind turbine would be visible in the distance, against the sky and above the tree line. It would be a noticeable and uncharacteristic feature but it would be a fairly minor component of the overall view.

The potential visual impacts on the following receptors (viewers) have been considered:

Residential Properties in the Vicinity

It has not been possible to consider potential views from every property in the area.

The nearest property is located just east of the access track on Wrexham Road. This property is occupied by a relative of the applicant (refer to additional viewpoint 1).

Chesterton Lodge, the detached property on the opposite side of Wrexham Road approximately 425 metres from the site has very tall hedges along its frontage which would screen views from principal rooms. Any views from this property would also be oblique due to the orientation of the house (refer to additional viewpoint 1).

Chesterton Farm located approximately 750 metres to the west of the site on Wrexham Road has mature trees on its frontage. Any views from this property would be oblique due to the orientation of the farm house and would be filtered by the trees.

Ridley Green Farm is located 900 metres to the west of the site near to the junction with the A49. The barns have been converted to a number of separate dwellings. The top of the telecoms mast is visible above Ridley Wood from some of these dwellings. The top half of the mast and the rotor blades would be visible above the wood and against the sky (refer to additional viewpoint 3). It would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

Ridley Hill Farm

This property is located approximately 1.4Km to the west of the site on the western side of the A49. There are numerous mature and semi-mature trees in the grounds of this property and also high roadside hedges and numerous trees in the vicinity which would probably screen views of the turbine.

Properties off Badcock Lane, Dob Lane & Bathwood Lane to the North and North West.

These properties are between 750 and 1250 metres from the site and include Spurstow Lower Hall farm, Lower Hall Cottage, Coxley Green Farm, the Bath House and others in that vicinity. The wind turbine is unlikely to have a visual impact on any of these properties due to a combination of factors including the distance from the site, the undulating topography, agricultural buildings, intervening trees and woods plus the orientation of the dwellings.

Surrounding Lanes & Community Views

The telecommunication mast is not generally visible from the lanes surrounding the proposed site due to the high and intact roadside hedgerows, the rolling landform, the abundance of trees and the relatively long distances from the mast. There is however one short section near the T junction on the lane between Spurstow Hall and Haughton where the roadside hedges are low. From this area the wind turbine would be visible on the skyline above trees (refer to additional viewpoint 5)

The wind turbine is unlikely to have a visual impact on the surrounding villages of Bulkeley, Peckforton, Spurstow, Bunbury, Haughton, Faddiley and Chorlton due to the factors outlined above plus the screening effect of the buildings within these settlements.

The Sandstone Ridge.

The Sandstone Ridge is a very popular recreation area and the Sandstone trail is a well-used long-distance footpath. Bulkeley Hill is the closest part of the ridge at a distance of about 4Km from the site. The telecommunications mast is discernible in the distance from a high point on footpath Bickerton FP12 (near to the Poachers Pub) The wind turbine would be visible in the distance on the skyline above the trees and would be a minor component of the overall view.

There are two panoramic viewpoints on Bulkeley Hill. The site is not visible from the southern viewpoint. From the northern viewpoint the telecoms mast is barely discernible to the northern edge of a very wide panoramic view. The wind turbine would be visible from this point but would be a very minor component in the overall landscape. Elsewhere the ridge is well wooded and any views of the wind turbine in the distance through the trees would be insignificant. The turbine would not be visible from Peckforton Castle which is surrounded by dense woodland.

Public Footpaths

There are two footpaths in close proximity to the site, Ridley FP6 to the east which runs along the site access track and Ridley FP5 to the west along the edge of Ridley Wood. The wind turbine would appear as a dominant and uncharacteristic feature and would be highly conspicuous from both paths due to the close proximity. (refer to additional viewpoint 2).

There is a network of public footpaths to the north and east of the site which follow medieval field boundaries. The visual impact on users will vary enormously depending on the direction of travel, the distance from the site and the degree of screening resulting from the undulating landform, trees and hedges. (refer to additional viewpoint 4).

Main Roads

There are intermittent views of the telecoms mast from A534 Wrexham Road and the A49 Whitchurch Road above the roadside hedges and between intervening tree cover. For example, it is visible from the A49 near to the Cholmondeley Castle entrance gates about 2.4 Km south of the site. There would be intermittent, fleeting views of the wind turbine from these main roads (refer to viewpoint 1 and additional viewpoint 3).

In summary, the proposed wind turbine is likely to have a moderately adverse impact on the landscape character of the area.

With regard to visual impacts:

- From the public footpaths and the A534 in the immediate vicinity of the site the proposed wind turbine would obviously have a substantial visual impact.

- Views from other public footpaths in the vicinity to the north and east will vary depending on direction of travel, distance, tree cover and topography.
- Apart from a moderately adverse impact on some of the Ridley Green properties it is unlikely to have a visual impact on residential properties in the area.
- Due the undulating topography, the high and intact hedgerows and the abundance of trees in the surrounding landscape it is unlikely to have a visual impact on nearby villages and lanes. Views from main roads are likely to be intermittent and fleeting.
- In long distance views (for example from Cholmondeley Castle, the Sandstone Ridge area, and footpath 32 to the north) the turbine is likely to be visible above the tree line and against the sky but it would be a minor component in the overall panoramic views.

On this basis, the Landscape Officer concluded that it would be difficult to justify a recommendation of refusal on landscape grounds and, if the application were approved, it would be a difficult case to defend at an appeal.

Given that this is a contentious scheme, and clearly a sensitive landscape, the Council has commissioned an independent Landscape Consultant to consider the proposals in order to provide a “second opinion”.

The report concludes as follows:

- *The conclusions follow the base format of the report by commenting on the Applicant's LVIA, before considering Cheshire East and Cheshire's Landscape Officer's comments and then our own remarks. It finally recommends whether we believe this location to be an appropriate location for a turbine of this size.*
- *The Applicant's LVIA is considered to be weak and formulaic and under reports on the significance of a number of the visual effects and the overall landscape effect of the turbine. It also contains a number of technical inconsistencies. However even with these criticisms its general reporting is appropriate and the conclusion it reaches as to Moderate Landscape effects and overall Moderate Visual effects are considered acceptable.*
- *However the decision to not comment on whether the landscape and visual effects are adverse or positive is not helpful to decision makers who ultimately the report is produced for. From considering the descriptors and other comments in the Applicant's LVIA the effects should all be considered as adverse effects.*
- *The review conducted by the CEC Landscape Officer appears to be fair and reasonable and their request for additional photomontages appropriate to help understand the closer views of the proposed turbine. They too consider that there will be Moderate effects on the landscape as a resource and generally Moderate effects on visual receptors.*

- *The one exception is the identification of footpath users of Ridley FP5 who will experience 'substantial' views of the proposed turbine. In our review we have classified this as a Major, Adverse visual effect for path users.*
- *Our own review of the development and the surrounding landscape context identified one additional visual receptor group that may experience a Major/Moderate Adverse effect and that is some of the residents of Ridley Green Farm complex. Not all properties will experience this level of adverse visual effect and it will depend on the orientation of home, boundary planting and from which rooms the turbine is visible from.*
- *Should great concern be expressed by the residents of Ridley Green Farm then a more detailed survey of their views could be undertaken as this would not be onerous in scale or complexity. It would give a categorical answer as to who would see what from where.*

Advice to Decision Maker

- *That they need to take into the planning balance the Moderate, Adverse effects on both the landscape as a resource and on the visual receptors who experience that landscape.*
- *Specifically they need to consider the two areas of greater than Moderate, Adverse visual effects that in Environmental Impact Assessment terminology would be considered Significant. These are the Major, Adverse visual effect on Ridley FP5 users and the Major/Moderate, Adverse visual effect that may occur for some, but not likely all residents of Ridley Green Farm.*
- *There are no visible precedents for a development of this nature in this landscape character area at the moment. The development would be in place for a long time frame of up to 25 years but the landscape and visual effects are readily reversible at the end of that period with the removal of the turbine.*

Is this location suitable for a wind turbine of this size?

- *Considering all the information prepared by the Applicant, the CEC Officer and from our study we consider this Site to be a reasonable location for a wind turbine of this size.*
- *This opinion is based upon the landscape consideration that although an alien, intrusive element it would only be prominent in the landscape rather than dominant and the overall landscape character of the surrounding area would remain attractive even with the turbine within the scene. It would have Moderate, Adverse Landscape effects for a long time frame but these are reversible on decommissioning.*
- *This opinion is also inferred by the Low to Medium sensitivity rating applied to this landscape character type by the Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013 for small, single turbines.*

- *Likewise the visual effects with the exception of the two greatest adverse effects at Footpath Ridley FP5 and at Ridley Green Farm are Moderate, Adverse or less meaning the development is relatively well sited in visual terms.*
- *This does not mean that it will not be visible from wider locations but rather that from other residential properties, roads and footpaths in the area that its adverse visual effects are considered acceptable as the turbine would not be over bearing or dominant within the view.*
- *The surrounding landscape is attractive and has a pleasant visual amenity but it is not designated for its scenic value and has not been designated so in the past.*

Caveats to this opinion

- *This opinion is based on a wind turbine of this 'small' size and that a larger turbine would appear out of scale set within this landscape.*
- *That any more than a single turbine would start to drastically affect the landscape character of the area to a much greater degree and that this commentary should not be considered as a 'green-light' for numerous wind turbines in the area. Given the existing scale of the landscape and the visual prominence of high ground within and around it anymore turbines would have the appearance of proliferation and should be resisted.*

The landscape and visual impact appraisal of the proposed wind turbine at Ridley Bank Farm identified that there would be an adverse visual impact on the Ridley Green Farm properties and this view was endorsed by both the Council's Landscape Officer and the independent landscape consultant. Therefore a more detailed visual assessment has therefore been undertaken to determine the significance of the impact on the visual amenity of each of the properties and to then determine the effect on living conditions. This work has been undertaken by the Council's Landscape officer and verified by the independent landscape consultant. It concludes as follows:

Assessment Methodology

1. The existing views towards the proposed wind turbine site from each property were noted i.e. front, side and rear elevations, ground and upper floors, principle or subsidiary rooms, external garden areas and the communal drive and courtyard.
2. The importance of these views was evaluated. Principal rooms (i.e. lounge, dining room & kitchen) were afforded more weight than subsidiary rooms and ground floor rooms more weight than first floor rooms. Private garden areas were afforded more weight than communal access areas.
3. The magnitude of change in views was determined based on the attached six point scale: None, Very Small, Small, Medium, Large, and Very Large (Appendix 1).

The magnitude of change in all views was considered to be Medium which is defined as follows:

The development would form a visible and recognisable new element in the overall scene and would be readily noticed by the observer or receptor. The development would appear a somewhat uncharacteristic feature of the scene in terms of form or scale.

4. A professional judgement was then made about the significance of the change in view on the visual amenity of each property by considering the magnitude of change and the importance of the views. The importance of the views consists of factors such as the viewpoint (see 2 above), the openness of the view, and the duration of the view. Therefore, a medium magnitude of change could have different significance of effect depending on the viewpoint, duration of view etc.

Effect on Living Conditions

In planning it is held that an individual does not have a right to a particular view. However, there may be circumstances where, due the proximity and size of a development such as a wind turbine, a residential property would become such an unattractive place to live that planning permission should be refused.

The visual effect of wind farms on living conditions has been examined at several public inquiries. From these appeal decisions it is apparent that the visual effect of a development has to be described as - overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views for there to be material harm to living conditions.

Views eastward from the Ridley Green properties are currently wide, open, and attractive. The proposed wind turbine site would be located 900 metres to the east on an elevated, wooded ridge. It is considered to be a medium sized wind turbine with a hub height of 33 metres and an overall blade tip height of 49 metres. The top half of the mast, the hub and the rotor blades would be visible above the trees and against the sky. There is little screening within the gardens and the intervening field hedgerows and trees would not provide screening due to the elevated location of the proposed site.

The proposed wind turbine would be a conspicuous and uncharacteristic feature in views. Its form and scale would create a medium negative magnitude of change (Appendix 2) on the character and quality of the wide, open and attractive views from Ridley Green Farm.

The assessment (Appendix 2) has established that the proposed wind turbine would have an adverse impact on the residential visual amenity of five properties at Ridley Green Farm and that the significance of the visual impact varies from small adverse to medium-large adverse (two properties).

Conclusion

From the above assessment it is concluded that the proposed wind turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm.

Amenity

There are numerous relatively isolated residential properties and farm holdings located in the vicinity of the site. However the proposed mast is 425m from the nearest residential property and the associated equipment does not produce any significant noise. Given the limited width of the mast and the large distance from neighbouring properties it is not considered that the development would have a detrimental impact on residential amenity in terms of over domination, visual intrusion and noise pollution.

The Environmental Health Officer has not totally relied on a noise report in the recommendations as a consultee, they have also taken into account ETSU-R-97, plus the various debates around the use of this document, and their own professional knowledge. Consequently they have recommended a proposed condition to protect the amenity of local residents. If the Environmental Health Officer had totally relied on the submitted information, then they would not be recommending conditions to be attached.

The applicant has taken into consideration ETSU-R-97 (Assessment and Rating of Noise from Wind Farms) and has submitted a simplified assessment, which is acceptable for 'smaller' wind turbines. It should be noted that there is provision within ETSU-R-97 for a simplified assessment based on predictions alone if the turbine "*...noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10m height*". The ETSU document considers that compliance with this condition alone would offer sufficient protection of amenity and background noise surveys and corrections for wind sheer would be unnecessary.

The submitted noise assessment is for a Norwin 29 wind turbine with a tip speed of 57.4rpm. The proposed wind turbine is a Norwin 33 wind turbine with a tip speed of 54.4rpm. In the Annex submitted with the report, details are provided to show that the proposed turbine will have a reduction of approximately 1.4dB(A) in noise level, as the tip speed is lower. Hence the distances provided in the noise report, to meet the above condition, can be classed as a worse case scenario.

The following conditions are recommended by the Environmental Health Department in the consultation response.

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.

In the absence of any objection from Environmental Health, it is not considered that a refusal on amenity grounds could be sustained.

Highway Safety

The site is located over 400m from the nearest public highway and in the absence of any objection from the Strategic Highways Manager; it is not considered that there are any highways reasons for refusal.

Ecology

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

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 specific advice has been sought from the Council's Ecologist who has commented as follows:

Birds

Wind turbines can have an adverse impact upon birds. However, only a limited number of bird species are considered to be at significant risk. It is advised that no significant habitat for

sensitive birds is present in the locality of the proposed development and whilst occasional bird casualties cannot be discounted, the proposed turbine is not likely to pose a significant risk to birds.

Bats

The Council's Ecologist has advised that the pond on site and the adjacent hedgerows provide suitable foraging commuting habitat for bats. Natural England advises that to minimise the potential impacts of turbines upon bats the turbine should be positioned so that the blade tip is 50m or more from any hedgerow or tree. In this instance, as originally submitted the turbine base appeared to be roughly 50m from the nearest hedgerow and roughly 40m from the adjacent pond.

Based on his calculations using the Natural England guidance, for the blade tip of the turbine to be 50m from the nearest relevant habitat feature the base of the turbine must be just under 75m away from the hedgerow and pond. Natural England identify 5 bat species as being sensitive to wind turbines (at the medium or high level). Only one of these species is regularly recorded in Cheshire.

In conclusion it was advised that whilst the proposed turbine may pose a risk to bats. In order to mitigate this impact the appropriate stand-off of 75m should be provided. Accordingly an amended plan has been submitted showing the turbine to be relocated and the Council's ecologist has confirmed that he is satisfied that the revised location of the turbine would be adequate to mitigate its potential impacts upon bats.

Great Crested Newts

A pond is present in close proximity to the proposed turbine. From a visual inspection this pond appears to have significant potential to support breeding great crested newts. The footprint of the proposed turbine however offers limited terrestrial habitat for amphibians. Considering the small scale of the proposed development the Council's Ecologist is satisfied that the proposed development would not be significantly likely to have an adverse impact upon this species if it was present. The relocation of the turbine to ensure it is 75m away from the pond, as required to mitigate the potential impact of the development upon bats, would further assist in mitigating the potential risk to great crested newts. This has also been addressed as a result of the submission of the amended plan.

The impact on the telecoms mast and television signal

With regard to the issue of impact on television and telecoms signals, the developer has stated that:

"in the past, wind turbines have been shown to disrupt analogue signals but this is no longer an issue with the switchover to digital television signal. All television sets have now been transferred to receive digital transmission which is unaffected by wind turbine developments. From initial inspection, and no objection being raised by statutory Consultees or relevant Authorities, we do not foresee that the turbine at Ridley Bank will cause any impact to telecommunication or television signals within the local area."

The issue of the impact of Wind Turbines on television signals was considered by an Inspector at an Appeal relating to the erection of a turbine at Land east of Dawson Farm, Bosley (application Ref 13/2314M). At paragraph 9 of his decision, the Inspector stated:

“Arqiva are responsible for providing the transmission network for the BBC and ITV and have no objection to the proposed turbine. The BBC's windfarm tool indicated that the proposed wind turbine could affect 65 homes for which there is no alternative off air service and 224 more for which there may be an alternative service. In their report to committee, officers noted that the tool (which is no longer available) provided only rough estimates and that interference would only become apparent once the turbine had been erected. Council officers recommended the imposition of a condition to require counter measures should it be shown that the proposed wind turbine interferes with TV reception. In light of the conflicting evidence before me and given that I have read nothing to suggest that remedial measures could not be taken, I will impose a condition along the lines suggested by the Council's officers.”

Given that planning inspectors clearly consider that this matter can be adequately dealt with by condition, it is not considered that a refusal on these grounds would be appropriate and that a similar condition should be imposed in this case.

