

Southern Planning Committee

Agenda

Date:	Wednesday, 25th March, 2015
Time:	10.30 am
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 - 12)

To approve the minutes of the meeting held on 25 February 2015.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **14/3747C Land at Radnor Park Trading Estate, Back Lane, Congleton CW12 4QA: Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane for Nigel Moorhouse** (Pages 13 - 26)

To consider the above planning application.

6. **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 27 - 36)

To consider the above planning application.

7. **14/3215C Leonard Cheshire Home, The Hill, Sandbach, Cheshire CW11 1LA: The conversion of the existing listed building into 12 no. 1,2 and 3 bed apartments with associated parking and landscaping. Demolition of the newer build elements to the north and west elevations for Brookmoor Developments Ltd** (Pages 37 - 44)

To consider the above planning application.

8. **14/3217C Leonard Cheshire Home, The Hill, Sandbach, Cheshire CW11 1LA: Listed building consent for the conversion of the existing listed building into 12 no. 1, 2 and 3 bed apartments with associated parking and landscaping. Demolition of the newer build elements to the north and west elevations for Brookmoor Developments Ltd** (Pages 45 - 50)

To consider the above planning application.

9. **15/0299C Land Adjacent To 9, St Peters Rise, Sandbach CW11 3EP: Change of use from amenity land to residential garden. Removal of fencing to rear boundary to allow access to maintain garden for Mr Terence Coppenhall** (Pages 51 - 56)

To consider the above planning application.

10. **14/0841N Land Off Spinney Drive, Weston: Residential development of 4 detached houses for G McDermott, CDM Developments (North West) Ltd** (Pages 57 - 66)

To consider the above planning application.

11. **15/0202C Spanset Ltd, Telford Way, Middlewich CW10 0HX: Proposed refurbishment of existing training facilities, creation of new reception and classrooms and associated external alterations, additional 44 car parking spaces. Change of current building use from B1, B2 and B8 to mixed use for Peter Ward, Spanset Ltd** (Pages 67 - 74)

To consider the above planning application.

12. **15/0265C Chance Hall Farm, Chance Hall Lane, Moreton, Congleton, Cheshire CW12 4TL: Erection of Livestock Building for Mr Thomas Halton, Halton Farms Ltd** (Pages 75 - 82)

To consider the above planning application.

13. **14/5753C 19-23, Lawton Road, Alsager ST7 2AA: Variation of Condition 7 of Planning Permission 10/0741C, as follows: 7. The hours of opening for the hereby-approved foodstore shall be restricted to 06.00 to 23.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays for ASDA Stores Ltd** (Pages 83 - 88)

To consider the above planning application.

14. **14/5288N Plot 18, Sandland Grove, Nantwich CW5 6GF: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling for Ben Sutton** (Pages 89 - 94)

To consider the above planning application.

15. **14/5321N Plot 17, Sandland Grove, Nantwich CW5 6GF: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling for Ben Sutton** (Pages 95 - 100)

To consider the above planning application.

16. **14/5329N Plot 4, Stanley Boughey Place, Nantwich CW5 6GQ: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling for Ben Sutton** (Pages 101 - 106)

To consider the above planning application.

17. **14/5331N Plot 3, Stanley Boughey Place, Nantwich CW5 6GQ: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling for Ben Sutton** (Pages 107 - 112)

To consider the above planning application.

18. **15/0270M Kandersteg, Broadwalk, Prestbury, Cheshire SK10 4BR: Replacement of existing conservatory and utility room with new conservatory and utility room for Mrs J Findlow** (Pages 113 - 118)

To consider the above planning application.

19. **15/0775N Site Of Thornton House, Emberton Place, Audlem CW3 0HL: Removal of Condition 3 relating to the Provison of Social Housing for Wulvern Housing Ltd** (Pages 119 - 124)

To consider the above planning application.

20. **15/0776N Site Of Royal Scot, Plane Tree Drive, Crewe: Removal of Condition 12 relating to Affordable Housing on application 13/1654N for Wulvern Housing** (Pages 125 - 132)

To consider the above planning application.

21. **15/0777N 89A, Bradfield Road, Crewe CW1 3RB: Removal of Condition 15 which will be dealt with instead by way of S106 for Wulvern Housing Ltd** (Pages 133 - 138)

To consider the above planning application.

22. **15/0803N Former Site Of North Street Methodist Church, North Street, Crewe CW1 4NJ: Variation of Condition 11 (affordable housing) of approved 13/0136N - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision for Wulvern Housing Ltd** (Pages 139 - 144)

To consider the above planning application.

23. **Various Developments by Wulvern Housing:**
15/0801N Site Of Former Rockwood Public House, 204 Alton Street, Crewe: Demolition of Rockwood Hotel/Pub and development of 20 new apartments
15/0802N Brooklands House, Ford Lane, Crewe: Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping
15/0804N Site Of Underwood Court and West View, Underwood Lane, Crewe: The demolition of 2no. vacant residential care homes to be replaced with 34no. 2 and 3 bed homes with associated parking and landscaping. The proposals result in a change of use from C2 to C3
15/0805N 8-16, Sandfield Court, Wrenbury: Demolition of 8-16 Sandfield Court and the Erection of 8no. 2 Bedroom Bungalows
15/0806N Linden Court, Hungerford Avenue, Crewe: 22No. new residential units, predominantly two storey semi-detached dwellings with 6No. 1 bedroom flats and a new access road (Pages 145 - 148)

To consider granting delegated authority to the Principal Planning Manager to determine the above applications following the completion of the consultation period for each application.

24. **Update following the resolution to approve application 12/3464N subject to a S106 Agreement** (Pages 149 - 152)

To consider a proposed amendment to the committee resolution relating to planning application 12/3464N, which was determined by the Southern Planning Committee on 10 October 2012.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 25th February, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, P Butterill, R Cartlidge, J Clowes, W S Davies,
P Groves, A Kolker, D Marren and S McGrory

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor A Moran

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Ben Haywood (Major Applications - Team Leader)
Chris Hudson (Principal Forestry and Arboricultural Officer) - Minute No. 142
Only
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington, I Faseyi, S Hogben and M A Martin

129 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

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

With regard to application number 13/2710N, Councillor S Davies declared that he knew the applicant's family and that he would withdraw from the meeting during consideration of this item.

With regard to application number 13/2710N, Councillor R Bailey declared that she was a member of the CPRE but that she had not discussed this application and had kept an open mind.

With regard to application numbers 14/2289C and 14/5285C, 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 the applications.

All Members of the Committee declared that they had received correspondence and telephone calls regarding application number 14/2289C.

130 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 28 January 2015 be approved as a correct record and signed by the Chairman.

131 13/2710N RIDLEY BANK FARM, WREXHAM ROAD, RIDLEY CW6 9RZ: INSTALLATION OF WIND TURBINE 32.5M TO HUB AND ASSOCIATED ANCILLARY WORKS FOR MR R LATHAM

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

Note: Parish Councillor M Dixon (on behalf of Bulkeley and Ridley Parish Council), Mr C Hobson (on behalf of Stop Bickerton Wind Turbines) and Mr A Hughes (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr C McDonagh 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 McDonagh to speak.

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

RESOLVED – That the application be DEFERRED for the following:

- Consultation with Cheshire East Council's Public Health Department
- A Bat Survey
- An Environmental Health Officer to be requested to attend the next Southern Planning Committee meeting at which this application is considered

132 14/0143N FORMER BOWLING GREEN, WATERLODE, NANTWICH: ERECTION OF 7 DWELLINGS WITH INTEGRAL GARAGES AND ASSOCIATED CAR PARKING FOR BLACK & WHITE CHESHIRE LTD

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

133 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

Note: Mr B Jones (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Jones to speak.

Note: Ms P Bicknell attended the meeting and addressed the Committee on behalf of the applicant.

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 residential development is unsustainable because it is premature and located within the Open Countryside. The development would result in further urban creep into the open countryside 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.

134 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

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

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

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement to secure £140,000 towards the provision of off-site affordable housing and the following 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: 9am - 5:30pm Mon-Fri, 9am – 1pm on Saturdays and not at all on Sundays and Bank Holidays
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
- (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.

- 135 **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**

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

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

Note: Mr A Sheehan attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That the application be DEFERRED for the following:

- Further information with respect to supported housing need
- Consultation with the Council's Housing Department and the Clinical Commissioning Group

- 136 **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**

Note: Mr N Smith attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to completion of a Section 106 agreement making provision for Affordable Housing comprising:

- 2 units on site 2 for social or affordable rent
- 0.4 of unit as a commuted sum (£5,300)

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
- (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.
- (c) That, 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.

137 **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**

Note: Mr B Haywood, Major Applications Team Leader, read a representation from Haslington Parish Council.

The Committee considered a report regarding the above planning application.

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.

138 **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**

Note: Councillor R Bailey declared that, as Safeguarding Children and Adults Deputy Portfolio Holder, she had attended a meeting regarding education in Knutsford, at which Ms Jamison had been present.

Note: Ms D Jamison (objector) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application.

Mr B Haywood, Major Applications Team Leader, reported the receipt of a late representation from Tatton Estate Management requesting the scheme to be deferred and revisited.

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

- 139 **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 SUPERMARKET**

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

The Committee considered a report regarding the above planning application.

RESOLVED

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

140 **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**

Note: Mr S Harris 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.

Note: Mr D Evans, Principal Planning Officer, reported receipt of a representation from Councillor B Silvester (Ward Councillor) and summarised the points raised.

RESOLVED

- (a) That, for the reasons set out in the report and the update, 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).

and 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
 20. Windows to the south facing elevation of plot 21 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 21.
- (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.

141 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 14/4300N SUBJECT TO A S106 AGREEMENT

The Committee considered a report regarding a proposed amendment to the requirements of the Section 106 Agreement relating to planning permission 14/4300N (Lodge Farm Industrial Estate, Audlem Road, Hankelow, Cheshire), which had been approved by the Southern Planning Committee on 17 December 2014.

RESOLVED – That, for the reasons set out in the report, Point 4 of the Heads of Terms (Medical Infrastructure Contribution of £21,319, to be paid prior to commencement) be removed from the committee resolution.

142 CHESHIRE EAST BOROUGH COUNCIL (BUNBURY - LAND WEST OF OAK GARDENS) TREE PRESERVATION ORDER 2014

Note: Ms S Reid attended the meeting and addressed the Committee on behalf of Lower Bunbury Action Group.

The Committee considered a report regarding the above tree preservation order and a written update.

RESOLVED – That, for the reasons set out in the report and the update, the Cheshire East Borough Council (Bunbury - Land West Of Oak Gardens) Tree Preservation Order 2014 be Confirmed.

The meeting commenced at 1.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)

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Application No: 14/3747C

Location: Land at Radnor Park Trading Estate, BACK LANE, CONGLETON, CW12 4QA

Proposal: Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane

Applicant: Nigel Moorhouse

Expiry Date: 05-Nov-2014

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4. This is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment and issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. Recent appeals have also supported this interpretation.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. An indicative layout has been tabled which demonstrates how the provision of up to 24 units could be delivered on the site whilst respecting distances with boundary hedges, trees and adjoining properties.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

Notwithstanding highways considerations (which will be reported by way of an update), the proposal is considered to be acceptable in terms of its impact upon all other material planning considerations. It therefore complies with the relevant local plan policy requirements and

accordingly is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PROPOSAL:

Outline planning permission is sought for the erection of up to 24 dwellings with open space with access taken from Back Lane. Details of access have been provided with this application, with all other matters reserved for approval at a later stage.

SITE DESCRIPTION:

The application site forms part of the Radnor Park Trading Estate positioned on the eastern side of Back Lane in Congleton. The site measures approximately 0.73 hectares in size, is irregular in shape and comprises of an area of concrete hard standing surrounded by a steel palisade fence. There are a number of trees around the periphery including a prominent line of Leylandii to the west /south planted on a bund, and several mature deciduous trees to the east. There is residential development to the south and west, separated by Back Lane and industrial land to the north and east. The site is within the Congleton Settlement Zone Line as designated in the Congleton Borough Local Plan First Review (2005) and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY:

None

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, 32, 34, 47, 49, 55, 132 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping

GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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 SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health: Object on the grounds of noise impact on future residents from existing adjoining industrial operations. If approved conditions relating to noise mitigation, contamination, air quality and construction hours are recommended.

Highways: Comments awaited

Green Spaces (Ansa: Environmental Operations): Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development there is a requirement for 576m² of new Amenity Greenspace.

With respect to Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. This should take the form of on-site play provision in the form of a LEAP would be required. This should include at least 5 items incorporating DDA inclusive equipment

Education: No comments received.

United Utilities: No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer. Conditions are recommended relating to foul sewerage and surface water drainage.

VIEWS OF THE CONGLETON TOWN COUNCIL

Object - due to land which is allocated for industrial/business use and should not be used for housing and concerns that noise from the existing factories would be unacceptable – reference to the recent Cheshire East decision on application at Forge Lane – application 14/0659C.

REPRESENTATIONS:

Representations have been received from 3 addresses, 2 objecting to the proposal and 1 in support. The grounds for objection area as follows:

- Loss of employment land
- Residents will be subjected to industrial noise which will result in complaints
- The future expansion of the adjoining businesses will be jeopardised

The letter of support can be summarised as follows:

- Site has been unused for many years, its seems that industry doesn't want to move in to this unsuitable area
- Road is unsuitable for heavy HGVs
- Housing would be most appropriate use

Additionally Local Warm Councillor, Cllr Domleo has commented as follows:

"We are very short of employment land in Congleton such that £77.5 million is to be spent on the Congleton Link Road, which among other benefits will open up new access to allow big expansion of the Radnor Park Industrial Estate and the Congleton Business Park. So giving existing employment land over to housing would be a nonsense.

This site is not an old mill building in a cramped location that cannot be converted into a modern employment site. It is a post war industrial site and I cannot believe that it is "unviable" as is stated in the opening remarks. I have read about the attempts to get the land back into employment use but I do not know if the right price terms and conditions have been offered. What I do know is that the site for housing generates a huge capital receipt compared to a site for employment.

We cannot deem existing employment sites to be brownfield sites and build houses on them, and then to build new employment sites on green fields thereby creating the next generation of brownfield sites for more housing. This application is a threat to the whole of Radnor Park and if approved we may well find that every site that becomes vacant is "unviable" and should have houses built on it."

APPRAISAL:

The key issues are:

Principle of Development
Employment Land
Affordable Housing
Design & Layout
Highways
Trees and Landscaping
Public Open Space Provision
Residential Amenity
Environmental Health Considerations

Principle of Development

This application is an outline application and seeks approval for the residential development only. As a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. The applicants must address a host of other issues including demonstrating that the development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

The proposals seek to utilise previously developed land, inside the settlement zone line and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links.

On that basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Further, the NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 24 no. dwellings in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

Employment Land

The general thrust of Local Plan Policy E10 and Policy EG 3 of the merging Local Plan is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer suitable for employment uses or that its redevelopment would offer substantial planning benefit.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

The site is located within an established industrial estate on the north-westerly edge of Congleton. The site is well connected being positioned close to services and facilities and is accessible by various modes of transport. The general demand and uptake of existing employment units within the area appears to be good with most units occupied. However, it is important to note that this site does not accommodate any buildings and therefore the likely employment uses generated would be derived from storage / distribution.

The explanatory text to the emerging policy, Policy EG 3 goes on to state that *"To demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received"*.

In this case the applicant has actively marketed the site over a period of 3 years in an attempt to secure re-use of the site. This has included the option for a 'design and build' scheme and to take the land on as it is i.e. for 'open storage'. However, there has been no serious interest owing to the lack of appetite for a 10 year lease, and cost of build and general lack of demand for open storage. Despite these attempts, which have been reasonable, efforts to secure an occupier of the site have not been fruitful.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

The development of the application site for residential purposes would not intrude or eat into the valuable employment area attributed to Radnor Park Trading Estate. The fact that the application site has stood vacant for a number of years and there is limited appetite to design and build purpose built units on the site is indicative that this site is not viable for employment uses. The impact therefore on the employment floorspace in the area would not be negative in this case.

There would be benefits arising from the delivery of housing within a sustainable location during a period when the Council is trying to boost its housing land supply. Consequently, it is considered that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 and EG3 have thus been satisfied.

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 application includes an undertaking for the provision of up to 24 homes within the site of which 30% (7 units) would be affordable. The tenure split being offered is 65% social rent / affordable rent and 35% intermediate tenure housing. The Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Public Open Space Provision

The Greenspaces section has confirmed that the site would generate the need to provide both amenity greenspace and children's and young person's provision on site. This would equate to 576 m2 of new Amenity Greenspace together with 5 pieces of play equipment and could either be managed by a management company or (subject to detail) taken on by the Council's maintenance team. However, given that this application is in outline form, the precise details of the open space are not available and would be a matter to be considered and secured at the reserved matters stage. Subject to s106 legal agreement to secure the terms of the provision, the scheme is deemed to be acceptable in this regard at this stage.

Design Considerations

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Site layout is reserved for subsequent approval. However, an indicative layout has been submitted which shows a main spinal road utilising the proposed access directly off Back Lane. The internal road would pass through the site and would have 2 private drives spanning off to account for the irregular shape of the site.

The proposed units (which are only indicative) would comprise of detached, semi-detached and mews properties thus providing a mix of house types. The proposed units at the front of the site would achieve frontage onto Back Lane and would achieve opportunities for active frontage. The indicative layout shows that views within the site would terminate on active frontages with suitable separation.

On this basis, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area and will sustain the provision of up to 24 units.

Trees and Landscape

There are a number of trees around the periphery of the site including a prominent line of Leylandii to the west /south planted on a bund, and several mature deciduous trees to the east. The site has no landscape designations.

The submission includes a tree survey and report. The report is limited to three groups of trees to the west/south west of the site in the area of the proposed access. The groups in question are not afforded any protection and are reported to be low value grade C trees, comprising Hazel, Cherry and Leyland Cypress. Several specimens would have to be removed in order to accommodate the proposed access.