The health impact

In respect of Health Impacts the developer has stated that:

“VG Energy has installed over four hundred wind turbines throughout the UK, and there have been no complaints registered with regards to any adverse health impacts as a result of any development. As standard, Environmental Health was consulted during the planning process and have stated that they have no objection to the proposed development at Ridley Bank Farm. It is also stressed that as demonstrated throughout the Environmental Report, all relevant guidance has been adhered to with regards to noise and shadow flicker impacts. Both factors were deemed to have negligible impact upon neighboring residents. In November 2014, the Massachusetts Department of Environmental Health published a health impact study in relation to wind turbines which was written by a team of independent engineers and doctors. The report found ‘no clear or consistent association is seen between noise from wind turbines and any reported disease or other indicator of harm to human health’.

Further information was also requested following the Committee meeting with reference to BMJ 8 March 2012. This article was written by Christopher D Hanning, who is a member of the advisory group for ‘The Society of Wind Vigilance’. Therefore the findings discussed within this article cannot be recognized as neutral, as Mr. Hanning's personal bias views against wind turbines are reflected throughout the article. The article refers to the UK noise guidance ETSU-R-97, commenting that it was ‘published in 1997 and not reviewed since’. This is written to suggest that they do not believe this noise guidance is fully adequate for assessing wind turbine applications today. However, as highlighted within the ‘Planning practice guidance for renewable and low carbon energy’, the planning guidance which we were directed towards, it states that ETSU-R-97 ‘should be used by local planning authorities when assessing

and rating noise from wind energy developments'. The ETSU-R-97 guidance is the recognized guidance for noise assessment and has been followed closely when addressing potential noise impacts within the Environmental Report for this proposed development, and noise levels have been found to be below the stated limits within this guidance.

Additionally we were also asked to respond with reference to an article published in the Royal Society of Medicine Journal, August 2014. The article is entitled 'Diagnostic criteria for adverse health effects in the environs of wind turbines'. Throughout the article it refers to wind turbines under the general term 'Industrial Wind Turbines (IWT)'; however there is no definition to classify the size of turbine/wind development this article is referring to. There is a large difference between a small, single wind turbine and a large wind farm, and this important difference is not acknowledged at all within the piece. The proposed turbine at Ridley Bank Farm is 49m to tip, which as highlighted is considered by the council as a small scale development, and therefore not of 'industrial' size. Furthermore, health is controlled by the World Health Organisation, European Union, the UK government and on a local level Environmental Health whom have no objection to the proposed development. All of those listed have had no involvement with the publication of this article in the Journal of the Royal Society of Medicine, and as this is an open journal there is no control governing which articles are published. Additionally it is prudent to note that there is no scientific evidence within the article to support the findings. Finally, in the article there is no mention of policy; policy dictates planning applications as there is no discussion of this within the piece, it has no bearing or relevance towards the proposed development at Ridley Bank. "

In the light of the above, and in the absence of any objection from the Councils Environmental Health Officer, it is not considered that a refusal on health grounds could be sustained.

Other Issues

Manchester Airport and the MOD have been consulted on the proposals and raised not objections on safety grounds.

CONCLUSIONS

There is broad support at both national and regional level for renewable energy proposals and wind turbine. Local Plan policy is also permissive provided that certain criteria are met.

The application was deferred by Southern Planning Committee on the 19th November 2014, 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; and
- The health impact (with reference to BMJ 8 March 2012 and Royal Society of Medicine August 2014)

Following the submission of additional information the proposed development has been deemed acceptable by Officers and Consultees in relation to each of the topics noted

within the guidance referred to by Mr. O'Brien as set out in detail in the report above. Following the submission of amended plans, the Council's Ecologist has confirmed that the proposal will not have any adverse impact on bats, barn owls or newts. Previous appeal decisions have indicated that the impact on telecoms and television signals can be dealt with by condition and in the absence of any objection from the Environmental Health Officer, it is not considered that a refusal on health grounds could be sustained.

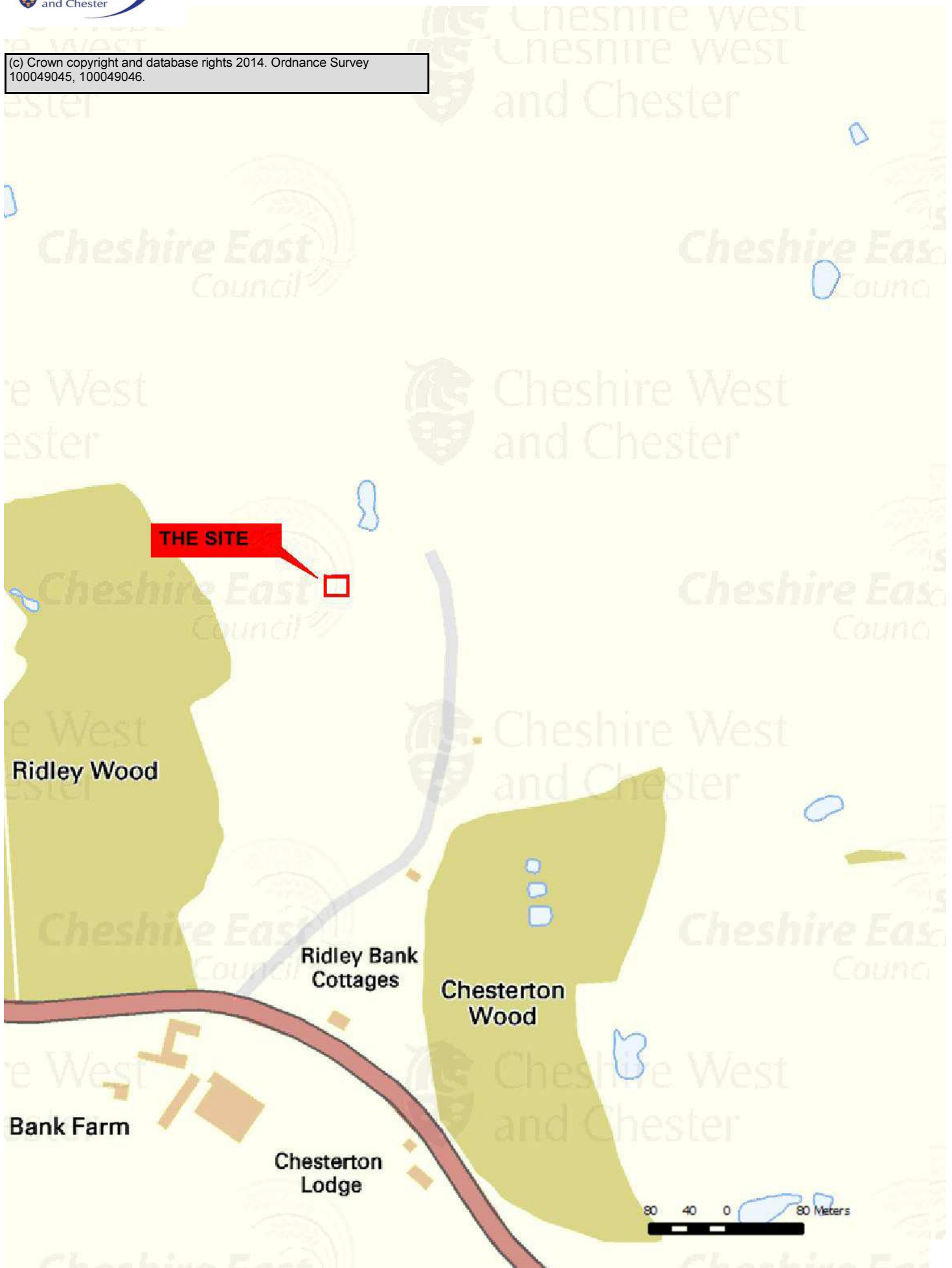
It is therefore considered that all of Members previous concerns have been addressed and for the reasons stated above, and having due regard to all other matters raised, it is concluded that the proposal complies with the local plan policy and in the absence of any other material considerations to indicate otherwise it is recommended for approval.

RECOMMENDATIONS

APPROVE Conditions

- 1. Standard**
- 2. Approved drawings**
- 3. Removal when no-longer required for electricity generation purposes.**
- 4. The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.**
- 5. Prior Approval of External Lighting**
- 6. No development shall take place until details of a scheme for the investigation of complaints that the wind turbine hereby permitted is interfering with TV or mobile communications reception and for any remedial measures should interference be proven have been submitted to and approved in writing by the local planning authority.**

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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

The December Meeting of Southern Planning Committee deferred consideration of the application to enable:-

- Prior submission of a noise survey and mitigation in terms of the impact from the adjacent business 'The Residence'
- A site visit
- Clarification of Flood Risk impact
- An updated plan to show 200% car parking provision

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)

As the examination of this plan has now been suspended, its policies carry limited weight. 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: Waterlode is a single carriageway road with a 30mph speed limit. As such a visibility splay of 43m would ordinarily be required as stated in Manual for Streets. The required visibility measurement should however be based on the 85th percentile wet weather speed, which can only be determined by an on-site speed survey. A speed survey has not been undertaken at this site and as a result visibility splays can only erroneously be based on the local speed limit.

Emerging CEC parking standards recommend the provision of two parking spaces per four bedroom houses such as those proposed for developments located within principle towns and major service centres such as Nantwich. The original plan showed 11 spaces and off street

parking is not available along Waterlode due to the presence of double yellow line road markings. The parking provision was initially deemed inappropriate for the development. The Head of Strategic Infrastructure would seek for a speed survey to be undertaken to ensure the demonstrated visibility splays are appropriate and would object until additional parking is shown.

Environmental Health: Request conditions/informative in respect of travel planning, dust, piling, contamination and mitigation scheme.

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 Lisped 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 initially 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. However the applicants have submitted a noise mitigation scheme involving an acoustic screen that has allayed the concerns of the EHO and it is proposed these measures form an appropriate condition. Also, 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 particularly now the EHO is content with the proposals.

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 on the amended plan that shows an improved 16 parking spaces and a speed survey is being undertaken. The additional 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), BE16 (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:

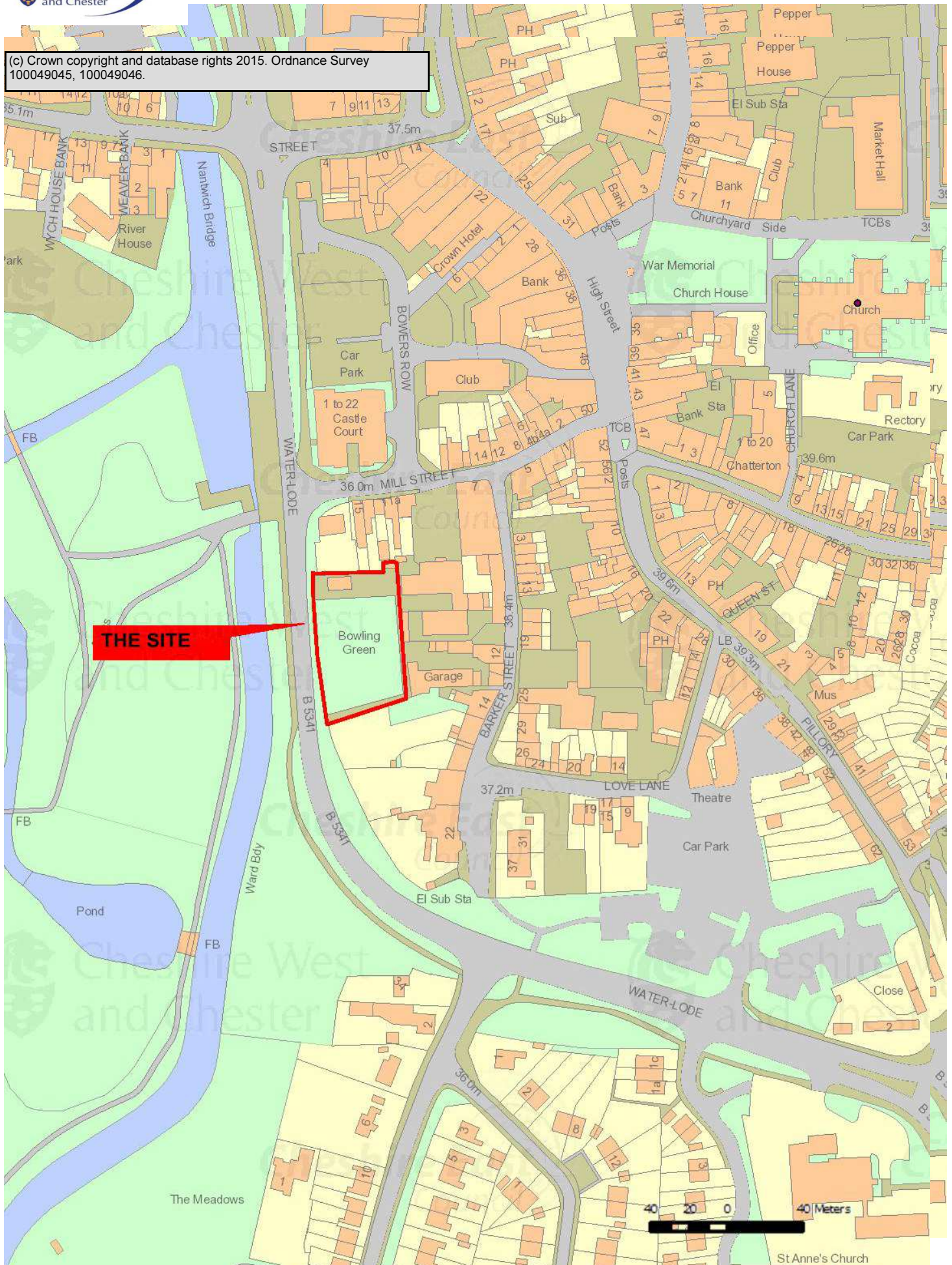
1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Archaeology
6. Pile Driving
7. Window/Door Details
8. Details of Boundary Wall
9. Reveal Details
10. Visibility Splays
11. Car Parking
12. Access Details

13. Footpath Details
14. Rainwater Goods
15. Noise mitigation scheme
16. Piling
17. Lighting
18. Travel Plan
19. Dust Control
20. Contamination

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: 14/5260N

Location: Land south of, Sandfield House, Station Road, Wrenbury, CW5 8ER

Proposal: Residential development of up to 18 dwellings to include means of access

Applicant: Hollyhead Estates (Wrenbury) Ltd

Expiry Date: 12-Feb-2015

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.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. However, the proposal would not have a significant impact on the landscape character of the area and would appear appropriate in the context of the adjacent development, without resulting in an unacceptable intrusion into the open countryside.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing, contributions to education and off site ecological enhancements.

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

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 can be secure at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape, trees and ecology.

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

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement

PROPOSAL

This is an outline application for the erection of up to 18 dwellings. All matters other than access are reserved for consideration at a later date. An **indicative** layout has been submitted that shows a cul-de-sac style development of 18 dwellings, with an area of open space adjacent to the access and Sandfield House, where there are 3 protected trees on the boundary.

SITE DESCRIPTION

RELEVANT HISTORY

13/2391N 2013 Approval for steel framed agricultural building

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 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

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
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing 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:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

Other Considerations:

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

CONSULTATIONS:

Highways:

No objection subject to a condition relating to the access.

Environmental Health:

Recommend conditions/informatives relating to noise, air quality, lighting and contaminated land.

Housing:

The applicant in their accompanying Design and Access Statement outlines at para. 8.5 that they will be providing 30% affordable housing equating to 6 dwellings. This is acceptable. These should be provided as 4 rented and 2 intermediate dwellings.

Flood Risk Manager:

No objection subject to conditions.

United Utilities:

No objection subject to the submission of scheme for the disposal of foul and surface water.

Education:

Require a contribution of £32,685.38 towards secondary education.

Cheshire Archaeology Planning Advisory Service:

No objection subject to a condition relating to an archaeological watching brief.

Wrenbury cum Frith Parish Council:

At its meeting held on 11 December 2014, Wrenbury-cum-Frith Parish Council RESOLVED that the Council objects to this application for the following reasons –

- The site is located outside the existing settlement boundary;
- The development would be detrimental to the character of the village;
- Vehicular access to the site and the increase in traffic movements would be detrimental to road safety owing to the narrowness of Station Road and its proximity to the junction with Nantwich Road;
- The development site will have an adverse impact on the immediately adjacent prominent mound which is recorded in the Cheshire Historic Environment record (CHER 352), where it is noted that it has been suggested that the feature may represent a prehistoric burial mound or a windmill mound;
- Flooding within the village is already a problem and this development would exacerbate the problem.

REPRESENTATIONS:

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

At the time of report writing 20 representations have been received which can be viewed on the Council website. They express several concerns including the following:

Principle of the Development

The site is outside the settlement boundary

Wrenbury will cease to be a village

The LPA can demonstrate a 5 year supply of housing

Contrary to the adopted local plan and the emerging local plan

The development is not infill

The proposal would not constitute sustainable development

Brownfield sites should be used first

Design and Scale

Would be detrimental to the character of the village

Adverse impact on landscape

Amenity

Loss of outlook

Noise and light pollution

Loss of privacy

Highways

Dangerous access

Highway safety and existing parking issues

Infrastructure

There are insufficient local facilities
Lack of school places

Ecology

Adverse impact on wildlife
Removal of a quality natural hedge on the roadside
Impact on the River Weaver

Heritage

Impact on historic mound

Other issues

Loss of agricultural land
Poor drainage and flood risk
Will set a precedent for development on other land in the area
There is no need for further housing in Wrenbury
Concerns about the delivery of the affordable homes
Lack of consultation
Impact on property prices
Wrenbury has already been subject to the unsuitable approval of a concrete works

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

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

The proposed development does not fall within any of these exceptions. 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 the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

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.

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth, it is immediately adjacent to existing residential development in the village of Wrenbury and there are residential properties adjacent to the northern boundary of the site. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

“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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. One 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 criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. 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 toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),

- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

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

- post box – Within Wrenbury Stores 300m
- Public house 650m & 700m
- Church 300m
- Bus stop 300m
- Post Office 300m
- Local shop 300m
- Health food shop 300m
- Medical centre 200m
- Equipped playground 200m
- Primary School 100m
- Railway station 200m
- Sports ground and social club 200m
- Village green 300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

It is considered that as the site lies adjacent to existing residential development in Audlem, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Accordingly, it is considered that this is a locationally accessible site.

There are, however, 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 ROLE

The site is a greenfield site and therefore not the first priority for development. It is however immediately adjacent to existing residential development. The site is within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities

Landscape Impact

A Landscape and Visual Appraisal (LVA) has been submitted during the process of this application, which assesses the impacts of the development on the landscape character of the area.

The LVA concludes that the site is not subject to any statutory designations. It also concludes that the development would have a significant local effect (within 200m), but that in the context of the wider landscape this would not be significant, due to the low lying nature of the site and the screening offered by trees and hedgerows.

This view is concurred with by officers as the landscape character of the surrounding area would not be significantly harmed in such a way that would significantly and demonstrably outweigh the benefits offered by the provision of housing.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Highways Implications

Access to the site is proposed via a new priority junction with Station Road, the proposed junction layout features:

- A site access carriageway width of 5.0m;
- Footways on both sides of the site access of 2.0m;
- Corner radii of 7.5m; and
- Visibility splays of 2.4m x 80m to the south-east and 2.4m x 60m to the north-west;

In addition to the above, the access proposals involve upgrading the footway on Station Road along the site frontage from the current width of around 1.1m to 2.0m. In terms of highway design, the access proposals are considered to be an acceptable solution to serve a development of 20 units.

Traffic generation has been estimated from a range of sites within the TRICS database, the morning and evening peak hour estimates are summarised in Table 1.0.

Table 1.0 Traffic generation associated with the development proposals

	TRICS trip rate	Trips associated with 20
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			dwelling	
	Arrivals	Departures	Arrivals	Departures
AM	0.116	0.446	2	9
PM	0.439	0.208	9	4

The morning and evening peak hour traffic generation associated with the development proposals is expected to be low, less than 15 two-way trips per peak hour.

Once distributed on the road network the development traffic would only result very small increases in the traffic flow. In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the low level of trip generation predicted.

The Personal Injury Accident (PIA) record of Station Road and the junction of Station Road with Nantwich Road to the north of the site has been reviewed for the five year period 2009 to 2013 inclusive. There have been no recorded PIA's during this period of time; indicating there are no underlying road safety issues that could be exacerbated by the traffic associated with the development proposals.

It is concluded that the development proposals would not be expected to have a negative impact on road safety, subject to a condition requiring the access to be constructed prior to commencement of development..

Considerable concern has been expressed by local residents and the Parish Council that the development would have a severe adverse impact on highway safety due to lack of footways and high levels of existing traffic being exacerbated by increased vehicle movements generated by the proposed development. However given the assessment of the Head of Strategic Infrastructure that the development would not have a negative impact on highway safety, a refusal on these grounds could not be sustained.

Trees and Hedgerows

The application was submitted without a tree survey or arboricultural impact assessment. These documents were subsequently submitted and are being assessed by the Principle Forestry and Arboricultural Officer. His comments will be reported in an update.

The issue relating to trees is that there are three protected trees on the boundary adjacent to Sandfield House. The submitted indicative layout plan shows an area of open space adjacent to the trees, which should ensure that there is no conflict.

Ecology

The habitat of a protected species has been recorded off-site. It is considered that the proposed development is not likely to have a significant impact upon this species however as the status of this species on a site can change within a short time scale A condition should be imposed requiring updated surveys to be submitted with any reserved matters application.

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site access. Replacement hedgerow planting should be secured at the reserved matters stage.

The Council's ecologist has recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

The applicant is currently undertaking this assessment and Members will be updated on what the contribution would be prior to making a decision on the application.

ECONOMIC ROLE

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

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. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

SOCIAL ROLE

Affordable Housing

The proposal will provide new family homes, including 30% affordable homes, on site public open space. The site is also within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities.

Originally the proposal was described as an outline application for up to 20 dwellings, but an indicative layout was not provided. Subsequently the layout has been produced that indicates that there would be 18 dwellings provided within the site. 30% affordable housing would be secured as part of a S106 Agreement.

Public Open Space

The proposal is for up to 18 dwellings and Policy RT.3 of the adopted local plan only requires provision of open space or contributions for developments of more than 20 dwellings. As such no provision is required as part of the proposal.

Amenity

An indicative layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided.

The proposal is therefore in compliance with Policy BE.1 of the adopted local plan.

Design

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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 indicative layout shows a development that would not appear inappropriate in this context.

Education

The Education Department were consulted and have confirmed that 18 dwellings are forecast to require 3 primary and 2 secondary school places. The local schools are Wrenbury and Sound and District at primary level and Brine Leas at secondary level. There are surplus places forecast for the primary level but a shortfall at secondary level. As such based on an additional 2 secondary level pupils, a contribution of £32,685.38 is required.

Flood Risk and Drainage

The Council's Flood Risk Manager has assessed the application and is satisfied that the proposal is acceptable in terms of flood risk, subject to conditions relating to sustainable drainage features and surface water run off.

Agricultural Land

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has been unable to ascertain whether the land is Grade 3a or 3b. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

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. These issues are summarised in the representations and include loss of open countryside, loss of agricultural land, adverse impact on landscape, privacy, pollution, highway safety, ecology and local infrastructure.

S106 Contributions:

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, the financial contributions the local high school and off site ecological enhancements would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The 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 contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The development would provide market and affordable housing to meet an acknowledged shortfall and contributions to education. 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 loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, 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 application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education, off site ecological enhancements and the provision of 30% affordable housing.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement..

Heads of Terms:

- £32,685.38 to secondary education
- A contribution to off site ecological enhancements (amount to be provided in an update)
- provision of 30% affordable housing

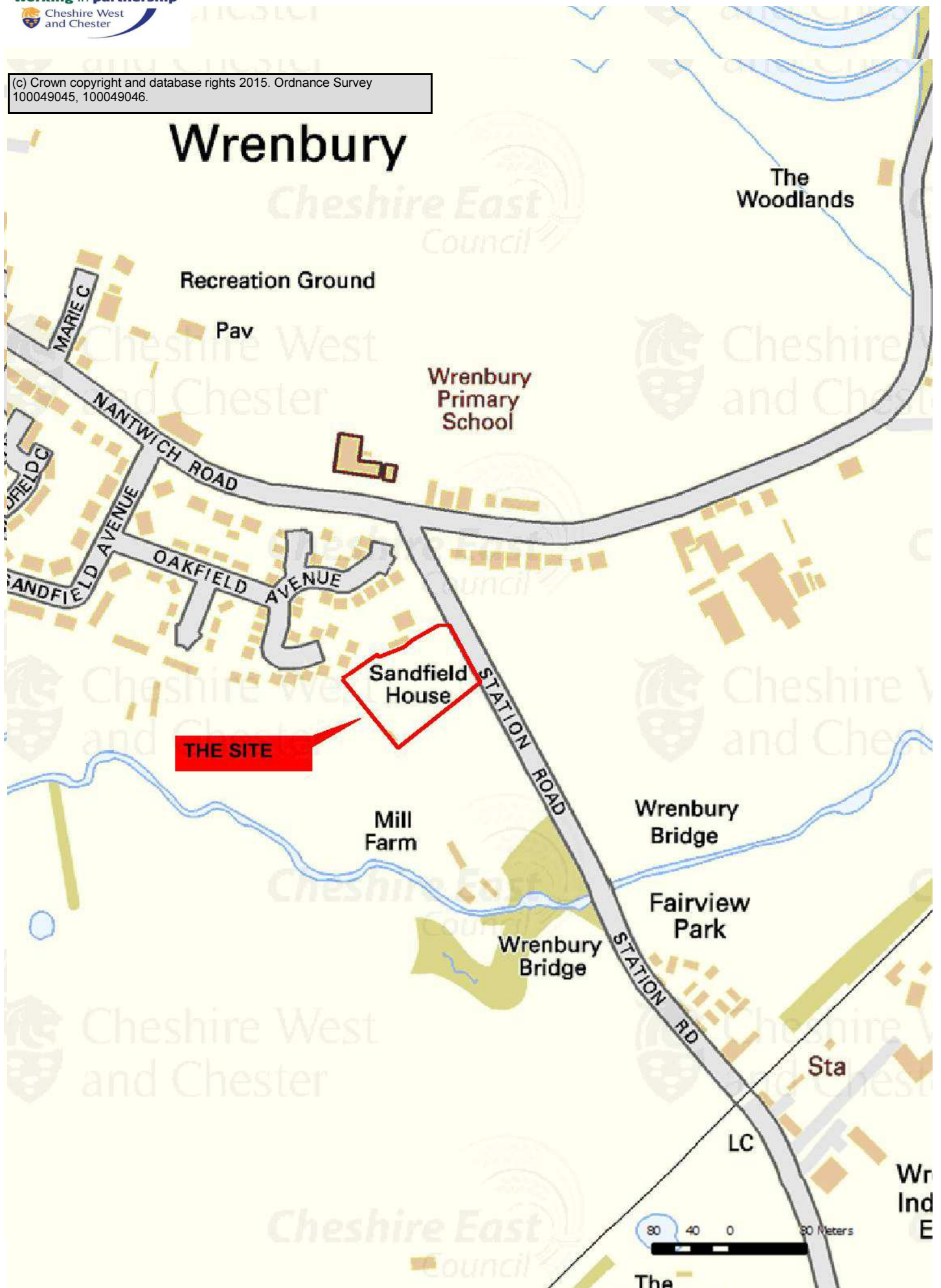
and the following conditions:

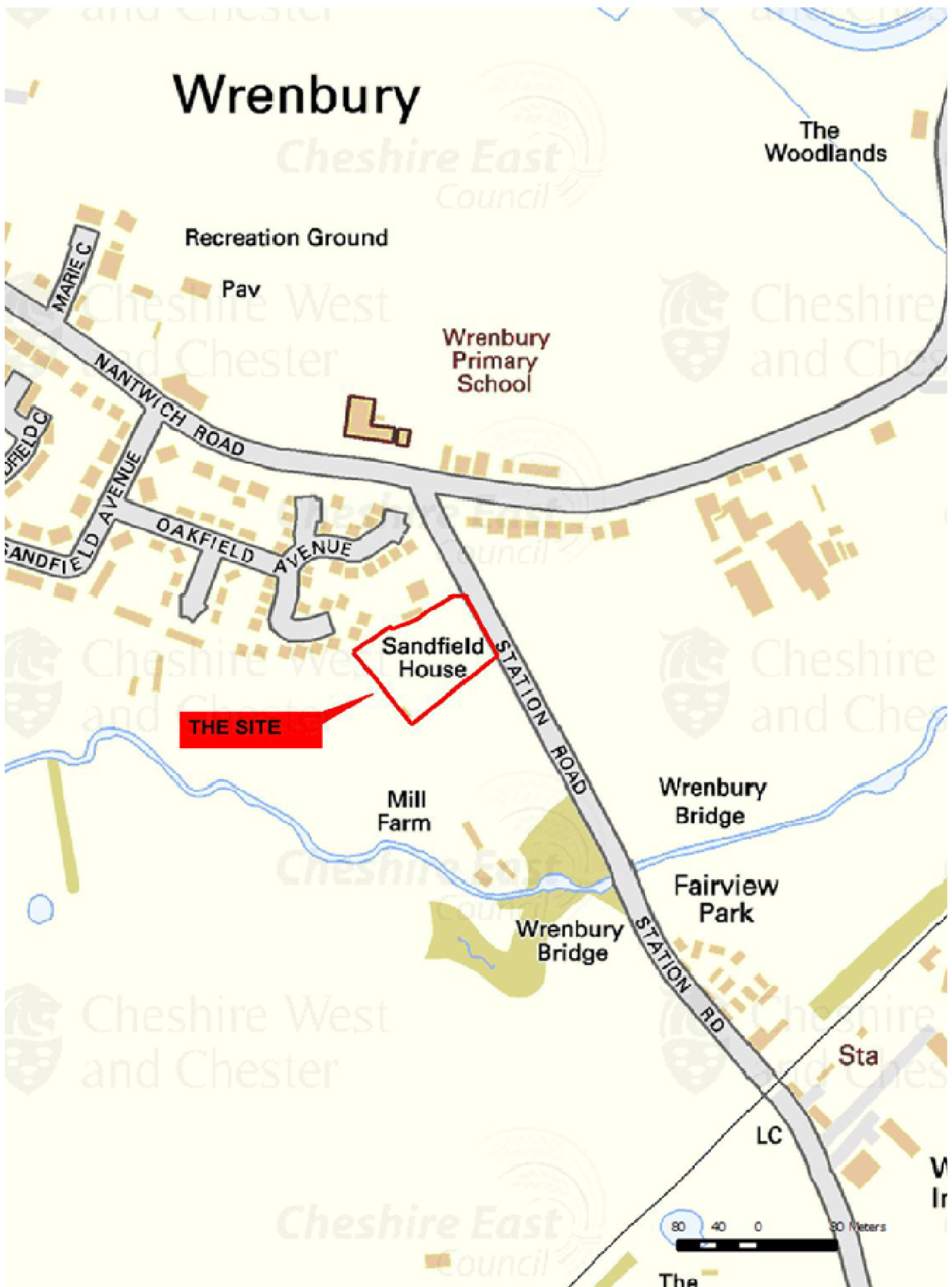
1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans
4. Submission of a Phase I Contaminated Land Survey
5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Reserved matters to include details of any external lighting.
8. Access to the site shall be completed prior to the commencement of any other form of development
9. Reserved matters to include a detailed suite of design construction plans for the adoptable highways
10. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
11. Tree and hedgerow protection measures
12. Breeding bird survey for works in the nesting season
13. Reserved matters to include updated protected species surveys
14. Reserved matters to include details of boundary treatments
15. Reserved matters to include details of existing and proposed levels
16. Reserved matters to include details of bin/cycle storage
17. Reserved matters to include a single electric vehicle charging point for each dwelling
18. Submission of a written detailed method statement for all new groundworks having regard to archaeological potential

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

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

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Application No: 14/2289C

Location: former Charles Church offices, MIDDLEWICH ROAD, SANDBACH, CHESHIRE

Proposal: Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking.

Applicant: McCarthy and Stone Retirement Lifestyles

Expiry Date: 05-Aug-2014

SUMMARY

The site is designated as being within the Settlement Zone Line of Sandbach where there is a presumption in favour of residential development so long that that the site is not utilised for any other purpose in the Local Plan and provided that the development it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

The NPPF supports the erection of new dwellings, but places emphasis on the sustainability of the site.

From an environmental sustainability perspective, the scheme will not create any impacts with regards to; landscape, trees, ecology and would be of an acceptable design, subject to a number of conditions. It is also considered that no new highway safety, parking, flooding or drainage issues would be created, also subject to conditions. As such, it is considered that the site is environmentally sustainable.

From an economic sustainability perspective, the scheme will create local benefits in the local area during construction, will provide local employment opportunities and shall benefit the existing local shops and facilities.

As such, it is considered that the scheme is economically sustainable.

From a social perspective, subject to conditions relating to obscure glazing, noise mitigation and measures to protect against noise and air pollution during construction, it is not considered that the proposal would create any significant amenity concerns. A significant social benefit would be the financial contribution to off-site affordable housing.

The site lies within the town, within walking distance to all its public facilities.

As such, it is considered that the scheme is socially sustainable.

As such, it is considered that the development would be sustainable and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to S106 to secure affordable housing contributions and conditions

PROPOSAL

Full planning permission is sought for the demolition of the detached commercial premises on site and the erection of a detached 'T-shaped', 3 -storey retirement block, accommodating 39 'retirement' units.

At its maximum points, the dwelling proposed block would measure approximately 39.8 metres in depth, 43.7 metres in width and 12.4 metres in height.

Revised plans have been submitted as concerns regarding the design of the scheme were raised by the Council's Heritage Officer as the site lies adjacent to the Sandbach Conservation Area.

SITE DESCRIPTION

This application site relates to two, two-and-a-half storey commercial premises located on the southern side of Middlewich Road, Sandbach within the Sandbach Settlement Boundary.

The two premises back onto Middlewich Road and front onto a private car park to the rear of the site which is accessed via an established access point from the Ashfield's Medical Centre car park.

RELEVANT HISTORY

05/0283/ADV - Projecting sign and applied signage to front and rear elevations – Part Approved/Part Refused 15th June 2005

04/0211/ADV – Office sign – Part Approved / Part Refused 6th December 2004

37423/9 – Office sign – Approved 12th July 2004

35805/3 - Construction of 2no. Two storey office buildings and associated car parking – Approved 10th June 2003

35367/3 - Construction of 2no. Two storey office buildings and associated car parking – Approved 17th February 2003

33844/3 - Erection of 40 category ii (29 1-bed & 11 2-bed) sheltered flats for the elderly, house manager's accommodation, landscaping & car parking – Refused 25th March 2002

32478/1 - Food retail store gross internal sales area approx 1000 square metres (gross external area 1340 square metres); non-food & retail/leisure building (gross external area 500 square metres); ground floor non-food retail units with offices/storage above; prim – Approved 22nd December 2000

31822/1 - Mixed uses; new residential housing; apartments; offices; retail (food and non food); fast food; business starter units; medical centre and therapy centre; car parking and public courtyard and substation – Withdrawn 4th January 2001

29514/9 – Signs – Approved 13th March 1998

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 14 - Presumption in favour of sustainable development
- 47-50 - Wide choice of quality homes
- 56-68 - Requiring good design
- 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005.