The application detail indicates that the trees to the west will be retained, thinned out and managed. As such, subject to protection measures and a detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

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

The application is supported by a Transport Statement which considers the traffic impacts of the proposal as well as general sustainability. The report concludes that traffic generation from the site will be negligible and would have no material impact on the local highway network. The assessment demonstrates that the development is accords with both national and local policy and in particular confirms that the impact of the development is not 'severe'.

The proposed access would be taken centrally along the frontage onto Back Lane. With respect to the geometry of the proposed access, visibility is good in both directions. Sufficient parking could be provided for each unit according to the indicative layout but this will not be confirmed until the reserved matters are submitted. Comments are awaited from the Head of Strategic Infrastructure to confirm that these aspects are acceptable and will be reported to Members by way of an update.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the closest of which is to the south (no. 58 Glyn House), the proposals would achieve the minimum interface distances advised within SPG2. Subject to a detailed layout and elevations to show the precise positions of windows, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings could be configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed as indicated on the master plan.

Noise

Owing to the close relationship of the proposed development to adjoining commercial / industrial uses, consideration also needs to be given to the potential impact on the future amenity of the occupants from noise. The application is supported by a noise survey which has been assessed by the Council's Environmental Protection Unit.

Paragraph 123 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The NPPF states that the planning system should "prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability".

Another requirement of Paragraph 123 of the NPPF is that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established". Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

The acoustic environment at this location is dominated by industrial noise arising from Tandom Metallurgical, Copeland & Craddock and Airbags International Ltd. Peak noise results in wide variations from background noise to a maximum level and down again within a short duration. Therefore, the industrial noise is recognisable and source location distinguishable adding to the

intrusive nature of the industrial noise at this location. Single noise events are best described by the LA max noise descriptor.

The outdoor noise climate that would be experienced by future occupiers will be dominated by industrial noise from various noise source premises/ installations. This will be intrusive, annoying and potentially generating justified noise complaints.

The outcome of the assessment is that a significant noise impact could be created in the gardens of the most affected properties from noise arising from CMJ Fabrications, Boalloy and Copeland and Craddock. In the absence of mitigation, noise levels from the nearby industrial premises are likely to cause complaints from future residents of the proposed development.

Mitigation measures therefore need to be incorporated into the proposed site design to ensure noise generated at the nearby industrial premises is reduced to acceptable levels at the proposed residential dwellings located closest to, and with a direct line of sight of, the industrial premises.

The acoustic report recommends that any outdoor living areas located closest to and with a direct line of sight of the Radnor Park Industrial Estate access road and nearby industrial premises be provided with: A close boarded fence/wall. A 2.5m high close boarded fence along the eastern site boundary with a direct line of sight to the Copeland and Craddock premises. A 3.5m high close boarded fence along the northern site boundary with a direct line of sight to the Boalloy and CMJ Fabrication premises

Alternatively to mitigate noise levels in these outdoor living areas, gardens could be located on the screened sides of dwellings, i.e. not located with a direct line of sight to the nearby noise sources.

Turning to the mitigation required to protect the internal environment of the proposed dwellings, the requirements indicate that standard thermal double glazing would ensure that internal noise levels are met with the windows closed. However, with windows open, the recommended internal noise limit will likely be exceeded in habitable rooms at the edges of the site, located nearest to, and with a direct line of sight of Back Lane, the Radnor Park Industrial Estate access road and the nearby industrial premises.

In order to mitigate against this, it is proposed that those dwellings affected, would be subject to the following measures:

- Acoustic ventilation required in some habitable rooms (living rooms and bedrooms)
- Alternatively, habitable rooms could be located on the screened side of the proposed buildings, away from the main sources of noise, Back Lane, the Radnor Park Industrial Estate access road and the nearby industrial premises
- Noise sensitive rooms with windows facing the existing industrial premises to the north and west be provided with higher specification glazing and mechanical ventilation to protect the amenity of future residents
- Alternatively a standoff from the industrial premises could be implemented along with a bund and fence combination along the northern and eastern site boundaries
- Glazing and acoustic ventilation requirements advised to be confirmed, on a plot by plot basis, at the detailed application/reserved matters stage

It is the Environmental Health Officer's (EHO) view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent

to an industrial development, whereby the housing will suffer noise as a consequence. However, this would be mainly for outdoors areas (i.e. private garden spaces of some properties) as the internal environment could be adequately protected from noise through the provision of high spec glazing and mechanical ventilation.

Whilst the view of the EHO is noted, it should be borne in mind that the concern relates to garden space, not internal noise which EHO advise can be mitigated. The Applicant's own noise consultant has provided reports that in their opinion demonstrate that the proposal's noise impacts accords with World Health Organisation Guidelines. The outdoors areas can be mitigated with appropriate boundary treatments, which in context of the adjoining uses, would not appear unsightly and by carefully designing the layout (a reserved matter) so that they are screened by the built form. Similar conclusions were drawn by an Inspector when he considered a scheme for residential development nearby at Forge Lane. He sated that:

"I have concluded that living conditions at the proposed dwellings would be satisfactory, and this is relevant to the question of whether complaints are likely. Moreover, the nearest of the proposed dwellings would be located a similar distance from the key sources of industrial noise as existing dwellings and, while the Council has shown some record of complaints from existing dwellings, those attributable to noise are not excessive in number. Accordingly, I am not persuaded that the dwellings proposed would add significantly to local pressure to curtail or restrict the activities of the existing businesses, and I find no conflict with the Framework as a result of this consideration".

Consequently, it is not considered that refusal could be sustained on noise grounds (this conclusion is made in consideration of an application on an adjacent site 14/5111C). There are many benefits of this proposal, notwithstanding the fact that this is a vacant site that is unlikely to be utilised for any other purpose and the contribution to housing land supply and the contributions to the 3 strands of sustainability within the NPPF.

S106 contributions Levy (CIL) Regulations:

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

Policy IN1 of the 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 provision of Public Open Space is also necessary to make the development acceptable in planning terms and as such also meets the above tests.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4. This is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment and issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. Recent appeals have also supported this interpretation.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. An indicative layout has been tabled which demonstrates how the provision of up to 24 units could be delivered on the site whilst respecting distances with boundary hedges, trees and adjoining properties.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

Notwithstanding highways considerations (which will be reported by way of an update), the proposal is considered to be acceptable in terms of its impact upon all other material planning considerations. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **7 units on site 4 for social rented and 3 for shared ownership**

Public Open Space comprising of:

- **576m² of new Amenity Greenspace including 5 pieces of Play Equipment or contribution in lieu (TBC)**
- **Management company for onsite Amenity Green Space**

And the following conditions

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Accordance with Approved Plans**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Details of pile driving operations to be limited**
- 7. Details of drainage (SUDS) to be submitted**
- 8. Only foul drainage to be connected to sewer**
- 9. Retention of important trees**
- 10. Tree and hedgerow protection measures**
- 11. Arboricultural Specification/Method statement**
- 12. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 13. Implementation of noise mitigation measures**
- 14. Accordance with approved access and constructed prior to first occupation**

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement 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: 14/5285C

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

DEFERRAL

Members deferred this item from Committee on 25th February 2015 for further information relating to the need for supported housing and consultation with housing.

Discussions are taking place with Housing at the time of report writing and an update will be provided to Members before Committee debates the application.

Officers in Adult Social Care and Independent Living have stated that they had been approached by the applicant and that this is not how they would commission support for people with learning disabilities and that they were not in a position to say whether additional accommodation was

needed in Sandbach or in any other area in Cheshire East in advance of the conclusion of the life course commissioning review.

What should be noted is that this is an application for C3 use (dwellinghouse). If the application was for an apartment block and did not include supported living in the description, it could be used to accommodate people with learning disabilities without the need for change of use. This is because this application is not for C2 use (residential institutions) and therefore there is no requirement to justify the need for the accommodation.

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 Sandbach.

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 have 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