The relevant Saved Policies are:

PS4 – Towns, E10 – Re-use or Redevelopment of Existing Employment Sites, GR1 - General Criteria for Development, GR2 & GR3 – Design, GR4 – Landscaping, GR6 - Amenity and Health, GR9 - Highways & Parking, GR18 – Traffic Generation, GR19 – Infrastructure, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, H1 & H2 - Provision of New Housing Development, H4 - Housing Development in Towns, H13 – Affordable and Low-cost Housing, NR1 – Trees and Woodlands and NR2 – Wildlife and Nature Conservation

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:

PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, EG3 – Existing and Allocated Employment Sites, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 – Design, SE2 – Efficient Use of Land, SE3 – Geodiversity and Biodiversity, SE4 – The Landscape, SE5 – Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE7 – The Historic Environment, SE8 – Renewable and Low Carbon Energy, SE9 – Energy Efficient Development, SE13 – Flood Risk and Water Management, SC4 – Residential Mix, SC5 – Affordable Homes, CO1 – Sustainable Travel and Transport and CO4 – Travel Plans and Transport Assessments.

CONSULTATIONS

Strategic Highways Manager – No objections, subject to a number of conditions

Environmental Protection – Object to the proposal due to insufficient information being submitted in relation to noise mitigation for the future occupiers of the proposed development.

Notwithstanding the above, the following conditions are proposed; Hours of piling, the prior submission of a piling method statement, the prior submission of an Environmental Management Plan; the prior submission of a Green Travel Plan; the prior submission of a dust mitigation scheme; a restriction that the building shall not be occupied until a Clean Cover System in the landscaped area has been implemented and completed.

In addition, informatives relating to hours of construction and contaminated land are proposed.

United Utilities – No objections, subject to the inclusion of a number of conditions including; the prior submission of a foul drainage plan and the prior submission of a surface water drainage plan.

Informatives relating to the connection to water and drainage has also been proposed.

Housing (Cheshire East Council) – No objections, subject to the financial contributions being secured via a S106.

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

Sandbach Town Council – No objections, subject to confirmation that access via Ashfield's Medical Centre car park is deemed to be suitable.

OTHER REPRESENTATIONS

A Letters of objection has been received from neighbouring property. The main areas of concern raised include;

- Amenity – Loss of privacy, overlooking, noise

7 letters of support of the proposal has also been received.

APPRAISAL

The key issues are:

- Principle of the development
- Housing Land Supply
- The acceptability of the design
- The impact upon neighbouring amenity
- The impact upon highway safety
- Affordable housing provision
- Open Space

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

As the principle of development within the Settlement Zone Line is deemed to be acceptable.

Housing Development in Towns

Policy H4 of the Local Plan advises that proposals for new residential development in towns will be permitted where the following criteria are satisfied; the proposal does not utilise a site which is allocated for any other purpose in the Local Plan; the proposal complies with Policies GR2 and GR3; the proposal accords with other relevant local plan policies and would not detrimentally impact the council's housing land supply totals.

In response to this policy, the application site is not allocated for any other use and would be located in a sustainable location.

On site at present there are 2 commercial units with a large private car park to the rear. It is not considered that the replacement of these units with residential units would have any significant additional impact upon local infrastructure than the existing use.

Policy H4 also states that when considering planning applications, the borough will also have regard to a number of criteria including; the availability of previously developed sites; the sustainability of the location with regards to access to jobs, shops and services; the capacity of the local infrastructure and any environmental and physical constraints.

In response, the application site would effectively represent a previously development site once the existing businesses on site are demolished.

As the site lies within the Sandbach Settlement Zone Line, it is within close proximity to jobs, shops and services.

As advised, it is not considered that the proposal would have a detrimental impact upon the local infrastructure compared with the existing use.

There are no specific environmental or physical constraints on the development.

As such, subject to the development adhering with all other below local plan policies, the development is deemed to adhere with Policy H4 of the Local Plan.

The relevant policies within the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF largely support the Local Plan policies that apply in this instance.

Furthermore, paragraph 50 of the NPPF states that planning should help to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In order to achieve this, para.50 states that planning should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

It is considered that the proposed development meets these criteria.

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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

The NPPF determines that sustainable development includes three dimensions:- 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;

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

Environmental role

Landscape Impact

The development should have no landscape impact given that the site relates to an existing developed site within the Sandbach Settlement Zone Line.

Trees and Landscaping

The application is supported by a topographical survey, tree constraints plan, tree survey and landscape proposals.

The site is currently occupied by offices and associated car parking. There is some existing landscape treatment to the boundaries.

There are some higher value trees off site however, the Council's Tree and Landscape Officer has advised that she does not view the trees within the site as a significant constraint to development.

The Council's Officer has advised that the landscape scheme forms part of the application and is considered reasonable. In the event of approval an implementation condition would be appropriate.

Since the receipt of these comments, a revised scheme has been produced. As such, should the application be approved, it is recommended that a revised landscaping scheme be submitted for prior approval.

Ecology

The application is supported by an extended phase 1 habitat survey.

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

Design

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

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The proposal is for the erection of a 3 storey 'T-shaped' retirement accommodation building. At its maximum points, the dwelling proposed block would measure approximately 39.8 metres in depth, 43.7 metres in width and 12.4 metres in height.

The unit would be positioned approximately 2.4 metres from Middlewich Road to the north, 2.5 metres from the eastern boundary, 1.8 metres from the western boundary and 11.4 metres from the rear boundary of the site to the south.

As such, the development would largely be to the front of the site fronting Middlewich Road.

The original submission sought the development to be inset from the highway by just 0.9 metres. This was negotiated with the applicant to be further away to reduce its overbearing impact upon the streetscene due to its scale in comparison to the closest adjacent properties.

With regards to its projection to the rear, this would not extend any further than other built form either side of the application site.

As such, it is considered that the revised general layout of the proposal would not appear incongruous in the streetscene.

An existing vehicular access would be utilised from the rear of the site where parking spaces for 25 cars are proposed.

Policy GR2 of the Local Plan advises that proposals should be '*sympathetic to the character, appearance and form of the site and the surrounding area in terms of; The height, scale, form and grouping of the building(s).*'

The Council's Heritage / Urban Design Officer originally advised that he had a number of issues with the design scheme. Following a series of negotiations, a design has been settled on which overcomes the majority of these concerns, the others which can be addressed via the use of conditions.

A detached, 3-storey T-shaped block is proposed.

Currently on site are 2 detached, 2 ½ storey, rectangular shaped commercial properties which comprise of open brick finishes. Not far from the site are larger units such as the Ashfield's Primary Care Trust building and the Aldi Supermarket to the east and the Westfield's Office building to the north-west. As such, it is not considered that the form and scale (with regards to footprint) of a detached larger building would appear incongruous in this part of Sandbach.

The main body of the unit sought would be 3-stories in height measuring approximately 11 metres. The existing commercial units on this plot, are 2 ½ storeys tall. As such, the new unit would be taller than the existing units. However, as the unit would be inset from the highway by

approximately 2.4 metres, it is considered that this increase in height would not appear incongruous in comparison to the existing buildings.

The frontage would consist of a 3-storey, gable-fronted projecting focal point with a flat-roofed canopy at ground-floor level. The rest of the frontage would be staggered with regards to its building line and include windows of various sizes, some of which would include Juliet balconies.

It is advised within the application that the building would comprise of a mixture of exposed facing brickwork and white render, concrete grey roof tiles, white uPVC or grey uPVC windows and either timber or white uPVC doors.

The Heritage / Urban Design Officer's main outstanding concerns can be conditioned to ensure their suitability. This includes the use of uPVC fenestration instead of powder coated aluminium or timber fenestration which is not considered to be appropriate with regards to the sites proximity to the Conservation Area.

The other design related conditions sought include; the prior submission of material details, prior submission of window details, prior submission of material and finish of front entrance canopy, prior submission of cladding material and finish where proposed, prior submission of detailed balcony designs, prior submission of soffit, barge board and rainwater good details and the prior submission of a revised landscaping scheme.

Subject to these conditions, it is considered that the appearance of the building would be acceptable.

As such, subject to a number of conditions to secure the remaining outstanding design issues, it is considered that the proposal would be of an acceptable design and adhere with Policy GR2 of the Local Plan.

Highways

The application proposes to utilise an existing access to the site, to the rear of the plot, via the public car park to the east, which links into Middlewich Road adjacent to Ashfields Primary Care Trust.

25 car parking spaces are proposed to the rear of the site. Furthermore, an adjacent, free public car park could be utilised for overspill.

The Strategic Highways Manager has reviewed the submitted information and advised that the proposed use of the site is unlikely to result in different vehicle access requirements than the extant use and the proposed continuation in such a manner would therefore be acceptable. It is advised that the proposed parking provision would be appropriate. In terms of the off-site impact of the scheme, the submitted Transport Statement details that the existing use (when in operation), could be expected to generate over 200 two-way vehicle movements a day, whereas the proposal would generate around 78 two-way vehicle movements per day. In light of this evidence, no objections in relation to increased traffic volumes are raised.

The strategic Highways Manager has advised that should the application be approved, a number of conditions should be added to the decision notice. These include; No development shall be occupied until the proposed car parking has been marked out and made available for use; that the site access should be constructed in accordance with the approved plan prior to the first occupation of the dwellings and details of the proposed hard standing and lighting should be submitted to and approved in writing by the LPA.

Subject to the above conditions, the SHM raises no objections. As such, subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Flood Risk and Drainage

The application site does not fall within a Flood Zone.

United Utilities have also reviewed the application and advised that they have no objections to the proposed development subject to a number of conditions. These include; the prior submission of a foul drainage scheme and the prior submission of a surface water drainage scheme.

As such, subject to the implementation of these conditions, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would also be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

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.

The closest neighbouring residential properties to the application site include; No's 46 and 46a Middlewich Road to the east of the site, No's 65, 65a and No.63 Middlewich Road on the opposite side of Middlewich Road and No's 64, 66 and 68 Sunnymill Drive to the rear of the site.

No.46 and 46a Middlewich Road would be the closest neighbouring dwelling to the proposal. The side elevation of this property would be approximately 6.8 metres away from the side elevation of the proposed unit.

Within the relevant side elevation of the proposed building, parallel to the side elevation of this neighbouring property, a number of windows are proposed. The proposed floor plans show that the 3 windows sought (over 3 floors) within the closest gable elevation serve as secondary lounge windows. Within the inset between this gable and the next gable, 3 windows are sought over 3 floors which serve hallways. Within the second gable-fronted side elevation overlooking the private rear amenity space of No's 46 and 46a Middlewich Road, 3 windows to galley kitchens (over 3 floors) and 3 secondary lounge windows are proposed. In order to prevent a loss of privacy or overlooking, should the application be approved, it is recommended that the 6 first-floor and second floor windows closest to the side elevation of No's 46 and 46A Middlewich Road, should be conditioned with an obscure glazing requirement.

In terms of loss of light and visual intrusion, given that the proposed development would not be significantly taller than the existing buildings on site, and positioned in a similar location with regards to their distance from this neighbouring property, in conjunction with the fact that none of the windows within the side elevation of these neighbouring properties serve as sole windows to principal habitable rooms, it is not considered the development would create any unreasonable loss of light or visual intrusion concerns to this side upon the existing situation.

The principal elevation of the closest residential properties on the opposite side of Middlewich Road to the application unit are approximately 18.8 metres away. Although this falls short of the 21 metre standard, it is a separation distance not uncommon between such elevations on this section of Middlewich Road. It is also considered to be far enough away so not to create any significant loss of privacy, light or visual intrusion concerns.

The side elevation of No.66 Sunnymill Drive, the closest neighbouring property to the rear of the site would be approximately 14.6 metres away from the rear elevation of the proposed unit and sufficiently offset which will ensure that there would be no issues with regards to loss of privacy, light or visual intrusion.

In terms of overlooking concern for the garden, given the tall boundary treatment and mature, tall shrubbery and trees on this boundary to this side of the site, it is not considered that any significant overlooking concerns would be created.

With regards to environmental disturbance, the Council's Environmental Protection Team have advised that insufficient information has been provided to assess the impact of road noise upon the future occupiers of the dwellings. Notwithstanding this concern, this department have advised that should the application be approved, a number of conditions should be added to any decision. These include; the prior submission of a piling method statement, a restriction over the hours of piling, the prior submission of an environmental management plan, the prior submission of a travel plan, the prior submission of a dust mitigation scheme, the prior implementation of a clean

cover system in the landscape areas of the site prior to occupation and informatives relating to hours of construction and contaminated land.

It is considered that a condition requiring the prior submission of a noise mitigation scheme be used to overcome the concerns of the Environmental Protection Team in addition to the other suggested conditions in order to overcome any environmental issues with the scheme.

As such, subject to the addition of the above conditions, in conjunction with the obscure glazing requirements, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Affordable Housing

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

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The Council's Housing Officer has advised that there is an identified housing need in Sandbach. The site falls within the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identified a net need for 94 affordable dwellings per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18x 1bd, 33x 2bd, 18x 3bd and 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation. Information taken from Cheshire Homechoice shows that there are currently 336 applicants who have selected one of the Sandbach lettings areas as their first choice, these applicants require 180x 1bd, 111x 2bd, 40x 3bd and 5x 4+bd units.

As a rule, the Council would prefer to see affordable housing provided on-site, however there may be circumstances where on-site provision would not be practicable or desirable. In this instance, the applicant proposes a financial contribution instead of on-site provision.

A viability appraisal was submitted and has been independently examined. After negotiation, the applicant has committed to provide £140,000 towards off-site affordable housing. The Council's Housing Officer is satisfied with this contribution subject to the monies being secured via a S106 Agreement and triggered as proposed.

Open Space

The scheme proposes the inclusion of a shared landscaped garden to the rear of the site. No open space provision is proposed and the Council's Greenspaces team have not provided any comments at the time of report.

Levy (CIL) Regulations

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

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

The development would result in an affordable housing requirement given the number of residential units sought. It has been negotiated and agreed that a financial contribution towards off-site affordable housing of £140,000 shall be provided by the development. This is considered to be necessary, fair and reasonable in relation to the development.

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

Planning Balance

The site is designated as being within the Settlement Zone Line of Sandbach where there is a presumption in favour of residential development so long that that the site is not utilised for any other purpose in the Local Plan and provided that the development it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

The NPPF supports the erection of new dwellings, but places emphasis on the sustainability of the site.

From an environmental sustainability perspective, the scheme will not create any impacts with regards to; landscape, trees, ecology and would be of an acceptable design, subject to a number of conditions. It is also considered that no new highway safety, parking, flooding or drainage issues would be created, also subject to conditions. As such, it is considered that the site is environmentally sustainable.

From an economic sustainability perspective, the scheme will create local benefits in the local area during construction, will provide local employment opportunities and shall benefit the existing local shops and facilities. As such, it is considered that the scheme is economically sustainable.

From a social perspective, subject to conditions relating to obscure glazing, noise mitigation and measures to protect against noise and air pollution during construction, it is not considered that the proposal would create any significant amenity concerns. The scheme does not provide onsite affordable housing, but taking into account the nature of the proposal, viability and off-site contributions in lieu of provision on site this does not weigh significantly against the development.. The site lies within the town, within walking distance to all its public facilities. As such, it is considered that the scheme is socially sustainable.

The proposal is in line with objectives set out in the NPPF and will contribute to the much needed supply of housing in a sustainable form. The scheme contributes to meeting a particular specialist type of housing for which there is a need.