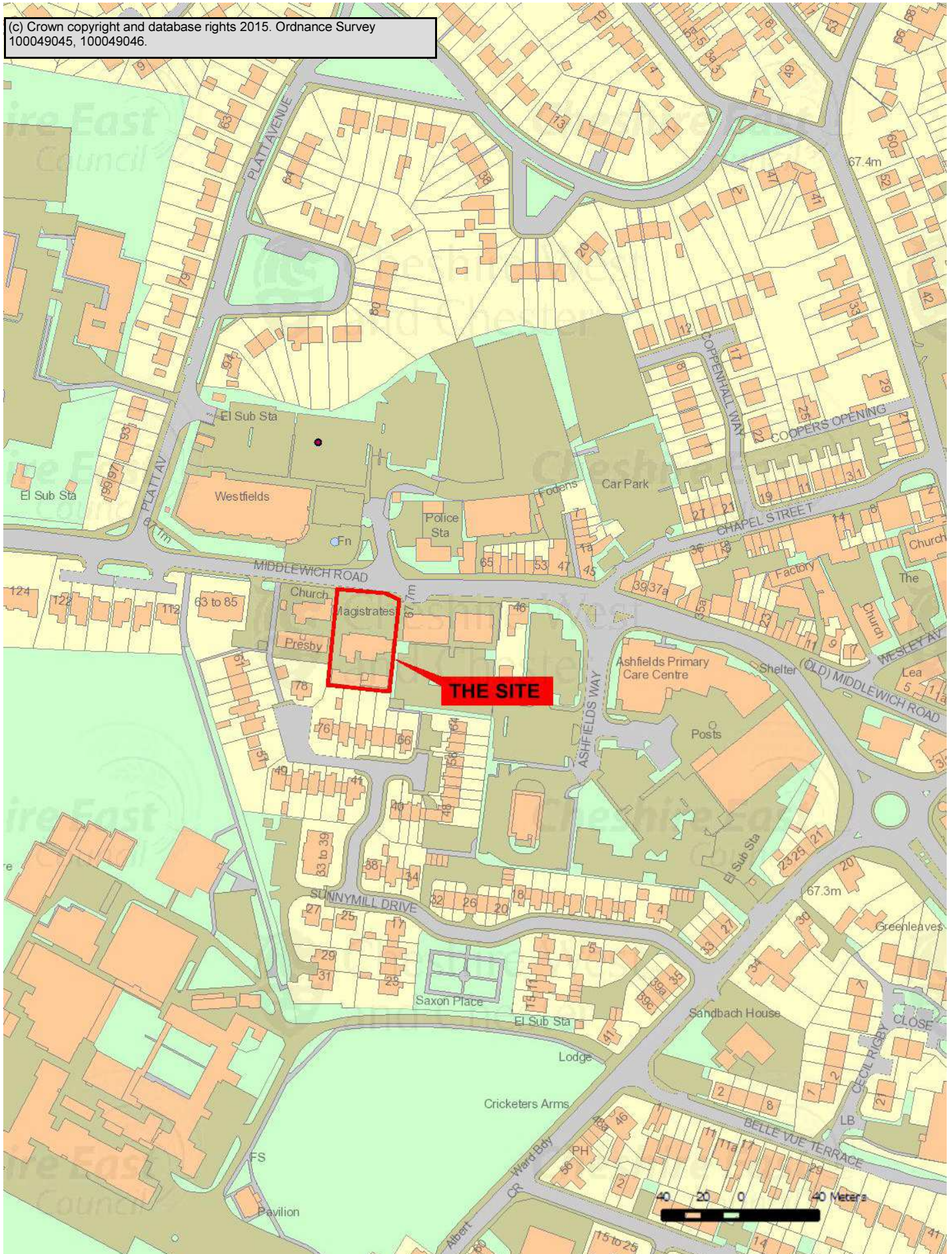
Approve subject to the following conditions:

- 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.

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: 14/3215C

Location: LEONARD CHESHIRE HOME, THE HILL, SANDBACH, CHESHIRE, CW11 1LA

Proposal: The conversion of the existing listed building into 12 no. 1,2 and 3 bed apartments with associated parking and landscaping. Demolition of the newer build elements to the north and west elevations.

Applicant: Brookmoor Developments Ltd

Expiry Date: 22-Oct-2014

SUMMARY:

The development site lies within the Open Countryside, however the principle of residential use has been established by a previous approval.

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

The alterations to 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 conversion of this Grade II Listed Building into 12, one, two and three bed apartments, with associated parking and landscaping and demolition of the newer build elements to the north and west elevations.

SITE DESCRIPTION

The application site comprises a former mansion house that was used as a disability care facility for many years. To the west is the newly developed care facility and 3 dwellings and a barn that

has permission for conversion lie to the east. To the rear of the site is open countryside, However there is an application for residential development on this land and also an ongoing appeal for the same development.

RELEVANT HISTORY

There are several historic applications relating to alterations to the main building and the erection of the new unit and other ancillary buildings. The most relevant being 13/0258C, which included the change of use to residential (C3).

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance is paragraphs 127 to 134 (inc)

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 Open Countryside.

The relevant Saved Policies are: -

PS8 Open Countryside
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
BH3 Listed Buildings
BH4 Listed Buildings

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 7 The Historic Environment
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 relating to parking provision and bin storage.

Environmental Protection: No objection subject to conditions/informatives relating to noise and disturbance and travel planning.

Sandbach Town Council: Welcome the application and offer no objection.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants, a site notice was posted outside the site and an advertisement was placed in the local paper.

At the time of report writing two representations have been received expressing concern about parking, access and highway safety when looked at in conjunction with the application for housing on the neighbouring site.

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 open countryside; however the principle of allowing residential development on this site has already been established under application number 13/0258C. The application to bring this vacant Listed Building back into use is considered to be acceptable in principle.

This proposal is for the conversion of the building to 12 residential apartments which is considered to be acceptable in this location.

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

A minor bat roost has been recorded at the property. The roost is located under a fascia board on an elevation of the buildings not affected by the proposed development and the bat report submitted with the application advises that it is feasible to retain the roost in its current location.

The Council's ecologist has assessed the information submitted with the application and is satisfied that the proposed development would be highly unlikely to have any adverse impact on the roost.

Trees

An Arboricultural Impact Assessment has been submitted with the application which addresses issues relating to trees on the site. The proposal would result in the loss of one mature Oak Tree, a semi-mature Cypress, a semi-mature Western Red Cedar, a semi-mature Scots Pine and a mature Yew Tree (all to the front of the site). The loss of trees is considered to be regrettable; however they do not have statutory protection. A comprehensive landscape scheme showing appropriate replacement planting should be secured by condition.

Appearance

The proposal is for the conversion of the building to 12 apartments. This would involve the removal of relatively recent additions to the building. The elements identified for removal are considered to be inappropriate additions and their removal is considered to be acceptable.

The building requires considerable renovation and repair works and the intention of the developer is to retain as much of the original fabric as possible. This is to be welcomed and as such a suite of conditions should be imposed to ensure that this is secured.

The proposal is therefore considered to be acceptable in design terms and would not have a detrimental impact upon the character and appearance or setting of this Listed Building. The development is in accordance with Policy GR2, BH3 and BH4 of the adopted local plan.

Highways

The site would be accessed from the existing vehicular access and a new vehicular access has been approved for the new care facility adjacent to the site. Twenty parking spaces are proposed within the site. The Head of Strategic Infrastructure (HSI) has requested that 21 spaces are provided and there is adequate space to do this. In addition the HSI would like to see a reconfiguration of the bin storage within the site to ensure that there is no conflict with refuse vehicles. Therefore a condition should be imposed requiring a plan to be submitted showing a revised parking and bin storage layout.

Subject to the condition referred to above, the proposal is considered to be acceptable in highway safety terms and 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.

Affordable Housing

The development would not provide any contribution to affordable housing. However the developers have submitted a report demonstrating that this would not be financially viable. Given that the conversion of the building would ensure the renovation and retention of this Listed Building, it is considered that it would be unreasonable to require any provision of affordable housing as part of the development as it would render it economically unviable, possibly resulting in the further deterioration of the building.

SOCIAL ROLE

Amenity

The development would bring the property back into residential use and would not include any additional buildings; indeed it proposes removal of some of the more modern elements of the building. It is therefore considered that there are no significant adverse impacts on the amenities of nearby residential properties, or the neighbouring care home.

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.

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 principle of residential use of the building has already been established under the previous application (13/0258C).

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 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

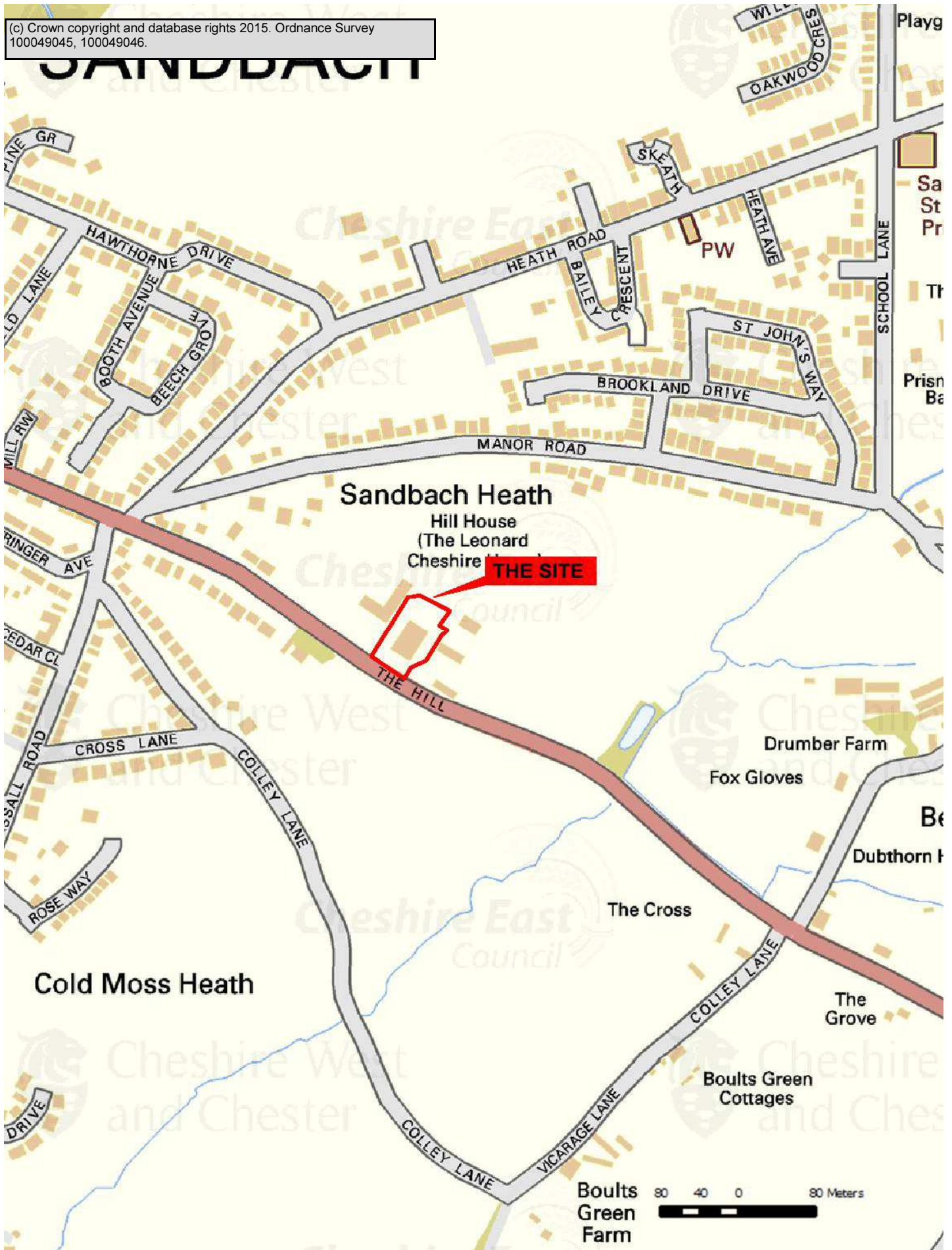
Approve subject to the following conditions:

1. **Commencement**
2. **Approved plans**
3. **Submission of a revised parking and bin storage plan showing 21 parking spaces and amalgamated bin storage area**
4. **Submission of landscaping scheme**

5. Implementation of landscaping scheme
6. Submission of boundary treatments
7. Submission of tree protection measures
8. Submission of a Heritage Management Plan, including a method statement for external and internal repairs for approval
9. Submission of full details for all replacement windows and repairs to existing windows
10. Submission of full details of proposed balconies

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: 14/3217C

Location: LEONARD CHESHIRE HOME, THE HILL, SANDBACH, CHESHIRE, CW11 1LA

Proposal: Listed building consent for the conversion of the existing listed building into 12 no. 1, 2 and 3 bed apartments with associated parking and landscaping. Demolition of the newer build elements to the north and west elevations.

Applicant: Brookmoor Developments Ltd

Expiry Date: 07-Oct-2014

SUMMARY:

The development site lies within the Open Countryside; however the principle of residential use has been established by a previous approval.

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

The impact this Listed Building 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 conversion of this Grade II Listed Building into 12, one, two and three bed apartments, with associated parking and landscaping and demolition of the newer build elements to the north and west elevations.

SITE DESCRIPTION

The application site comprises a former mansion house that was used as a disability care facility for many years. To the west is the newly developed care facility and 3 dwellings and a barn that has permission for conversion lie to the east. To the rear of the site is open countryside, However there is an application for residential development on this land and also an ongoing appeal for the same development. The Listing description from 1978 is as follows:

1733. Central portion added 1870, altered 1912 and with modern additions, the latter not included. Red brick; 2 and 3 storeys. Original front block has plain brick pilasters, stone cornice, and parapet and band between bays; 2 + 1 + 2 plain sash windows (single glazing bars only); doorway has flush porch in stone surround with keyblock and semi-circular head; slates.

RELEVANT HISTORY

There are several historic applications relating to alterations to the main building and the erection of the new unit and other ancillary buildings. The most relevant being 13/0258C, which included the change of use to residential (C3).

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraphs 127 to 134 (inc)

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 Open Countryside.

The relevant Saved Policies are: -

BH3 Listed Buildings

BH4 Listed Buildings

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 7 The Historic Environment

CONSULTATIONS:

Highways: No objection subject to conditions relating to parking provision and bin storage.

Environmental Protection: No objection subject to conditions/informatives relating to noise and disturbance and travel planning.

Sandbach Town Council: Welcome the application and offer no objection.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants, a site notice was posted outside the site and an advertisement was placed in the local paper.

At the time of report writing two representations have been received expressing concern about parking, access and highway safety when looked at in conjunction with the application for housing on the neighbouring site.

APPRAISAL

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

Impact on the Listed Building

The property is a Grade II Listed former mansion house that for many years operated as a care home. The building has evolved over the years with additions and alterations, including extensions during the 20th century.

The conversion would involve the demolition of the single storey toilet block on the western side of the property and the pre-dominantly single storey extensions on the northern side. It is considered that the removal of these elements would be of benefit as they are inappropriate in the context of the historic fabric of the building.

The conversion would create 12 apartments, 6 at ground floor level and 6 at first and second floor level. The majority of the historic fabric of the building would be retained, including fire surrounds, doors, mouldings, panelling, staircases and fenestration. The replacement and/or repair of any of the windows and doors should be controlled by condition.

In order to ensure that the fabric of the building is protected and to avoid further deterioration, the repair and reinstatement of features and materials appropriate to this historic building should be controlled by a condition requiring the submission and approval of a heritage management plan, detailing all works to be undertaken.

Paragraph 134 of the National Planning Policy Framework states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."* In the case of this application it is considered that the public benefits of retaining the building outweigh any minor harm.

Conclusion – The Planning Balance

The principle of residential use of the building has already been established under the previous application (13/0258C).

The removal of inappropriate additions to the building would be beneficial.

The conversion to residential accommodation would help to protect the building for the benefit of the historic environment and future generations.

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

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

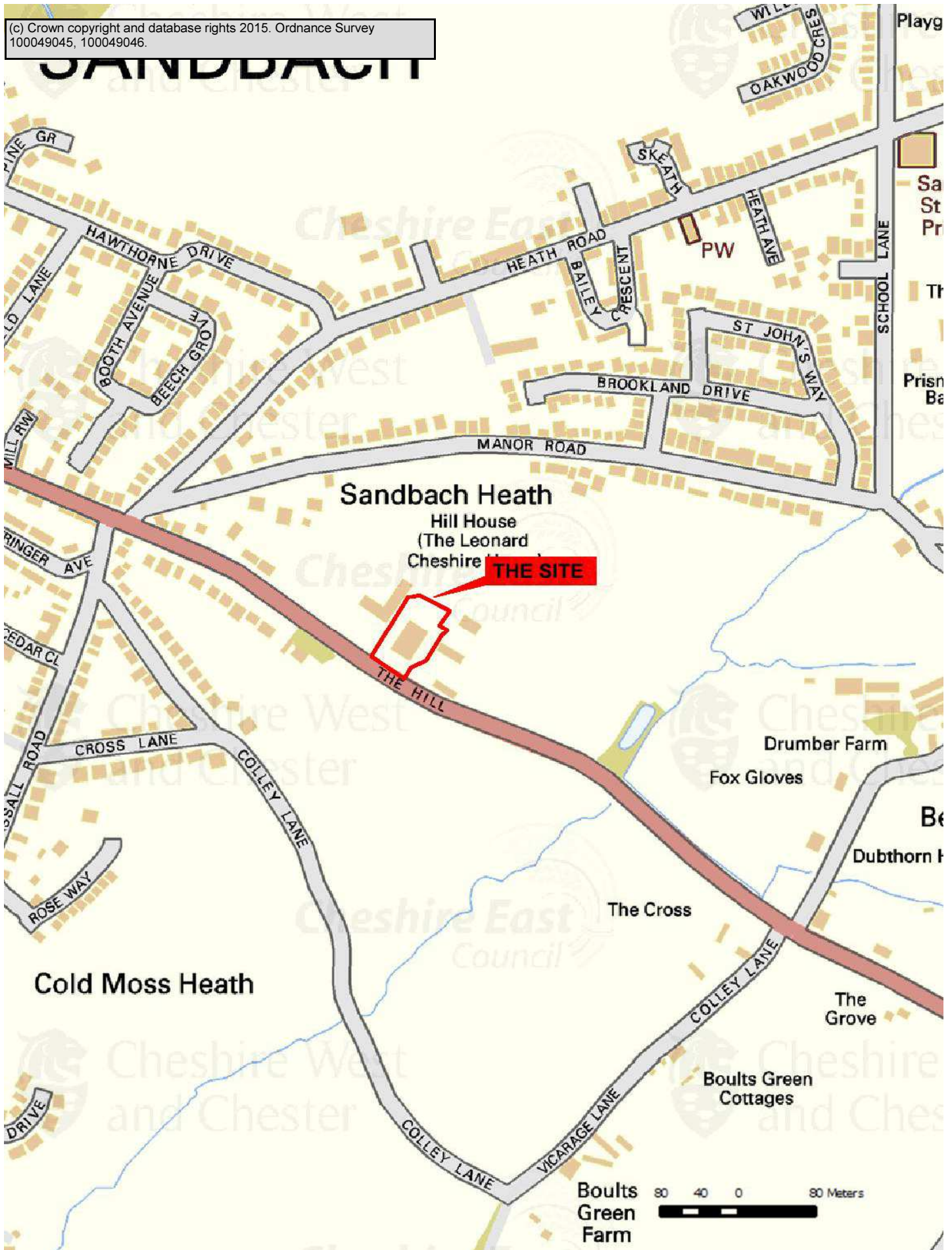
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of boundary treatments**
- 4. Submission of a Heritage Management Plan, including a method statement for external and internal repairs for approval**
- 5. Submission of full details for all replacement windows and repairs to existing windows**
- 6. Submission of full details of proposed balconies**

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: 15/0299C

Location: LAND ADJACENT TO 9, ST PETERS RISE, SANDBACH, CW11 3EP

Proposal: Change of use from amenity land to residential garden. Removal of fencing to rear boundary to allow access to maintain garden

Applicant: Mr Terence Coppenhall

Expiry Date: 18-Mar-2015

CONCLUSION:

Local concerns from Sandbach Town Council have been raised. Issues received are concerned with what is considered to be a detrimental impact on visual amenity for locals. However, the change of use is not considered to be incongruous within its setting nor detrimental with regard to visual amenity for the local residents, in relation to Local Plan Policies and the NPPF.

Subject to conditions, the proposal is considered to be acceptable in terms of its removal of PD in order to prevent development on the site in terms of fences and outbuildings, therefore ensuring the nature of the existing parcel of land is retained and as to not create any issues of highways visibility.

The application site is within the Settlement Zone for Sandbach and the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject conditions.

SUMMARY RECOMMENDATION:

Approved with conditions

REASON FOR REPORT:

This application has been called in for determination by the Committee as the applicant is a member of staff at Cheshire East Council.

PROPOSAL:

Planning permission is sought to change the use of the land from 'amenity land' to 'residential garden land' (Use Class C3) serving as an extension to the garden associated with No. 9 St Peters Rise,

Sandbach. The application also seeks to remove the existing fencing to the rear boundary to allow access to maintain the garden.

SITE DESCRIPTION:

The estate was built in the 1970s where there are buffers of open grassed amenity land to the properties which side onto Lawton Way. These spaces serve to soften the impact of the built development and allow for open views and aspects within the estate.

The site comprises of a roughly triangular shaped parcel of amenity land, located on a corner plot, between Lawton Way and St Peters Rise. The site falls within the Sandbach Settlement Zone and is not allocated for any other purposed in the adopted Congleton Borough Local Plan First Review (2005).

The site has been planted with hedging on the boundary, has some shrubs and is well mown and has the appearance of being part of the domestic garden of number 9 St Peters Rise.

RELEVANT HISTORY:

None

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework

Development Plan:

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

The relevant saved polices are: -

PS4 – Towns
GR1 – New Development
GR2 – Design
GR4 - Landscaping
GR6 – Amenity and Health

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

CONSULTATIONS:

Highways: The loss of the land is not considered to compromise the strict technical visibility splays of the junction. However highways believe the openness of the junction does actually advantage the safe operation of the junction itself. The use of the cross visibility over the land is considered to reduce junction capacity and have the potential to cause issues especially for drivers who are not familiar with the site.

Sandbach Town Council: Members urge Cheshire East Council to look at the issue of enclosing large parcels of amenity land on this housing estate and object to this change of use, due to the detrimental impact on the visual amenity for locals.

REPRESENTATIONS:

None

APPRAISAL:

Principle of Development

PS4 (Towns) of the Congleton Borough Local Plan First Review 2005 states that “*within the settlement lines of towns, there is a general presumption in favour of development provided it is in keeping with the town’s scale and character and does not conflict with other policies of the Local Plan*”.

The application site lies within the Settlement Boundary for Sandbach, therefore the principle of residential development is acceptable providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

In terms of neighbouring residential amenity the closest neighbouring dwelling to the site in question, is Number 9 itself (the applicant). The land is situated on a corner plot between Lawton Way and St Peters Rise, with the applicant lying on the only neighbouring side of the plot of land. The neighbour to the rear of the land is Number 1 Etherow close and is not considered to be affected by any amenity issues. The triangular piece of land faces the Co-operative on the adjacent side of Lawton Way which faces into St Peters Rise.

It is accepted that views will be possible from the street and from the rear of Number 1 Etherow close. However this is not considered to be detrimental as the land will remain predominately as it is now, which is already considered to carry the appearance as an area of garden.

Design

With regard to the design of the proposed dwelling Policy GR.2 (Design) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

With the above in mind the surrounding area is predominantly residential with pockets of amenity land scattered throughout. However, there have been previous applications which have been granted permission for similar proposals including the change of use from amenity land to residential. These are all situated in the immediate neighbouring area and vary in size. There has been an identical proposal at the same position on the next road along, on the corner plot of Etherow close and Lawton Way, which was approved in August 2014.

Additionally, with the removal of PD, it will not be possible for the applicant to be able to undertake any works of development including fences and outbuildings, without applying to the Local Planning Authority for approval. Thus, the plot of land, would remain predominately in its existing form and therefore it is not considered that any issues of visual amenity would be caused.

Therefore, the proposal to change the use of land from amenity land to residential would not be out of character with the area, nor would it be incongruous amongst its existing setting.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

Highways:

The Strategic Highways Manager has stated that the loss of this land would not compromise the strict technical visibility splays of the junction. However the Strategic Highways Manager has always resisted the loss of the land on this estate as the openness of the junction does actually advantage the safe operation of the junction itself.

In relation to the comments from the Strategic Highways Manager, despite issues being raised, it has been stated that the change of use of this land would not compromise the strict technical visibility splays of the junction and therefore it is not considered that a reason for refusal can be sustained.

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 in within the Settlement Boundary for Sandbach, and an established residential area, and is in accordance with development plan policy PS.4 (Towns), therefore there is a presumption in favour of development.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**

2. Plans
3. Removal of PD, fences, outbuildings.

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

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Application No: 14/0841N

Location: Land Off, SPINNEY DRIVE, WESTON

Proposal: Residential development of 4 detached houses

Applicant: G McDermott, CDM Developments (North West) Ltd

Expiry Date: 08-Apr-2014

SUMMARY:

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

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

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

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

The lack of affordable housing contributions render the development unsustainable.

RECOMMENDATION:
Minded to Refuse

APPEAL

The Applicant has appealed against non determination of this application so the decision on this application has been placed in the hands of the Secretary of State. The purpose of this report is to seek a resolution from the Committee as to how the Council would wish to defend the appeal.

The Council must submit an Appeal Statement by 27th March 2015.

DEFERRAL

The application was deferred at the Southern Planning Committee meeting on 17th December 2014 for the following reason:

- to allow consideration of the impact of recent government guidance on the affordable housing requirements

- to allow planning officers to speak to the applicant regarding the concerns raised by the Parish Council
- to enable the applicant to provide clearer layout plans and clarify the separation distance to 63 Cemetery Road

No amended plans have been received in response to this deferral and the applicant lodged an appeal on 5th January 2015.

PROPOSAL

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

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

SITE DESCRIPTION:

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

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

RELEVANT HISTORY:

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

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The relevant Saved Policies are:-

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure
RES. 5 – Housing in Villages with Settlement Boundaries
RES.3 – Housing Densities
RES.7 – Affordable Housing

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

Supplementary Planning Document – Development on Backland and Gardens

Other Material CONSIDERATIONS:

National Planning Policy Guidance.

CONSULTATIONS:

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

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

United Utilities: No objection.

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

The Parish Council are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. There will, in our judgment, be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

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

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

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

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants.

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

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

APPRAISAL:

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

Principle of Development

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

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

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

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

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

Design

The proposal is for 4 detached dwellings fronting onto Spinney Drive. They would be constructed of traditional materials and would have a traditional design. The surrounding development has a variety of forms including 2-storey dwellings and bungalows and the dwellings would not be out of keeping with the character and appearance of the streetscene. As such it is considered that the proposal is in compliance with Policy BE.2 (Design) of the adopted local plan

Highways

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. Subsequently an amended plan has been submitted showing a garage 3m x 5.5m which meets the requirements of the parking standards set out in the Development Strategy – Submission Version.

The proposal is considered to be in compliance with Policy BE.3 (Highways).

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

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

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

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

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

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

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

Affordable Housing

As part of the Strategic Housing Market Assessment (SHMA) Update 2013 Weston is located in the Haslington and Englesea sub-area. The SHMA Update 2013 shows that for this sub-area there is a requirement for 44 new affordable units per year between 2013/14 – 2017/18, made up of a need for 1 x 1 bed, 11 x 2 bed, 19 x 3 bed, 10 x 4+ bed and 1 x 1 bed & 1 x 2 bed older persons accommodation.

In addition to this information taken from the SHMA Update 2013 Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 32 applicants who have selected Weston as their first choice. These applicants have indicated they need 14 x 1 beds, 12 x 2 beds, 4 x 3 beds and 2 x 4 beds.

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

The recently produced Planning Practice Guidance on Planning obligations states at Paragraph 12 that:

'in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development'

The guidance is a material consideration which must be given weight in the planning balance.