As such, it is considered that the development would be sustainable and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure

1. £140,000 towards the provision of off-site affordable housing

And conditions;

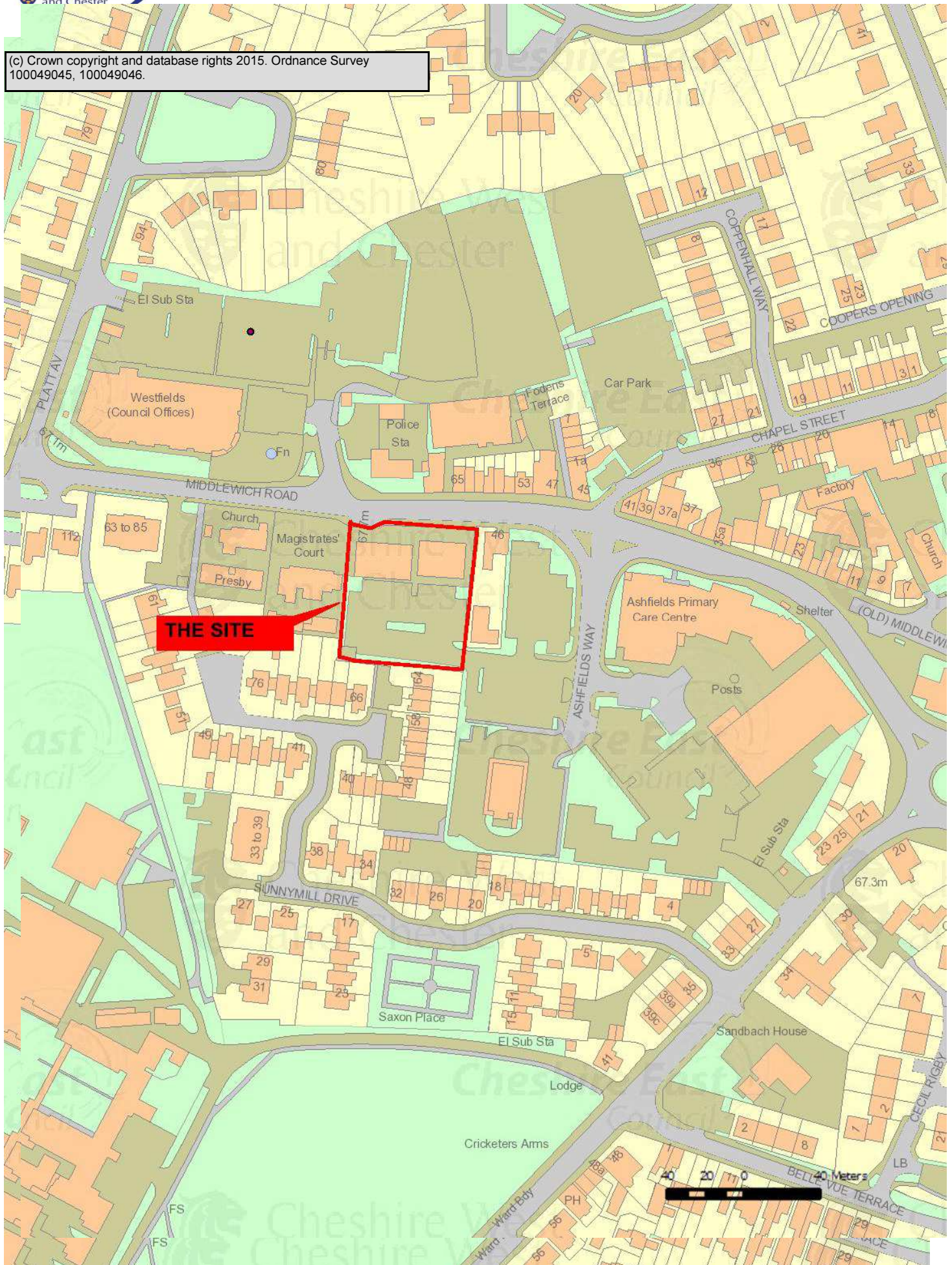
1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing materials
4. Prior submission of window details
5. Fenestration not uPVC unless otherwise agreed in writing with the LPA
6. Prior submission of facing and roofing materials of front entrance canopy
7. Prior submission of external cladding details
8. Prior submission of balcony details (Juliet and Supported)
9. Prior submission of soffit, barge board and rainwater goods details
10. Prior submission of a noise mitigation scheme
11. Hours of piling
12. Prior submission of a piling method statement
13. Prior submission of an Environmental Management Plan
14. Prior submission of a Green Travel Plan
15. Prior submission of a dust mitigation scheme
16. Building shall not be occupied until a Clean Cover System in the landscaped area has been implemented and completed.
17. Obscure glazing (east elevation – First and ground floor windows to hallway and secondary lounges within closest section of elevation)
18. No occupied until the proposed car parking has been marked out and made available for use.
19. Prior to the first occupation of the dwellings and details of the proposed hard standing and lighting should be submitted to and approved in writing by the LPA.
20. Prior submission of a foul drainage plan
21. Prior submission of a surface water drainage plan.
22. Landscaping (Details)
23. Landscaping (Implementation)
24. Prior submission of boundary treatment

Informatives:

1. NPPF
2. Hours of construction
3. Contaminated Land

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.

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Application No: 14/5285C

Location: FORMER MAGISTRATES COURT, MIDDLEWICH ROAD, SANDBACH, CW11 1HU

Proposal: Demolition of existing building and erection of three storey accommodation comprising 15 supported living apartments (Use Class C3) with associated parking and open space.

Applicant: HB Community Solutions Living Ltd

Expiry Date: 19-Feb-2015

SUMMARY:

The development site lies within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the building are considered to be acceptable.

The impact on residential amenity, trees, protected species and highway safety is acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This application proposes the demolition of the existing building and the erection of a three storey residential building to provide 15 supported living apartments, with ancillary staff area and associated open space and car parking. The apartments would be designed to accommodate vulnerable adults with learning and physical disabilities and would enable them to live independently with support in their daily lives. The building would be sited on a similar footprint to the existing buildings on the site.

SITE DESCRIPTION

The application site comprises the former Magistrates Court building, associated car park and rear garages, situated on the southern side of Middlewich Road, opposite the access to Council offices (Westfields).

The site is designated as being within the settlement zone line and town centre of Sandbach. The surrounding development consists of a mixture of residential, commercial and community facilities.

RELEVANT HISTORY

14/2614C Withdrawn application for the demolition of the existing building and the erection of an A1 retail unit

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraphs 17.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Alsager.

The relevant Saved Policies are: -

PS4 Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands

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
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Other Considerations:

SPD14 Trees and Development
BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations
The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSULTATIONS:

Highways:

No objection subject to conditions.

Environmental Protection:

No objection subject to conditions/informatives relating to noise and disturbance.

Flood Risk Manager:

No objections.

Sandbach Town Council:

No objections.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice was posted outside the site.

At the time of report writing there have been no objections to the proposal.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The National Planning Policy Framework states the following:

*“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** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*

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

The site is designated as being within Settlement Zone Line of Sandbach and as such 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.

This proposal is for the demolition of the existing building and the erection of a three storey building to accommodate 15 supported living apartments for adults with learning and physical disabilities, which is appropriate development within the settlement zone line of the town.

The proposal is therefore considered to be acceptable in principle.

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 ROLE

Ecology

The application is accompanied by a Bat Survey which has been assessed by the Council's ecologist and he advises that roosting bats are unlikely to be present or affected by the proposed development.

Trees

An Arboricultural Impact Assessment has been submitted with the application which addresses issues relating to trees on the site. Two self seeded saplings and one semi-mature Holly tree would be removed to accommodate the development. These are not considered to have any great amenity value and their removal would have no significant impact on the character of the site or the street scene. No other trees would be removed as a part of the development and a condition should be imposed requiring retention and protection of the trees in accordance with the specifications in the submitted Arboricultural Impact Assessment.

Layout and Scale

The proposal is for a three storey apartment block to replace the existing building, which is neither locally or nationally listed as such it would not be reasonable to require its retention without a significant justification.

The proposed building would be of three storeys, which is not unusual on this part of Middlewich Road. It would be sited to the rear of the plot in a similar position to the existing building, meaning it would be set back from the neighbouring St Winefrides Church, which is a small attractive building to the east of the site. Whilst the new building would be slightly more imposing than that on the site currently, it is not considered that this would be out of character with the mixture of building styles on this section of Middlewich Road. In addition, the size of the building is led by the nature of the accommodation as it will need to be able to accommodate the specialist equipment required by the residents.

Given the nature of the surrounding development and the fact that the site is within the settlement zone line of Sandbach, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

As stated previously the building would have three storeys. There would be a central gable feature in the centre of the front elevation that would be finished in render with brick finishes to the elevations either side. The rear elevation would have a brick finish and symmetrical fenestration which would be similar to other buildings in the locality. This is considered to be acceptable in design terms

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 (Design) of the adopted local plan.

Highways

The site would be accessed from the existing vehicular access and 15 parking spaces provided within the site. The Strategic Highways Manager has no objection to the proposal subject to a condition demonstrating safe and clear tracking movements and visibility splays. This is considered to be reasonable and necessary and subject to this condition, the proposal is considered to be in accordance with Policy GR9 (Highways) of the adopted local plan.

ECONOMIC ROLE

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

The proposal would generate economic benefits by virtue of employment created during construction.

SOCIAL ROLE

Amenity

The properties most affected by the development would be the residential dwellings to the rear of the site. These are relatively new dwellings on Sunnymill Drive. Having regard to these properties, the minimum separation distances would be met. In addition, the applicants have had discussions with the occupiers of the properties to the rear and agreed that a tall boundary fence and screen planting should be provided. This should be controlled by condition.

Environmental Protection has recommended conditions and informatives relating to protection from road noise for future occupiers and noise controls during demolition and construction. These are considered to be necessary and reasonable to protect residential amenity.

The proposal is therefore considered to be in compliance with Policy GR6 (Amenity & Health) of the adopted local plan and acceptable in terms of residential amenity.

Occupation

The proposal will provide accommodation to allow adults with learning and physical disabilities to live in relatively independent conditions. Clearly this would represent socially sustainable development to the benefit of future residents of the apartments and the community as a whole.

Although the proposal is for supported accommodation, the use of the building would be C3, which is general residential as opposed to care home type accommodation. This is necessary to be able to provide assured tenancies for a period of up to 60 years, which is only possible under this use class.

Conclusion – The 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 development site is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction and spending within the construction industry supply chain.

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The impact on protected species and trees is considered to be acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

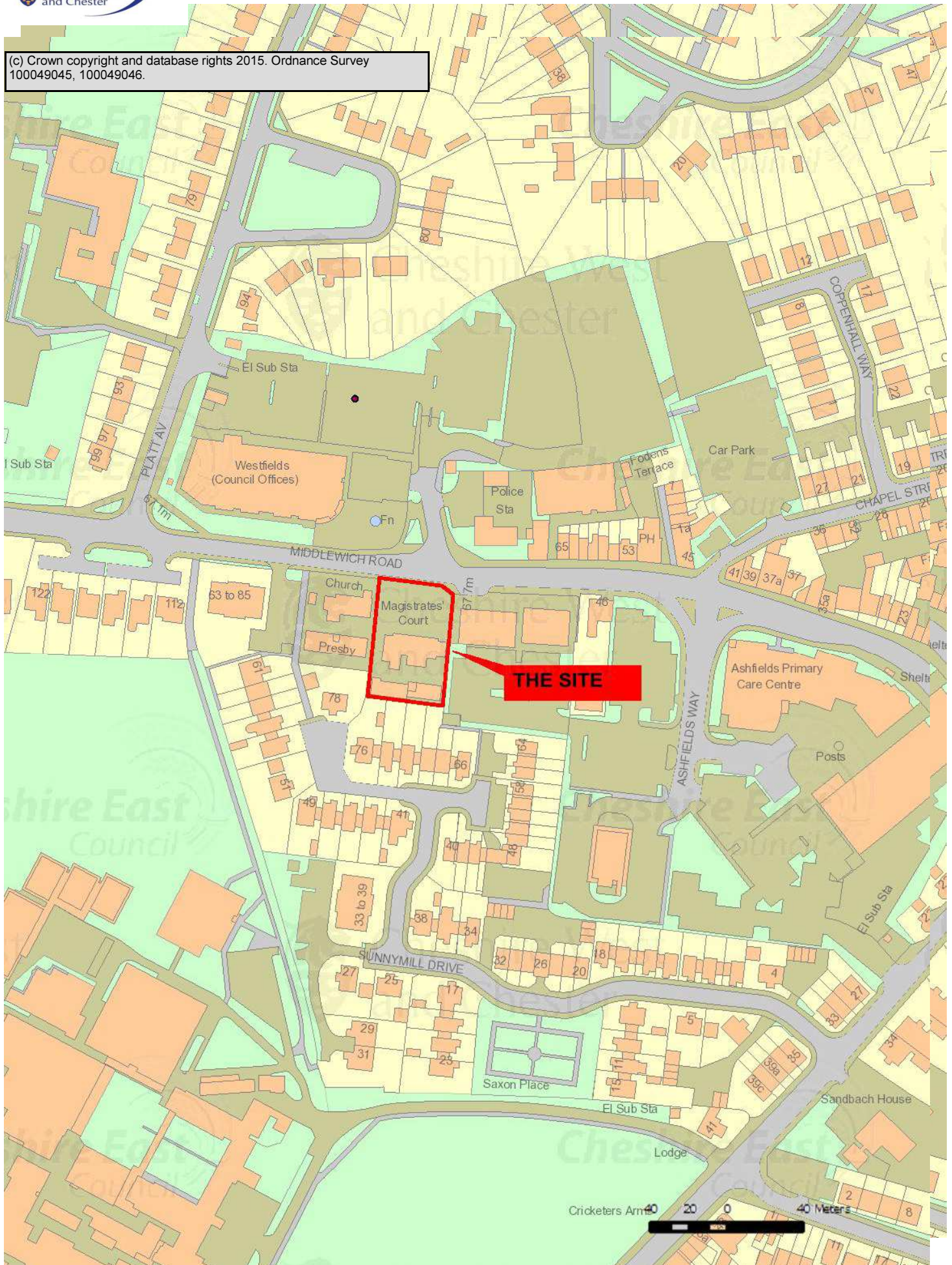
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of landscaping scheme**
- 4. Implementation of landscaping scheme**
- 5. Submission of materials for approval**
- 6. Development to be carried out in accordance with the Arboricultural Impact Statement**
- 7. Submission and implementation of a detailed plan showing tracking movements for two opposed domestic vehicles and visibility splays.**
- 8. Development to be carried out in accordance with the noise mitigation scheme**
- 9. Piling operations only undertaken between 9am and 5.30pm Monday to Friday, 9am to 1pm Saturday, with no piling on Sundays and public holidays**
- 10. Submission of a construction management plan**

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

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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

DEFERRAL:

At the Southern Planning Committee meeting of 17th December 2014, Members resolved to defer this application to consider the affordable housing requirements in line with recently published government guidance. The Written Ministerial Statement by the Department for Local Government and Communities (DCLG) introduces a threshold beneath which affordable housing contributions should not be sought. The purpose of such is to try and reduce the burden on small scale housing developments thereby boosting housing supply where it is needed.

However, in this case, the applicant has indicated that they are willing to provide the necessary affordable housing in line with the Council's Interim Planning Statement: Affordable Housing (Feb 2011). This would comprise of

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

As such, it is recommended that the application proceed in accordance with the recommendations contained within the original committee report as follows:

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 a 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 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.

(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 the 2 affordable units and the financial contribution in lieu of the required affordable housing. However, the precise financial contribution 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

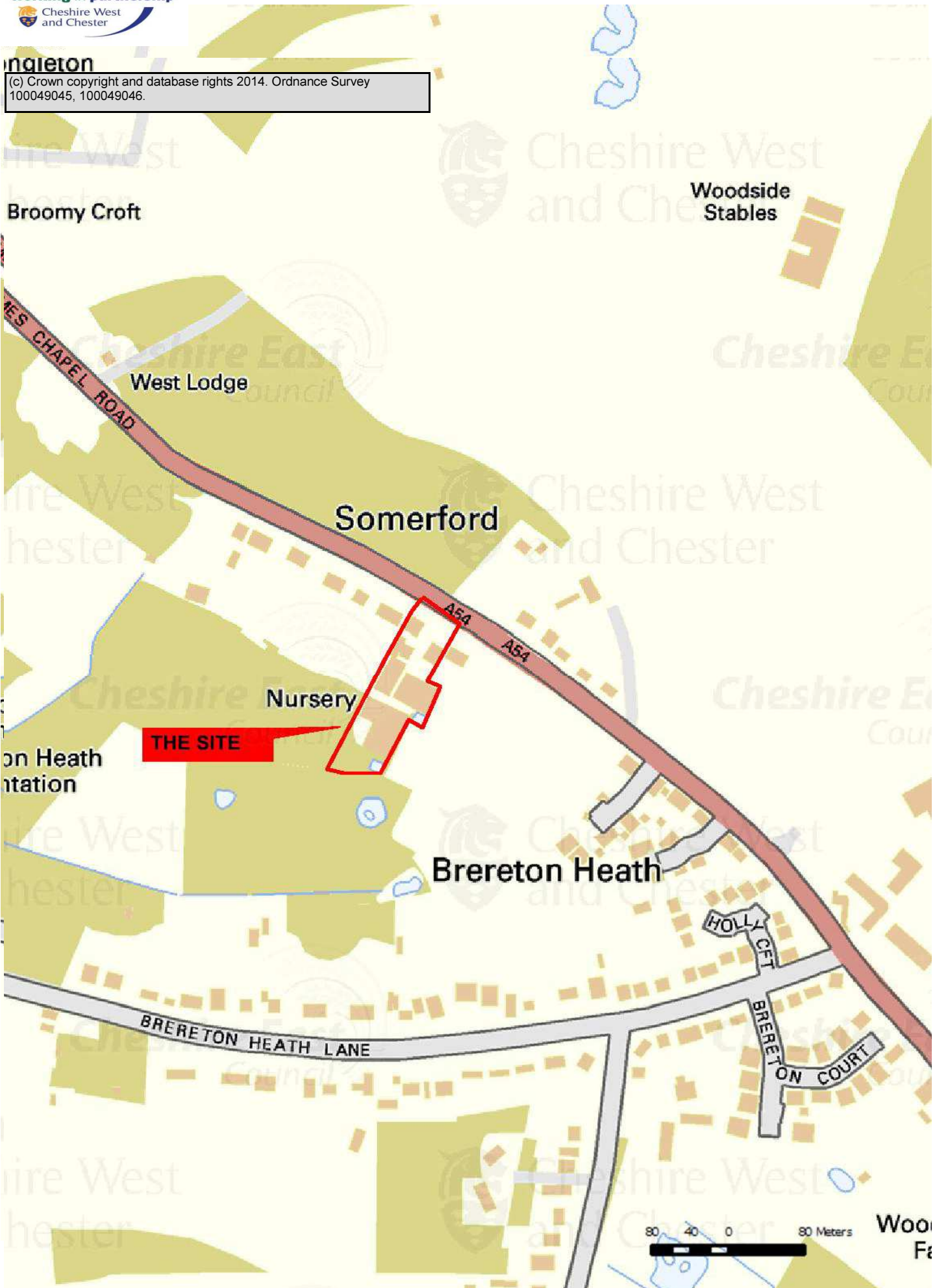
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In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) 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: 14/4780N

Location: LAND ADJACENT, 277, CREWE ROAD, HASLINGTON

Proposal: Outline Planning Permission for Proposed new dwelling to be used in conjunction with existing businesses

Applicant: Goodwin Plastics Ltd

Expiry Date: 01-Jan-2015

CONCLUSION:

The proposal is considered to be acceptable in principle, given the site is located within a small but established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport. It is considered therefore 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.