However, the guidance must be weighed against the Council's adopted policy position on affordable housing. In this case the Council's guidance is in the form of Policy RES.7 and the Interim Planning Statement on Affordable Housing. The IPS states that:

'Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. 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 for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate'

Noting the particular site circumstances and viability of the proposed development, it is considered that an affordable housing contribution is justified at the lower level, as identified in the IPS and the housing need identified within the SHMA. As such a contribution in-lieu of on-site affordable housing will be required in support of this application.

In response to this the applicant has provided a viability report and this has been assessed by external consultants on behalf of the Council. The viability assessment is not accepted by the Council's consultants and as such a contribution in-lieu of affordable housing will be required in this case.

Response to Objections

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

Planning Balance

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

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

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

The Government has stated that small scale developments such as this should not be required to provide affordable housing.

The lack of a contribution to affordable housing means that the development would not fulfil the social role of sustainable development. The three roles of sustainable development must be mutually dependant, therefore the proposal would not constitute sustainable development.

RECOMMENDATION

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Minded to refuse for the following reason:

1. The proposed development would not deliver a contribution to affordable housing contrary to the requirements of Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan and the Interim Planning Statement: Affordable Housing (February 2011). The lack of this affordable housing therefore means that the development would not deliver sustainable development contrary to the requirements of the National Planning Policy Framework.

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.

As this application is 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.



Cheshire East

Cheshire West and Chester

Cemetery

CEMETERY ROAD

77

65

63

57

6

1

12

2

38

34

30

8

11

26

1

10

45

35

1

THE SITE

FERNDAL CLOSE

SPINNEY DRIVE

WESTMERE CLOSE

MILLBECK

20 10 0 20 Meters

CLOSE

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Application No: 15/0202C

Location: SPANSET LTD, TELFORD WAY, MIDDLEWICH, CW10 0HX

Proposal: Proposed refurbishment of existing training facilities, creation of new reception and classrooms and associated external alterations, additional 44 car parking spaces. Change of current building use from B1, B2 and B8 to mixed use.

Applicant: Peter Ward, Spanset Ltd

Expiry Date: 22-Apr-2015

SUMMARY

The NPPF requires that significant weight should be placed on the need to support economic growth through the planning system. Furthermore, it is advised that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The acceptability of the proposal with regards to sustainability is dependent on the scheme meeting these requirements.

The principle of the development to change the use to include a non-residential training use (D1 Use), which already operates from the site is considered to be acceptable in this location subject to its adherence with other local plan policies.

It is considered that the application would deliver significant economic benefits assisting with the expansion of an existing business. No environmental or social issues would be created.

As such, it is considered that the development would represent a sustainable development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

The Cheshire East Council's Scheme of delegation advises that applications for commercial/industrial development between 1,000-9,999 square metres should be classified as a Small Scale Major Development and should be referred to Committee. This development seeks to change the use of an area of approximately 1,511 square metres.

DETAILS OF PROPOSAL

The application site is positioned within the Middlewich Settlement Boundary and relates to an existing industrial/training use.

On 29th May 1990, planning permission was granted for the erection of the application unit for 'B1, B2 and B8 uses.'

Given that a non-residential training centre falls within the D1 use class, the application seeks the use to include this as well as the retention of the existing manufacturing and office elements.

As part of the development, the following alterations are sought;

Front elevation (north)

- Insertion of x3 large first floor windows within the principal elevation
- Replacement of double entrance door with window
- Creation of a ground floor new entrance to the building, which will include a canopy

Side elevation (west)

- Conversion of existing pedestrian door to a window
- Insertion of a pedestrian fire door

Landscaping changes

Forward of the location of the newly created entrance to the training facilities at the site, the application proposes to include a new paved area, remove 2 car parking spaces and make minor alterations to the landscaping

Car park

The proposal seeks the creation of a further 44 new car parking spaces to the rear of the application unit. Some of these parking spaces have already been created. Where the new parking spaces are proposed currently comprises of a lawn area.

SITE DESCRIPTION

This application relates to Spanset Ltd, a height safety, lifting, load control and training company located on the southern side of Telford Way within the Midpoint 18 industrial estate, Middlewich within the Middlewich Settlement Zone Line.

The application site comprises of a rectangular shaped double-height building with a mixture of open brick and metal clad walls.

To the front of the site is a car park, to the rear numerous outbuildings and hard standing can be found which is also used for training purposes.

RELEVANT HISTORY

06/0706/FUL - Installation of 21 metre training tower to complement existing height safety training facilities – Approved 21st September 2006

04/0331/FUL - Three storey steel framed building clad vertically on 3 sides with ground floor classroom for 'working at height' training – Approved 22nd December 2004

32190/3 - Erection of steel clad portal frame building to be used as a service workshop – Approved 14th August 2000

29696/3 - Erection of 30m freestanding tower for purposes of providing specialist high level training to the emergency services and others – Approved 10th February 1998

23629/9 - Company sign and 3 no. Flag poles – Approved 10th September 1991

20943/A - Industrial unit for B1, B2 and B8 uses – Approved 29th May 1990

20943/1 - Phase 3, use classes A2 and B1 to B8 inclusive – Approved 17th October 1989

NATIONAL & LOCAL POLICIES

National policy

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

Of particular relevance to this application are paragraphs; 17 (Core planning principles), 1-22 (Strong, competitive economy) and 56-68 (Good design)

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 Re-development of Existing Employment Sites), GR1 (General Criteria for Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health) and GR9 (Highways & Parking)

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:

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), EG3 (Existing and Allocated Employment Sites) and CO1 (Sustainable Travel and Transport)

CONSULTATIONS

Strategic Highways Manager – No objections

Coal Authority – No objections

Environmental Protection – No objections, subject to an hours of construction informative

Environment Agency - No objections

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council have not provided any comments at time of report

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted. No letters have been received.

APPRAISAL

The key issues are:

- The principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- The impact upon highway safety

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 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;

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

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.

Economic Role

Policy PS4 of the Local Plan advises that within the settlement zone lines, there is a general presumption in favour of development providing it is in keeping with the towns scale and character and does not conflict with other policies in the Local Plan.

Policy E3 of the Local Plan refers to employment development in towns. It is advised that development will be permitted provided that; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal is appropriate to the local character in terms of its use, intensity, scale and appearance; the proposal complies with Policy GR1 and that the proposal accords with other relevant local plan policies.

The site is not committed for any particular purpose within the local plan. However, historically this site was committed for employment development as part of the Midpoint 18 site. As the proposal seeks to regularise and expand its existing training facilities within this partial industrial / part training company, an employment use shall continue to operate.

The site is surrounded by industrial and commercial development. As such, the change of use of this site from B1, B2 and B8 use to B1, B2, B8 and D1 mixed use would be appropriate subject to its adherence with other relevant local plan policies.

With regards to intensity, scale and appearance, the only additional built form sought includes the provision of an entrance canopy and the laying of hard standing. As such, in terms of these considerations, the development would be in keeping with the general intensity of the surrounding sites.

It is advised within the submission that the proposed physical alterations would be constructed from materials to match the existing building. This would include; double-glazed thermally broken aluminium framed fenestration to match the existing in terms of colour. No details of the canopy material have been provided.

Subject to this detail being secured via condition, the design would not appear incongruous within its setting.

As a result of the above reasons, it is considered that the proposed development would adhere with Policies PS4 and E3 of the Local Plan and be acceptable in principle.

Paragraph 19 of the NPPF advises that '*significant weight should be placed on the need to support economic growth through the planning system.*' As such, the NPPF largely supports the principle of the development and the above Local Plan Policies that apply in this case.

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

Environmental role

Landscape, Trees and Ecology

Given that the development relates to an existing employment site, enclosed by employment development on 3 sides and given the minor scale of the built form proposed, it is not considered that there would be any wider landscape issues created by the proposed development.

With regards to the landscaping of the site itself, the development will result in the disruption and reduction of an area of existing soft landscape to the front of the building and an area of grass to the rear. The Council's Landscape Officer has advised that the works will not have significant wider landscape impacts. However, it has been recommended that in the event of approval a condition is recommended to ensure that the frontage is restored/replanted via the implementation of landscaping conditions.

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

Highways

The application proposes to remove 2 existing parking spaces to the front of the site and erect a further 44 new parking spaces to the rear. The parking spaces to the rear would be accessed via an existing driveway along the east of the building.

The Strategic Highways Manager (SHM) has reviewed the application and has advised that the proposed additional off-street parking is sufficient to serve a full attendance of delegates as well as training staff. In this respect, the proposal is considered to meet appropriate parking standards.

The access route is unchanged and satisfactory for the development.

As such, the SHM raises no objections and it is considered that the proposed development would adhere with Policy GR9 of the Local Plan and no highways issues would be created.

No significant issues relating to tree, ecology, flood risk and drainage issues would be created by the proposed development.

As such, subject to the inclusion of landscaping conditions, it is considered that the proposed development would be environmentally sustainable.

Social Role

Given the location of the site within an industrial estate, there are no neighbouring residential properties within close proximity. As such, no issues with regards to loss of privacy, light or visual intrusion would be created.

In terms of environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to an hours of construction informative.

The application does not create any social concerns and is therefore considered to be socially sustainable.

Planning Balance

The site is designated as being within the Settlement Zone Line of Middlewich where there is a presumption in favour of 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 economic growth.