The development would assist the Council's 5 year housing land supply position and would promote modest economic growth whilst fulfilling the social dimension of sustainability.

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.

Whilst the proposal is made in outline with all matters reserved for future consideration, it is considered that the application site is capable of comfortably accommodating a new dwelling and private amenity space whilst respecting the character and appearance of the locality.

The proposal is also not considered to detrimentally impact on existing levels of highway safety.

SUMMARY RECOMMENDATION:

Approve subject to conditions

PROPOSAL:

The proposal seeks outline planning permission with all matters reserved for a detached dwelling.

SITE DESCRIPTION:

The application site is a portion of greenfield land lying directly adjacent to No 277 Crewe Road in Haslington and within the open countryside. The application states that the site was previously in use for agriculture, of which ended in 2000.

RELEVANT HISTORY:

14/1419N – Erection of one double sided stack advertisement board. Refused 20th May 2014.

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

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

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 SE 1 – Design
Policy SE 2 – Efficient Use of Land
Policy SE 4 - The Landscape
Policy SE 5 - Trees, Hedgerows and Woodland

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highway Authority: 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 I contaminated land report. Compliance condition relating to hours of work is also suggested.

Flood Risk Officer: No objection subject to a condition regarding disposal of surface water.

View of the Parish/Town Council: Object to the proposal based on concerns raised in regards to access into and out of the site, that the proposal would result in a mixture of residential and commercial uses on a prominent site, the location of the site in the open countryside and lack of information submitted with the application.

REPRESENTATIONS:

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

Two representations received objecting to the proposal with main concerns raised based on access into and out of the site.

APPRAISAL:

The key issues are:

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

Principle of Development

The application site is a Greenfield 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

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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.

The application site is located approximately 200m east of the edge of Haslington Settlement Boundary.

Haslington has a range of services and facilities including a primary school, convenience stores, a post office, surgery, dentist and community hall. The services are accessible from the application site via foot or a short bus journey, given the site is located on the main bus route between Crewe and Sandbach. The nearest bus stops are located approximately 200m north east and 450m south west of the site.

Owing to its position on the edge of Haslington, it is acknowledged that the services would not be as near to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and the application site would lie within a small but established cluster of dwellings and within 1km of the settlement centre which is accessible via public transport and by foot.

Furthermore, Crewe is located approximately 4.5km south west of the site whilst Sandbach is located approximately 5km north east. Both settlements have yet a wider range of services and facilities, including train stations, with the bus stops along Crewe Road providing regular services to both settlements.

A recent appeal decision relating to planning application 14/0020N for a similar scheme located approximately 50m north east of the application site concluded that there was no reason to doubt its locational sustainability, given its proximity to services and facilities. Whatsoever, the Inspector considered that the addition of a further dwelling would help to fulfil the social dimension of sustainable development.

Therefore, having regard to the housing land supply, 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.

Character, Appearance and Landscaping

The application is made in outline, therefore design and layout considerations have been reserved for future consideration.

Given the plot size, the site is considered to be capable of accommodating a new dwelling and adequate amenity space without appearing cramped or incongruous in this location.

Existing properties in the immediate area are set back from the main road with front gardens, private driveways and defined boundary treatments, particularly along the road frontage. This should be taken into consideration when designing the layout and landscaping elements of the scheme, ensuring that the property does not appear discordant within the street scene.

The vernacular in the immediate area is loosely defined, with dwellings comprising bungalows and two storey properties and roof scapes comprising pitched and hipped. Material finishes are largely red brick and dark slate roof tiles.

The adjacent property at No 277 is however a bungalow and the scale of the property should take this into account, so as not to appear overdominant in relation to the existing context.

Conditions relating to design and layout are not considered appropriate, given details would be considered under a future reserved matters application.

Residential Amenity

It is considered that a dwelling could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties and providing sufficient private amenity space within the curtilage, as set out in the Authorities SPD on 'Development on Backland and Gardens'.

Detailed boundary treatments would be considered at reserved matters stage.

Should the application be approved conditions securing details and methods of piling operations, a dust suppression scheme, construction hours and contaminated land are considered reasonable to attach to the permission.

Access and Parking

The plot size is considered capable of accommodating sufficient parking provision for a minimum of three vehicles as well as providing adequate turning space in a forward gear.

Should the reserved matters application utilise the existing access currently used by the property at No 277 and the commercial enterprise located to the rear of the site, Highway Authority do not consider that this would significantly intensify the use of the site.

Highway Authority raises no objections.

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.”*

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 “*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 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 small and given the site's location within a small but established cluster of dwellings and its proximity to services and facilities in nearby settlements, 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

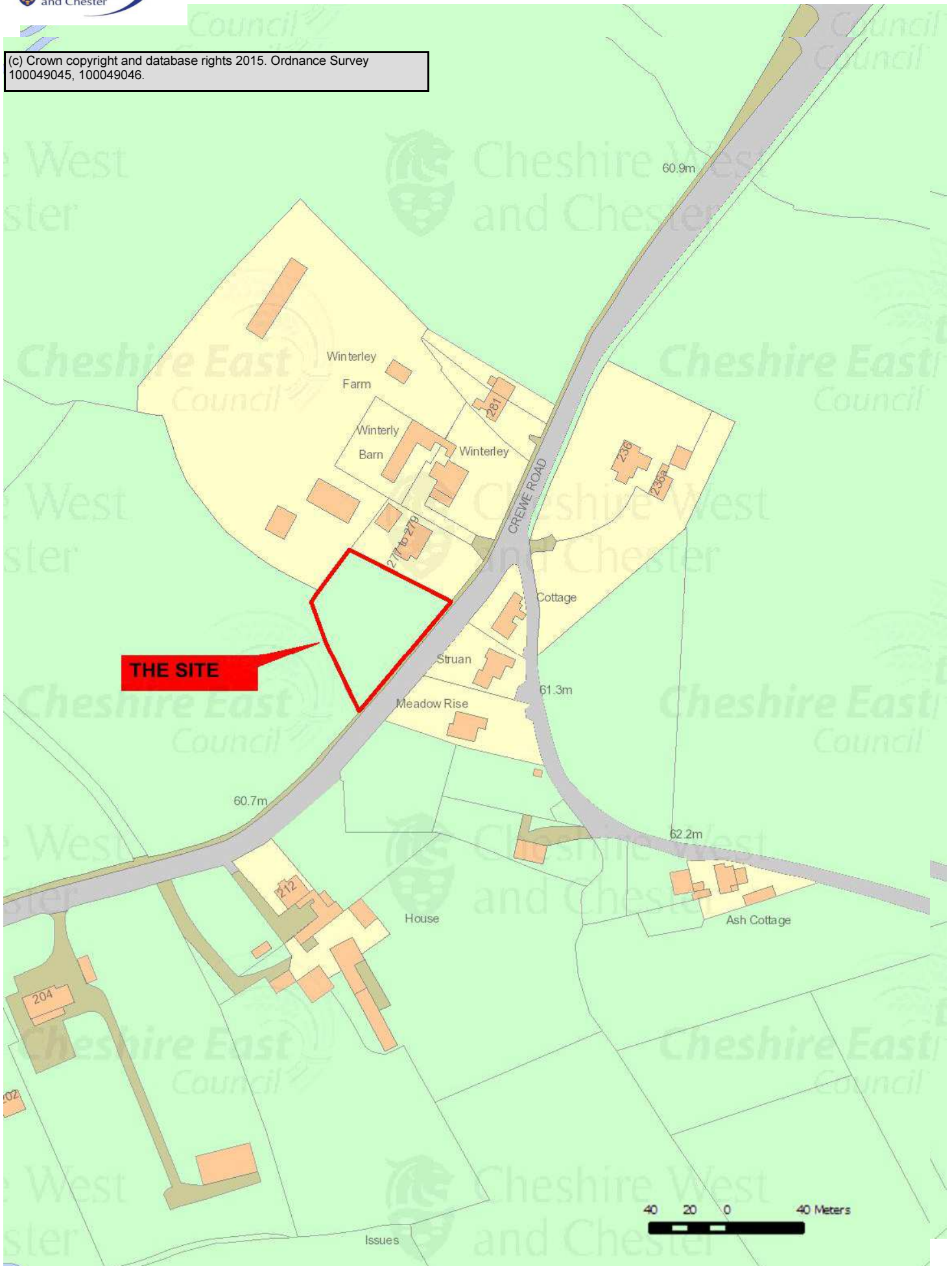
APPROVE subject to the following conditions:

- 1. Submission of Reserved Matters**
- 2. Application for Approval of Reserved Matters**
- 3. Commencement of Development**
- 4. Hours of Construction**
- 5. Submission / Approval and Implementation of Dust Suppression Scheme**
- 6. Submission / Approval and Implementation of Piling Method Statement**
- 7. Submission / Approval and Implementation of Contaminated Land Report**
- 8. Scheme for Disposal of Surface Water**

* * * * *

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.

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Application No: 14/4656M

Location: Manor Park School & Nursery, Manor Park North, Knutsford, Cheshire, WA16 8DB

Proposal: Construction of a new, two storey, five class and library extension together with the associated external works at Manor Park School and Nursery, Knutsford

Applicant: Sarah Greensides, Manor Park School and Nursery

Expiry Date: 28-Nov-2014

SUMMARY

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;
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

The proposed extension and alterations including the revised parking arrangements submitted during the application process are considered to fully comply with the requirements of the NPPF. The extension and works are deemed to create a sustainable development that would be acceptable in design terms, would not have an adverse impact on neighbouring amenity, the existing playing fields, the highway network or existing protected trees on the site.

RECOMMENDATION:

Approve subject to conditions.

CONSULTATION RESPONSES (external to planning)

- Strategic Highways and Transportation Manager: No objection subject to conditions.
- Sports England: No objection.

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council- The Council originally raised concerns that reports from CEC Highways, Sport England and an arboriculturalist had not been provided and that additional parking provision hasn't been made. These issues have all been subsequently addressed.

REPRESENTATIONS

Occupier of 21 Delmar Road objects on the following planning related grounds:

-Sports England were not consulted; a decision should not be made until they have been and we have received comments.

-No travel plan has been submitted

-No lift provided in the extension

-The size of the proposed school classroom extension and associated facilities is not sufficient to cater for the projected increasing population numbers and needs of local children within the catchment area. Further assessment of alternative school sites should have been undertaken and considered.

RELEVANT HISTORY

14/4869M

Retrospective application for the following works undertaken at the School: 1. Installation of a timber stage structure in the woods adjacent to the Northern Boundary 2. Installation of timber post and rail barrier in the wooded area adjacent to the Northern Boundary 3. Installation of a close boarded fence in the wooded area adjacent to the Northern Boundary 4. Conversion of the outdoor swimming pool to a planter area for use by the School 5. Installation of a rectangular timber shelter with polycarbonate roof to the Nursery play 6. Installation of a rectangular timber shelter with polycarbonate roof to the reception play 7. Installation of a profiled metal roofed steel canopy structure to the main school entrance 8. Installation of a secure 2.0m high ppc green weld mesh fence to the north eastern residential boundary 9. Installation of two external doors to the infant wing within the existing curtain walling configuration

APPROVED

15/12/14

POLICY

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Highways)

DC9 (Tree Protection)

DC38 (Guidelines for space, light and privacy for housing development)

H13 (Protecting residential areas)
RT1 (Open Space)

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties, open spaces, highway network and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 -Presumption in Favour of Sustainable Development
SD1 -Sustainable Development in Cheshire East
SD2 -Sustainable Development Principles
SE1 -Design
SE2- Efficient Use of Land
CO1-Sustainable Travel and Transport
SE5- Trees, Hedgerows and woodland

National Planning Policy Guidance

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*”.

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

KEY ISSUES

Principle of Development

The principle of the development is considered to be acceptable, subject to design, open space, amenity, highways, tree issues as examined below.

Whilst the objection from the local resident has been carefully considered, the following is noted:

- Sport England have been consulted during the application process and do not object to the proposed development.
- A full Travel Plan has been submitted during the application process and the Strategic Highways Manager finds it to be acceptable.
- As submitted in the design and access statement, the new teaching extension embodied in this application is designed to be fully DDA compliant at ground level. The provision of mixed teaching rooms on the ground floor in accordance with the 1.5FE intake eliminates the need for a lift as full teaching provision and group space is made for all age groups at ground level. The first floor will be fully accessible to ambulant users. The design also addresses the existing steps in the School through the installation of a platform lift.
- A comprehensive educational justification report has been submitted for the proposed development, which is available to view on the CEC website. Furthermore, it is considered that the issue of school sizes and the legal planning process are separate entities and that the two are required to be considered separately. Whether the extension should be larger to accommodate further expansion in the future is not deemed to be a legitimate consideration by the Council in its capacity as the Local Planning Authority.

Application Site and Context

The application site relates to a primary school and nursery located within a predominantly residential area of Knutsford. The site has a large area of open space to the rear of the main buildings consisting of playing fields and woodland with protected trees lying to the northern boundary of the site.

Proposals

In December 2013 Cheshire East Council carried out a statutory consultation exercise for the proposed expansion of Manor Park School and Nursery, which has a current capacity of 210 pupil places. The proposed increase to 315 places is proposed to deliver sufficient capacity for the school to become a one and half form of entry (45 places per year group) primary school.

The proposals are for the erection of a two storey rear classroom extension to form 5no classrooms and associated rooms including a library. Internal works to the existing nursery are also proposed to accommodate an increase in the intake of two year old children to the nursery as set out in the submitted design and access statement.

Revised plans have been received during the application process upon the request of the Strategic Highways and Transportation Manager, in the form of an amended site plan showing the formation of an additional 5no parking spaces for the additional staff proposed and also the remodeling and relocation of existing parking bay 9 to accommodate servicing and maintenance arrangements. Other ancillary works comprising the erection of fencing and gates/ walls within the site are proposed which would constitute permitted development.

Design

Policy BE1 reflects guidance within the National Planning Policy Framework as it also requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policies DC1 and DC2 seek to ensure that proposals respect existing architectural features of the building and that they are sympathetic to the character of the local environment, streetscene and adjoining building.

The design of the proposed extension and other works proposed are considered to be of appropriate scale, siting and design to be in keeping with the context and character of the site and surroundings. The development accords with all design objectives. Details of the materials have been submitted and are considered to be suitable.

Amenity

The extension would be 33m away from the frontage of the nearest properties. Overall a commensurate degree of space, light and privacy would remain to the neighbouring properties due to the distances involved and the development would comply with policies DC3, DC38.

Open Space

Sport England have been consulted and do not object to the development, stating:

Although the classroom extension encroaches onto the playing field, it is minimal and on an area that can be considered marginal land. Sport England has no objection as the proposal meets the following exception to Sport England policy:

Policy Exception E3:

'The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site'.

Furthermore, local plan policy RT1 states that the redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Additional educational buildings may be permitted provided that the integrity of the open spaces is not harmed.

The Greenspace Officer also raises no objections.

Overall the development would not harm the integrity of the existing open space within the site available for recreation nor any existing playing fields. The developments accord with local plan policy RT1 and the NPPF.

Highways

The comments from the Town Council and objector have been considered, however the Strategic Highways and Transportation Manager raises no objections to the revised plans. Whilst the proposed development would result in an increase in traffic generation around the

site, the proposed Travel Plan and additional parking spaces are considered to constitute sufficient mitigation in terms parking and highway safety and management.

Overall the development accords with policy DC6 subject to conditions.

Trees

The Council's officer for arboriculture raises no objections to the proposals, stating:

The application is not supported by an Arboricultural Report despite being advised as part of Pre application discussions. Notwithstanding this the proposals will not impact upon the TPO woodland to the north of the school. It is proposed to site a Contractor route adjacent to the protected woodland (shown on plan drawing 1412 AL-0-010), which appears to show the route to the edge and beyond the canopy spreads of adjacent trees. I am reasonably satisfied that the position of the contractor route can be satisfactorily addressed by a suitably worded condition.

The proposed extensions will require the removal of four trees within the school grounds (their species, condition and contribution to amenity have not been specifically addressed in the submission). Given the trees location to the rear of the existing school building, their contribution to the wider amenity of the area is somewhat limited and therefore their loss can be satisfactorily be mitigated by replacement planting as part of an approved landscaping scheme.

Subject to conditions, the development would accord with policy DC9.

CONCLUSION AND REASONS FOR DECISION

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

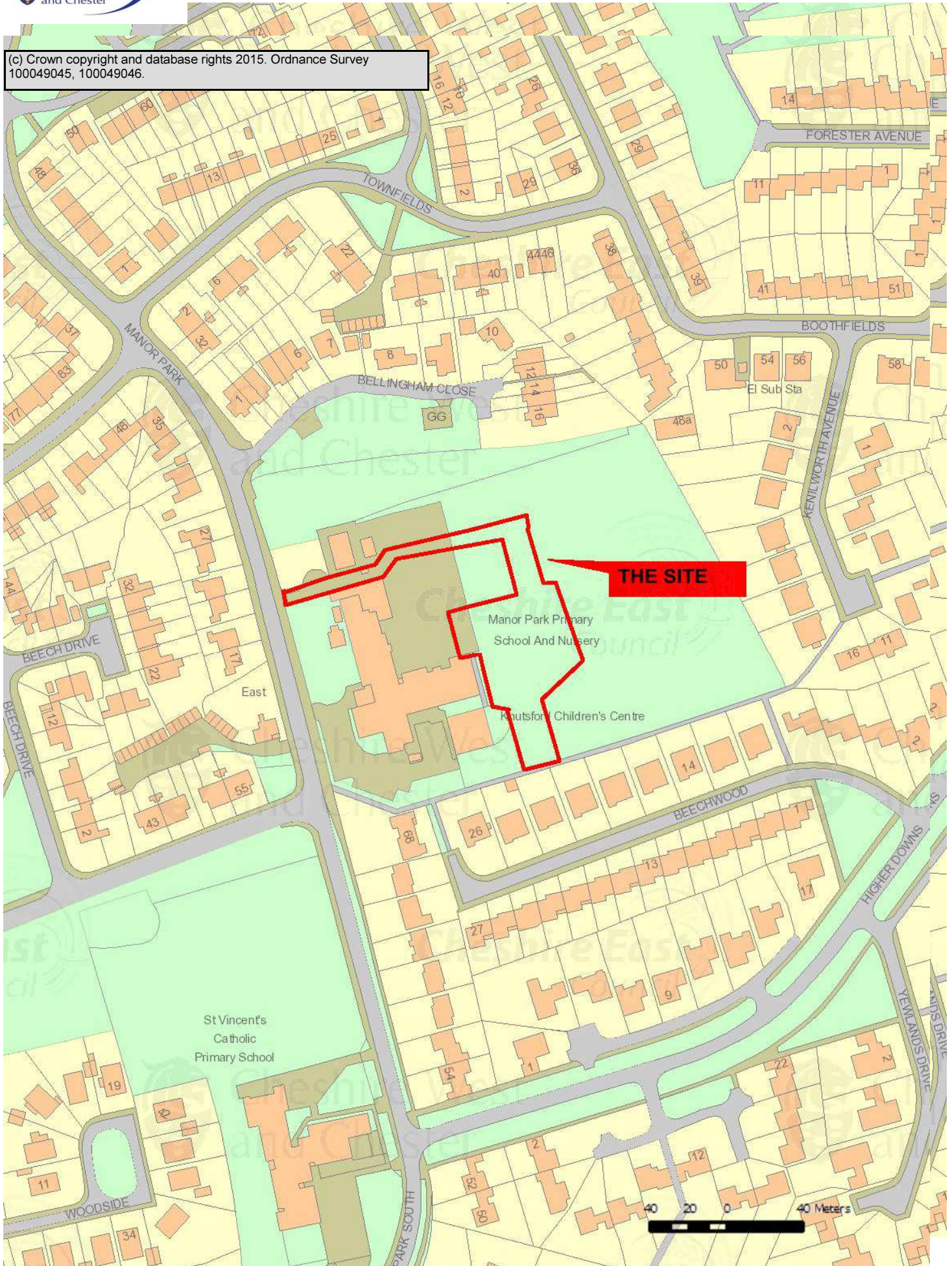
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- | | |
|----------|---|
| 1. A01LS | - Landscaping - submission of details |
| 2. A01TR | - Tree retention |
| 3. A02TR | - Tree protection |
| 4. A03AP | - Development in accord with revised plans (unnumbered) |
| 5. A03FP | - Commencement of development (3 years) |

- 6. A03TR - Construction specification/method statement
- 7. A04LS - Landscaping (implementation)
- 8. A06EX - Materials as application
- 9. A23GR - Pile Driving
- 10.A32HA - Construction method statement
- 11.Travel Plan
- 12.Hours
- 13.Parking
- 14.Informative

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Application No: 14/5754C

Location: Land to the east of London Road, Holmes Chapel (colloquially known as 'the former Fisons site)

Proposal: Variation of condition 23 (hours) attached to planning permission 13/3294C. Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping.

Applicant: C/O Agent, Bluemantle Ltd and Sainsbury's Supermark

Expiry Date: 23-Mar-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 13/3294C.

The variation of condition no. 23 to relating to hours of deliveries is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the locality.

APPROVE subject to conditions as varied by this application and a formal deed of variation to secure the same Heads of Terms as application 13/3294C

PROPOSAL:

This application seeks to amend the hours for deliveries detailed in condition no. 23 of planning ref; 13/3294C, which granted full planning permission for the 'demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping' at the former Fison's site in Holmes Chapel.

Condition no. 23 stated that:

"The foodstore hereby approved shall not open to the general public nor shall any deliveries be made before 07:00 nor after 23:00 hours Mondays to Saturdays and not before 08:00 hours nor after 18:00 on a Sunday or Public Holiday."

This application seeks the following wording for condition no. 23:

“The foodstore hereby approved shall not open to the general public before 07:00 nor after 23:00 hours Mondays to Saturdays and not before 08:00 hours nor after 18:00 on a Sunday. Deliveries to the foodstore shall not take place outside the hours of 06:00 to 23:00 throughout the week and at weekends.”

SITE DESCRIPTION:

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road, the Manchester to Crewe railway line to the northwest and the remaining part of the former Fisons site to the east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and accommodates an attractive Art Deco building which fronts London Road. The site is partly elevated compared to the levels at London Road but the topography of the site is generally flat. Many of the buildings towards the rear of the Art Deco building have now been removed and development has begun on implementing the residential scheme further to the east of the site approved under planning refs; 11/1682C and 12/2217C.

RELEVANT HISTORY:

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 09-Dec-2011

13/1908C - Prior Notification for the Demolition of two structurally independent wings to the rear elevation of the main building - Refused 13-Jun-2011

13/3291C - The buildings to be demolished include two structurally independent warehouse wings to the rear elevation of the main office building (not to be demolished). In addition the modern structurally independent office wing (identified on the accompanying plan) will also be demolished – Approved 28-Aug-2013

13/3294C - Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping – Approved 29-Aug-2014

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 22, 26, 27, 135 and 206

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS5 –Villages

GR1 - New Development

GR6 - Amenity and Health

GR7 - Amenity and Health

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD2 Sustainable development principles

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection: No objection

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL:

No objection

REPRESENTATIONS:

Letters have been received from 3 addresses, 2 in support of the proposal and 1 objecting to it. The grounds for objecting are as follows:

- No need for another supermarket in Holmes Chapel
- Store will threaten jobs and viability of other stores
- Traffic generation

APPRAISAL:

Principle of Development

Considerations relating to the suitability of the site for use as a Class A1 foodstore and petrol filling station have already been accepted and the proposed amendment does not raise issues relating to

retail policies, design, highways, parking, traffic generation or other relevant material planning considerations except for amenity. The main issue to consider as a result of the proposed change in hours of deliveries is the potential impact on any neighbouring properties.

Impact on Residential Amenity

The proposed variation to condition no. 23 would allow deliveries to be made to the store between the hours of 06.00 to 23.00 on weekdays and at weekends. The hours of opening would remain as originally conditioned.

There are residential properties in the vicinity, mainly those on the opposite side of London Road forming the Alum Court development and those to the north on the other side of the railway line. It is also important to note, that the residential development on the remaining part of the former Fisons site to the east will introduce more properties close to this proposed development. However, sufficient separation will be retained from the proposed development and the hours of deliveries requested are reasonable. The Council's Environmental Protection Unit has confirmed that the proposed amendment would be acceptable and as such, it is considered that the residential amenity afforded to the nearest properties would not be unduly harmed.

Other Matters Raised Representation

The Planning Practice Guidance states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not an opportunity for the complete re-consideration of the original application. As such, the reasons cited in objection to the scheme by a neighbour would not sustain a refusal as they relate to matters which have already been considered and accepted.

S106 AGREEMENT:

The original permission comprises a S106 Agreement. As part of 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 approved planning application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved.

PLANNING BALANCE:

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the conditions as originally stated would not satisfy the reasonableness test with National Policy Guidance. The variation of the suggested condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to the completion of a Section 106 legal agreement/deed of variation to secure the same Heads of Terms as the outline permission (detailed below)

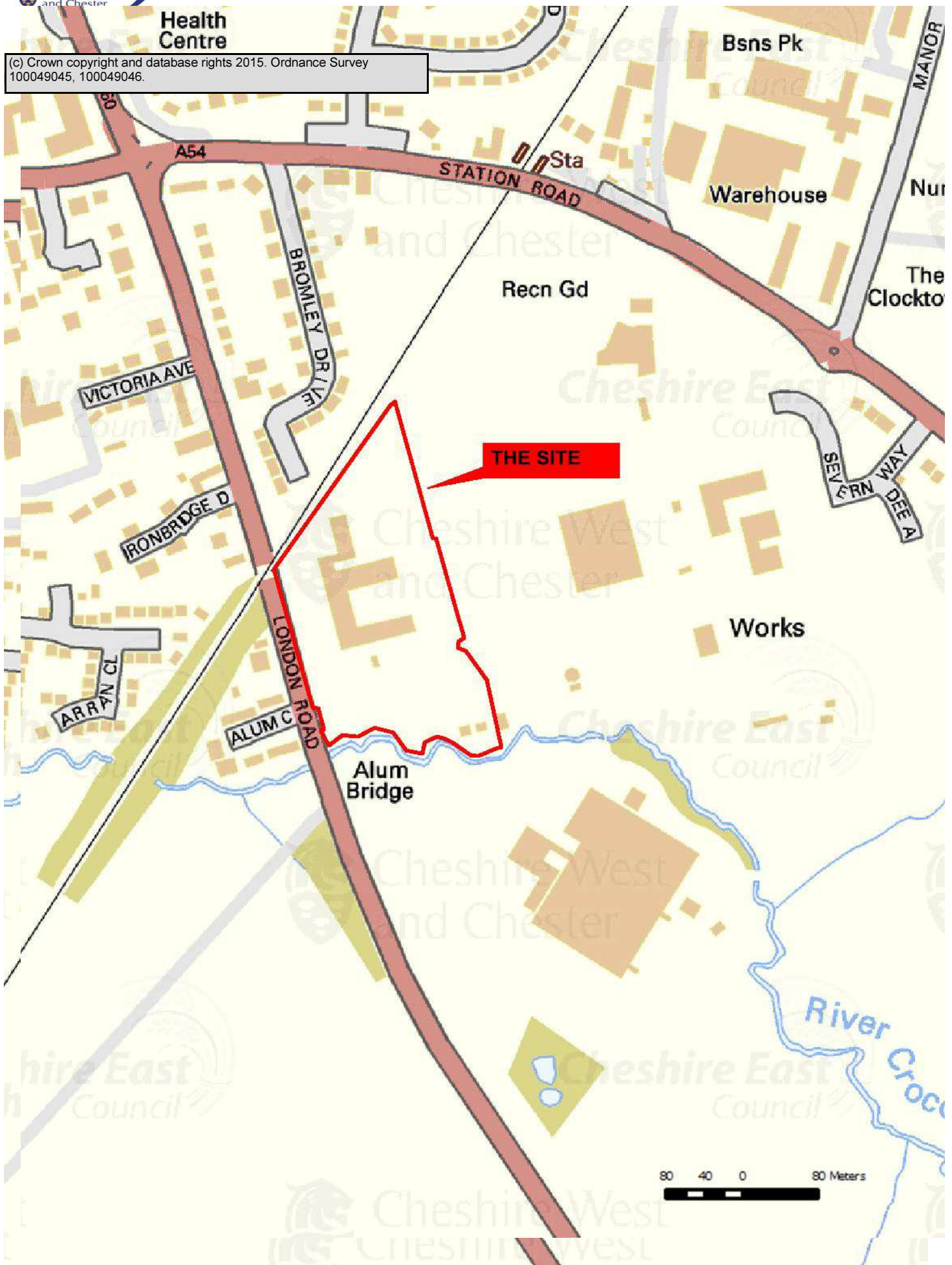
- Commuted Sum of £20, 000 towards extending the speed limit on A50 (London Road)

And the following conditions

1. Standard Time limit (3 years)
2. Approved Plans
3. Materials
4. Landscape Scheme
5. Implementation of Landscaping
6. Tree protection measures
7. No works within protected area
8. Surface water regulation system
9. Maximum discharge
10. Surface water attenuation measures;
11. Scheme for management of overland flow
12. Construction of access
13. Provision of parking
14. Provision of cycle parking
15. Pedestrian Crossing Improvements
16. Incorporation of sustainable features
17. CCTV and speed humps to car park
18. Contaminated Land remediation Strategy
19. Jodrell Bank Electromagnetic Screening Measures
20. Breeding Birds Survey during bird nesting season
21. Suite of design and construction plans for the following aspects of the development access strategy to the satisfaction of the LPA:
 - The proposed new traffic signal junction.
 - The upgrades to the existing traffic signal junction at the A54/A50 crossroad to include for pedestrian phase and refuge on the southern arm and pedestrian facilities on the western arm.
 - The central refuge on the pedestrian desire line to Portree Drive.
22. Hours of construction / piling restricted
23. Hours of Use/Deliveries restricted (**as amended by this application**)
24. Submission of an environmental management plan
25. Scheme to record the building materials including internal features
26. Scheme of maintenance of Biomass installation including method statement for fuel delivery and no visible smoke emissions during operation

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Principal Planning Manager, in consultation with the Chair of the Southern Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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Application No: 14/5837N

Location: Land To The North Of, Cheerbrook Road, Willaston, Nantwich Cheshire.

Proposal: Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N)

Applicant: Wainhomes (North West) Ltd

Expiry Date: 17-Mar-2015

SUMMARY

The proposed development is a minor change to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore considered to be sustainable development.

RECOMMENDATION

Approve subject to conditions and a deed of variation

PROPOSAL

Planning permission 13/3762N gave approval for the erection of 21 two-storey dwellings. The site would be accessed via a single access point which would be located between 32 and 26a Cheerbrook Road.

The dwellings would mainly be detached properties, but would include some semi-detached dwellings and a terrace of three dwellings. The site would include the provision of 30% affordable housing.

This application seeks to vary the approved plans condition (condition 2) to secure the following amendments to the approved scheme:

- Plot 1 – Detached double garage increased in size
- Plot 2 – Change from Whitemoor to Oxford house type
- Plot 3 – Change from Oxford to Richmond house type
- Plot 4 – Change from Stephenson to Montgomery house type
- Plot 5 – Change from Brunel to Shakespeare house type
- Plot 7 – Change from Eton to Raleigh house type
- Plot 8 – Change from Eton to Raleigh house type

Plot 9 – Change from Brancaster to Wordsworth house type and repositioned detached garage
Plot 19 – Change from Scott to Shakespeare house type
Plot 20 – Change from Wren to Haversham house type
Plot 21 – Change from Stephenson to Gainsborough house type

SITE DESCRIPTION

The site of the proposed development extends to 0.98 ha and is an L shaped site located to the northern side of Cheerbrook Road, Willaston. The site is within open countryside and Green Gap. To the south and east of the site is residential development (fronting Cheerbrook Road and the Fields). To the north and west is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

RELEVANT HISTORY

14/5825N - Outline application for residential development for up to 120 dwellings with access and associated works – Application undetermined

14/4423N - Non Material Amendment to Approved application 13/3762N – Approved 2nd October 2014

13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (resubmission 13/0641N) – Approved 6th March 2014

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7th May 2013 – Appeal Lodged – Appeal Withdrawn

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22nd December 2010

P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12th December 2007

P07/1407 - Additional Vehicular Access – Refused 10th December 2007

P07/0832 - Replacement Dwelling – Approved 10th August 2007

P06/1376 - Replacement Dwelling – Withdrawn – 12th January 2007

P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31st January 2007 – Appeal Lodged – Appeal Dismissed

NATIONAL AND LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2 and NE.4, as open countryside and Green Gap.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE 4 (Green Gap)

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)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SD1 - Sustainable Development in Cheshire East

SD2 - 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 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 Flood Risk and Water Management

CONSULTATIONS

CEC Housing: There is no change to the affordable housing units so no objection.

PARISH/TOWN COUNCIL

Whilst the Parish Council accepts the need to re-site one of the dwellings it objects most strongly to the proposal for a two and a half storey dwelling. This would not be in keeping with the street scene and represents a significant variation from the original design concept.

REPRESENTATIONS

Five letters of objection have been received raising the following issues:

- Parking pressures within the village centre
- Impact upon local infrastructure
- Poor visibility at the site access point
- Cheerbrook Road is narrow at the point of access
- Lack of footways along Cheerbrook Road
- Pedestrian safety problems
- Increased vehicular movements
- Loss of Green Gap
- Creep development
- The appeal at Gresty Oaks was rejected by the Secretary of State
- Flooding problems
- All objections from the earlier applications should be considered as part of this application
- The site is within an unsustainable location
- The site is within the open countryside

APPRAISAL

The key issues are:

- Design and impact upon character of the area
- Amenity of neighbouring property
- Highway safety

Principle of Development

Given that the principle of development has been established by the granting of full planning permission as part of application 13/3762N this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates to minor changes to the house types on this site.

Design

The layout would be very similar to the approved scheme with the position of the access point, internal access roads and location of the affordable housing all remaining unchanged.

The changes relate to the house types as identified above these minor amendment would still respect the character and appearance of the area and would comply with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

The comments raised by the Parish Council have been noted and in response to this the agent for the applicant has stated that there are two and a half storey properties within the vicinity of the site specifically on Kensington Drive opposite the site. However the applicant has agreed to remove the dormer windows from this house-type (plot 9) and amended plan has been submitted to reflect this change. This plot is located within the centre of the site and the ridge height has been increased from 7m to 9m. It is considered that the increase in height of this dwelling is acceptable and that it would not detract from the character and appearance of this site or the wider area.

Amenity

The main properties affected by this development are located to the south and east of the site fronting Cheerbrook Road and The Fields. In this case the required separation distances would be met and as such there would be no greater impact upon residential amenity.

Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

Highways

The changes to the house types are considered to be minor and would not raise any greater issues than the approved plans. The development would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

Affordable Housing

The development would still provide the same level of affordable housing.

CONCLUSIONS

Full planning permission has already been given for residential development on this site.

The proposed amendments to the house types and housing layout would not raise and amenity, design, highways or ecology issues and the development is considered to be acceptable.

The conditions attached for application 13/3762N are included within the recommendation and will be altered to reflect the approved discharge of planning conditions.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 13/3762N:

- 1. A commuted payment of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich**

2. A commuted payment of £40,999 towards secondary school education
3. A commuted payment of £20,000 towards cycleways, footways, street lighting and bus shelters
4. A commuted payment of £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston
5. 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units).

Approve subject to the following conditions;

1. Standard time limit 3 years from the date of the original permission
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. Piling Method Statement
6. External lighting as per plan reference SL/0214/09/001/-
7. Development shall take place in accordance with the approved scheme to minimise dust emissions arising from construction activities on the site
8. Works should commence outside the bird breeding season
9. Materials to be in accordance with the submitted details
10. Landscaping scheme to be implemented
11. Remove Permitted Development Rights for certain plots
12. Boundary Treatment details to be implemented
13. Tree and hedgerow retention
14. Tree Protection to be implemented
15. The parking spaces to be provided on the approved plan should be provided
16. Visibility splays of 2.4 metres by 60 metres to be provided before development commences and thereafter be retained.
17. Windows to the south-east facing elevation of plot 1 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 1.
18. No development within 3 metres either side of the centre line of the sewer which crosses the site
19. 10 metre easement strip for the 24" Concrete Trunk Water Main

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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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date: 25th February 2015

Report of: Daniel Evans – Principal Planning Officer

Title: Update following the resolution to approve application 14/4300N subject to a S106 Agreement

Site: Lodge Farm Industrial Estate, Audlem Road, Hankelow, Cheshire

1.0 Purpose of Report

1.1 Planning application 14/4300N was determined by the Southern Planning Committee on 17th December 2014. This report is to consider the amendment to the S106 Heads of Terms within the Southern Planning Committee resolution for this application.

1.2 The minutes from the meeting are as follows:

(a) That, for the reasons set out in the report and the update report, the application be APPROVED 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

4. Medical Infrastructure Contribution of £21,319, to be paid prior to commencement

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*
- 17. No development should commence on site until such time as detailed proposals for disposal of surface water and foul water have been submitted to and agreed in writing by the LPA*

(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.

2.0 Decision Required

- 2.1 Further negotiations have now taken place with the applicant who has questioned the need for the S106 Heads of Terms underlined above which relate to a contribution towards medical infrastructure and secondary school education. This follows a recent appeal decision at

Audlem Road, Audlem (13/2224N) which was issued on 7th January 2015.

3.0 Background

- 3.1 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.
- 3.2 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.
- 3.3 The site was last occupied by a conservatory company.

4 Proposed Development

- 4.1 14/4300N 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.
- 4.2 The access would be via a single priority junction off Audlem Road.
- 4.3 The indicative plan shows that open space would be provided on this site together with a LEAP.

5 Additional Consultation Responses

CEC Education: In light of the appeal decision CEC Education have produced further research for forecasts for Brine Leas. This involved placing children who currently attend out of catchment (-287 at Brine Leas) back in their own catchment schools (+51 Brine Leas). Including developments that have been granted planning permission which impact on Brine Leas within 3 miles and including the 3 secondary children generated from Lodge farm, a shortfall remains in the forecast for Brine Leas. CEC Education believe that the contribution will be required.

NHS: The NHS has no further comments to make as the NHS strategic plan is not yet in place. The NHS has commissioned a plan but it will not be ready or available to refer to in relation to this planning application.

6 Officer Comment

Education Contribution

- 5.1 In this case the S106 Heads of Terms include a contribution of £49,028 towards secondary school education (Brine Leas High School) which would assist in accommodating the 3 secondary school aged pupils from this development. However at the recent appeal decision at Audlem Road, Audlem (13/2224N) the proposed contribution towards secondary school education (Brine Leas) was disputed by the applicant. As part of her decision the Inspector in this case found that:

'The Council contend that the Brine Leas secondary school, located some 4 miles from the appeal site, is oversubscribed. The development would only generate a demand for 16 secondary spaces. The future children of the development would apply for places in the same way as other children but being within the catchment area they would receive some priority over outside catchment area children.'

In this case there seems to be little doubt that the effect of the introduction of new children from the development to Brine Leas would be to displace out of catchment area children wishing to come to the school.

However, I note that about a mile further away at Malbank School the EPDS study indicates 317 surplus places with an additional 364 extra places available at Shavington High School. However, these two schools are not as popular as Brine Leas their OFSTED performance being less favourable. As a result at Brine Leas nearly 39% of children on roll live outside the catchment area.

The proposed contribution is not to accommodate the 16 children from the development but to accommodate 16 new children without impacting negatively on the existing pattern of parental preference in the area.

The Council has a statutory duty to comply with parental preference unless it would prejudice the provision of efficient education and the efficient use of resources and to increase opportunities for parental choice.

In considering applications for entry to Brine Leas, the school can assess the impact of increasing its intake on the provision of efficient education and use of resources. Some of those children applying will almost certainly live in the catchment area for the other nearby schools where there is significant capacity.

Parental preference may be the responsibility of the Council but not of the appellant company. The raw data indicates Brine Leas school could overtime accommodate the 16 children generated by the development. Presumably the Council are working to improve standards at the other two nearby schools which would seem to be the obvious solution to changing parental preference. This would utilise available school places without the need for children to travel to schools outside of their own catchment area.

Therefore, it is for this reason that I consider it has not been shown that the contribution towards education is necessary or justified to mitigate the effects of the new development in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. Consequently, it is not reasonable to take this aspect of the UU into account'

- 5.2 However since the determination of this appeal the CEC Education Department have carried out further work in terms of the forecasts for Brine Leas and this includes placing children back in their own catchment areas and an updated assessment of approved developments within the area. On this basis the CEC Education Department consider that the contribution is still required to mitigate the impact of this development. This is accepted and the contribution will be retained within the Heads of Terms.

Medical Infrastructure

- 5.3 In this case the S106 Heads of Terms include a contribution of £21,319 towards medical infrastructure at Audlem. However at the recent appeal decision at Audlem Road, Audlem (13/2224N) the proposed contribution towards medical infrastructure was disputed by the applicant. As part of her decision the Inspector in this case found that:

'There is no doubt that the proposed development would generate a need for local health services. The existing GP surgery in Audlem is working at or close to capacity and the issue between the parties is whether the identified contribution would go directly to meeting local needs. The NHS Strategic Plan has a wider more general remit than identifying specific projects in known areas of growth. In fact at the hearing it became apparent that the Health Strategic Plan (SP), which is still in the early stages of formulation, is working steps behind the CELP and until the full site allocations process has been completed the localised detail of the NHS plan cannot be finalised.

The current situation, were a local project to be promoted such as an extension to the local GP surgery, would be that a business case would be submitted to NHS England and this would be considered taking into account the priorities of the wider NHS. It would also have to be weighed against the generality of the emerging SP as it may be more efficient to provide a surgery elsewhere to increase capacity.

Paragraph 204 of the Framework sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

At present, there is no specified project or area of service improvement which has been identified which could be considered to be directly related to the development. In addition, there seems to be a lack of clarity about how the decision making process on potential schemes might be dealt with. There is also an issue in relation to the paying across of any capital sum which might increase capital values of premises, the subject of improvement, were that to be a benefiting project; and how the appellant company might be credited for this. Therefore, with the SP progressing slowly I heard nothing that gave me confidence that the contribution requested was likely to be spent in accordance with the terms of the Framework and the CIL Regulations. For this reason I do not consider it reasonable to take this aspect of the UU into account. In reaching this view I have considered the wording of the UU that the contribution would be used for primary and community healthcare services for the residents of Audlem to be provided in the vicinity of the village. However, the lack of a NHS plan where the available funding would be appropriately targeted is a serious flaw which undermines any justification for the contribution'

- 5.4 In this case there has been no change in the position and no scheme of improvements to Audlem Surgery has been identified. Based on this and the outcome of the appeal which is quoted above it is not considered that the contribution is CIL compliant and this should be removed from the Heads of Terms.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the changes to the Heads of Terms in relation to the deletion of the medical provision contribution is acceptable. The education contribution will be retained.

7 Recommendation

- 7.1 Point 4 of the Heads of Terms be removed from the committee resolution.

8 Financial Implications

- 8.1 There are financial implications associated with a possible appeal should this recommendation not be accepted.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of negotiating and completing a S106 Agreement for application 14/4300N and to issue the planning permission.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 14/4300N*

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SOUTHERN PLANNING COMMITTEE 25th FEBRUARY 2015**CHESHIRE EAST BOROUGH COUNCIL (BUNBURY – LAND WEST OF OAK GARDENS) TREE PRESERVATION ORDER 2014****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 31st October 2014 on land west of Oak Gardens, Bunbury; to consider the objections and representations made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

SUMMARY RECOMMENDATION

The Development Management Southern Area Manager recommends that the Southern Area Planning Committee confirms the Tree Preservation Order.

WARD AFFECTED

Bunbury

POLICIES

Policy NE5 of the Crewe and Nantwich Replacement Local Plan 2011 (saved policies) refers to the integration of Trees, Woodlands and Hedgerows. Policy SE5 Trees, Hedgerows and Woodland of the emerging Local Plan that refers to the trees and woodlands that make a significant contribution to amenity, biodiversity, landscape or historic character and paragraph 118 of the NPPF relating specifically to aged or veteran trees.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity, landscape and biodiversity of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

CIRCUMSTANCES

On 27th August 2014 the Council received an outline application from Elan Homes for residential development for 17 dwellings on land off Oak Gardens, Bunbury (App 14/4062N). The application was supported by an Arboricultural Report which provided an assessment of the environmental and amenity values of all the trees within and immediately adjacent to the application site and the arboricultural implications of the proposed development.

The Report identified 48 trees within and immediately adjacent to the site, many of which were identified as moderate and high quality which contribute significantly to the amenity of the area. The trees include a number of mature Oak trees some of which have potential Veteran status and a Veteran Ash tree (T36 – T3 of the TPO) located within the centre of the site. A submitted Phase 1 Habitat report also identified that the Ash tree has a number of hollows and crevices which may be suitable for roosting bats.

The sketch layout supporting the planning application shows the proposed positions of dwellings, associated gardens and the access driveway which will result in the loss of the Veteran Ash and potentially impact upon other trees by virtue of the proposed relationship and social proximity to development.

An amenity assessment was carried out in accordance with Government guidance which has determined that the trees are visually prominent from various public vantage points including Oak Gardens, Wakes Meadow and public footpaths running through the site. The trees contribute to the visual amenity, landscape character and biodiversity of the area and in the light of this assessment it was considered expedient to make the Order to protect the trees. The opportunity was also taken to protect an area of woodland to the west of the site, where some of the trees along the boundary overhang the application site. The woodland also provides a sylvan buffer between any future proposed development and the open countryside beyond.

CONSULTATIONS

On making a TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land and their Agents on 31st October 2014. Copies of the Order were sent to adjoining landowners who were immediately affected by the Order, Bunbury Parish Council and the Ward Member.

OBJECTION/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from Elan Homes on behalf of the owners Mr and Mrs Goodyer. The objector objects to the inclusion of the Ash (T3 of the TPO) on health and safety grounds as it is situated in line with a claimed footpath route and that it poses a risk to the public.

An e-mail has been received from Susan Reid, formally of 8 Wakes Meadow, Bunbury in support of the Order.

APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

The Arboricultural Report submitted in support of the application provides preliminary recommendations for the Veteran Ash which includes a reduction of the crown by 50% and future pollarding as part of a long term management plan to prevent collapse. Crown reduction is considered an accepted practice to ensure the safety of Veteran trees recognised by Natural England who provide advice on their management and restoration. The position of the Ash tree is also located some distance to the north and west of the confirmed location of the nearest public right of way (Bunbury FP14) and therefore it is considered that future management of the tree will satisfactorily address any long term risks associated with the use of the public footpath.

CONCLUSION

In the light of the submitted planning application received and the impact upon trees which contribute to the visual amenity and biodiversity of the area, it is considered that the loss and potential loss of trees would have a detrimental impact on these recognised amenities. It is considered that the risk stated in the objection to the Order can be effectively managed in accordance with the advice provided by the applicant's Arboriculturist and Natural England best practice on the management of Veteran Trees. It is therefore expedient for the Council to confirm the Order.

RECOMMENDATION

That the Cheshire East Borough Council (Bunbury – Land West of Oak Gardens) Tree Preservation Order 2014 be confirmed without modification.

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Town and Country Planning Act 1990

CHESHIRE EAST BOROUGH COUNCIL

(BUNBURY – LAND WEST OF OAK GARDENS) TREE PRESERVATION ORDER 2014

The Cheshire East Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **the Cheshire East Borough Council (Bunbury – Land West of Oak Gardens) Tree Preservation Order 2014**.

Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 31st day of October 2014

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....



Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

Reference on Map	Description	Situation
T1	Oak	Standing close to the rear garden boundary of 10 Wakes Meadow, Bunbury.
T2	Oak	Standing close to the rear garden boundary of 8, Wakes Meadow, Bunbury.
T3	Ash	Standing within the field enclosure to the south of Wakes Meadow, Bunbury at approximately NGR. 356,233 357,511.
T4	Oak	Standing close to the rear garden boundary of 7, Wakes Meadow, Bunbury.
T5	Sycamore	Standing close to the rear garden boundary of 5 Wakes Meadow, Bunbury.
T6	Oak	Standing immediately adjacent to the southern boundary of the field enclosure at approximately NGR 356,173 357,460

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on Map	Description	Situation
	None	

Groups of trees

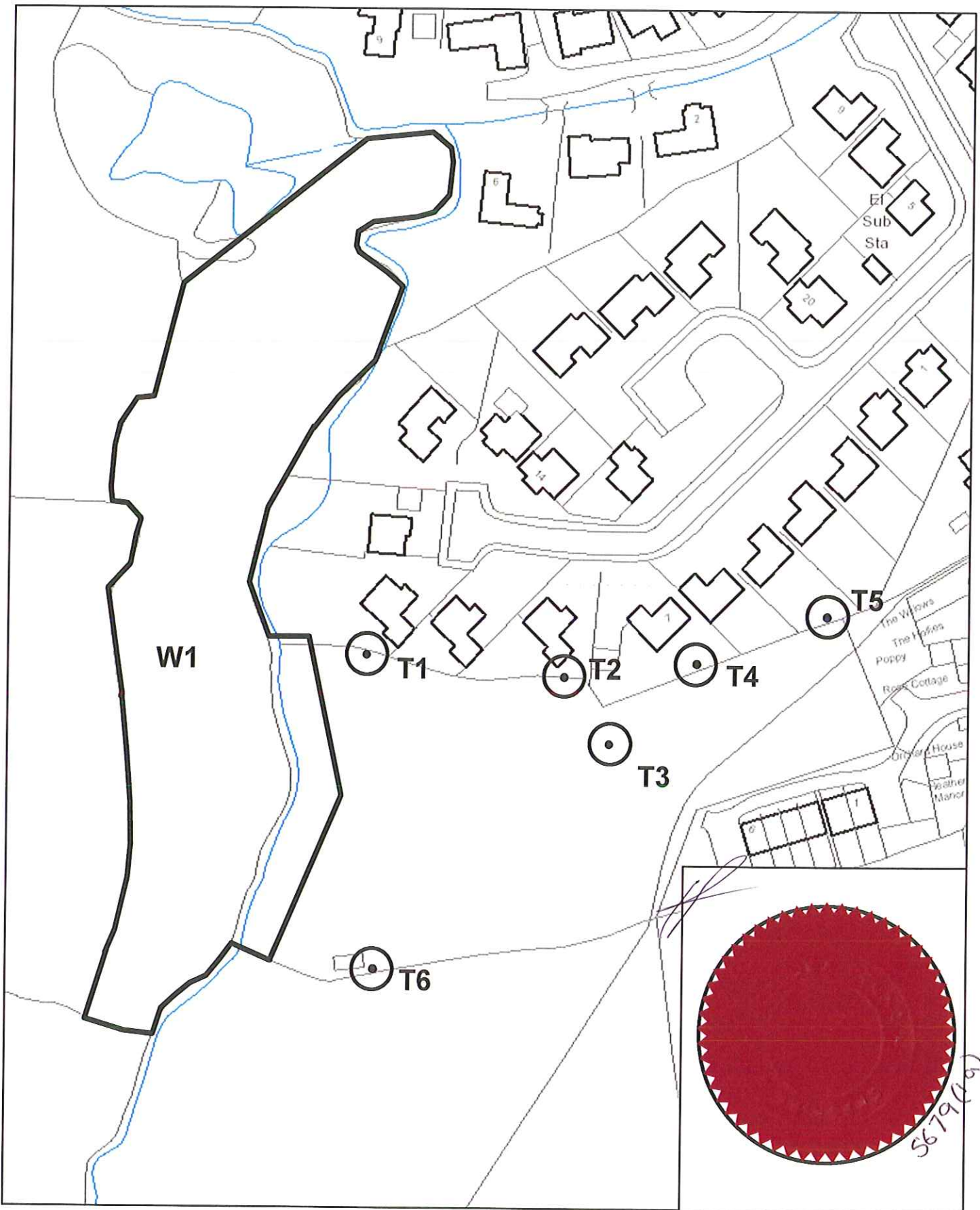
(within a broken black line on the map)

Reference on Map	Description	Situation
	None	

Woodlands

(within a continuous black line on the map)

Reference on Map	Description	Situation
W1	Mixed hardwoods comprising mainly of Oak, Alder, Ash, Sycamore, Willow, Hazel and Hawthorn	Standing on land to the west of Wakes Meadow, Bunbury.



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