From an economic sustainability perspective, the scheme will assist in the growth and expansion of an existing employment site. In addition, the proposal would create local benefits in the local area during construction and will provide local employment opportunities. As such, it is considered that the scheme is economically sustainable.

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

From a social perspective, no issues would be created.

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

RECOMMENDATION

APPROVE subject to conditions;

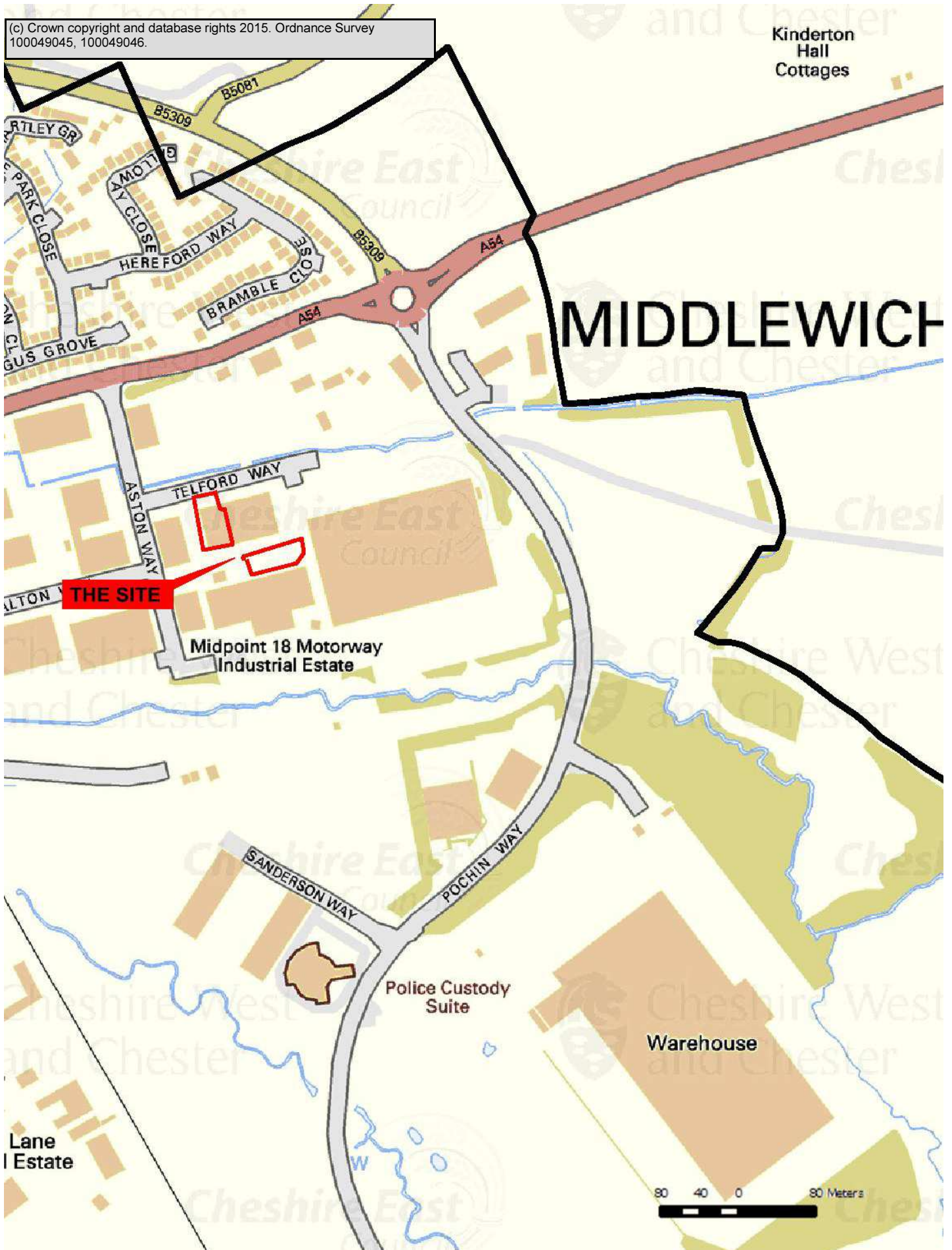
- 1. Time (3 years)**
- 2. Plans**
- 3. Materials to match existing**
- 4. Landscaping (details)**
- 5. Landscaping (Implementation)**

Informatives:

- 1. NPPF**
- 2. Hours of construction**

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: 15/0265C

Location: CHANCE HALL FARM, CHANCE HALL LANE, MORETON,
CONGLETON, CHESHIRE, CW12 4TL

Proposal: Erection of livestock building

Applicant: Mr Thomas Halton, Halton Farms Ltd

Expiry Date: 22-Apr-2015

SUMMARY

The NPPF requires that significant weight should be placed on the need support economic growth in rural areas whilst protecting Green Belt land.

Furthermore, it is advised that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The acceptability of the proposal with regards to sustainability is dependent on the scheme meeting these requirements.

The principle of the development to erect an agricultural building in this location is acceptable in principle.

It is considered that the proposal would deliver economic benefits without creating a significant detrimental impact upon the environment due to its well sited position close to existing agricultural buildings.

As such, it is considered that the development would represent a sustainable development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a new livestock building. The building would be rectangular in shape and measure approximately 48.7 metres in length, 30.5 metres in width and would comprise of a dual-pitched roof with an overall height of approximately 9.2 metres.

A concrete apron is proposed around the building.

SITE DESCRIPTION

This application relates to Chance Hall Farm located on the western side of Chance Hall Lane, Moreton, Congleton within the Green Belt.

The site comprises of the farmhouse and a number of agricultural outbuildings.

RELEVANT HISTORY

05/1112/FUL - Steel and fibre cement building for calf rearing – Approved 12th January 2006

04/0089/FUL - To provide an improved slurry lagoon to Chance Hall Farm lined with powerbase liner. Replace wall with 2 number concrete panel wall 3 metres high – Approved 19th November 2004

21468/3 - Cubicle and feeding area for dairy cows – Approved 9th October 1989

14679/3 – Cattle shed – Approved 28th January 1983

NATIONAL & LOCAL POLICIES

National policy

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

Of particular relevance to this application are paragraphs; 17 (Core planning principles), 28 (Supporting a prosperous rural economy), 56-68 (Good design) and 79-92 (Protecting Green Belt Land).

Development Plan

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

The relevant Saved Policies are: PS7 (Green Belt), BH13 (New Agricultural Buildings), GR2 (Design), GR4 (Landscaping), GR6 & GR7 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision) and NR2 (Wildlife and Nature Conservation – Statutory Sites).

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy: PG3 (Green Belt), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE3 (Biodiversity and Geodiversity) and SE4 (The Landscape).

CONSULTATIONS

Strategic Highways Manager – No objections

Environmental Protection – No objections, subject to an hours of construction informative

VIEWS OF THE PARISH COUNCIL:

Odd Rode Parish Council have raised no objection

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted. No letters have been received.

APPRAISAL

The key issues are:

- The principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- The impact upon highway safety
- The impact upon protected species

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 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;

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

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

In this instance, the impact upon the Green Belt is the principal consideration.

Landscape and impact upon the openness of the Green Belt

The application lies within the Green Belt where Policy PS7 of the Local Plan states that only development that falls within a number of purposes shall be permitted. One of these purposes is '*Agriculture and Forestry*.' This is supported by the NPPF which identifies that agricultural buildings are not inappropriate in the Green Belt.

The reason for the restrictions upon development in the Green Belt is to preserve its openness and the not conflict with the purposes of including land within it.

It is advised within the submitted Design and Access Statement that the proposed building would be used to house dairy cattle.

It is advised that the building would be used to house all the young livestock on site and keep the movements of the cattle minimised to adhere with TB guidance.

As such, the principle of the development is acceptable.

The proposed building would be located within a field to the rear of the existing agricultural buildings on site, adjacent to a farm track.

The Council's Landscape Officer has reviewed the submitted information and advised that she does not envisage any significant wider landscape impacts.

Levels information was provided at the request of the Landscape Officer which are considered to be sufficient as the site is relatively flat where the development is proposed.

It is therefore not considered that the proposal would create any landscape issues.

Design

Policy BH13 of the Local Plan advises that proposals for agricultural buildings will only be permitted where; the proposal is required for agricultural purposes, the proposal is essential to the agricultural operation and to comply with current environmental and welfare legislation, the development is appropriately sited, is of a sympathetic design, adequate provision for the disposal of foul and surface and water drainage is made and the access is sufficient and the proposal.

In response to this policy, it has already been established that this development is required for agricultural purposes and is essential for the agricultural operation. It is also considered that the siting of the structure would be suitable, as it would be located adjacent to an existing agricultural barn within the farmstead. As such its impact upon the openness of the Green Belt would be marginal.

In relation to foul management and drainage, Environmental Protection has raised no objections to the proposal suggesting that they are satisfied with the development.

With regards to the development's design, it is advised within the application that the building would be constructed from timber cladding to the gable ends with grey concrete panels and gates at ground-floor level. The sides of the building would be open in nature.

The design and material choice of this development would be appropriate for the purpose it serve and would not look out of place in this Green Belt setting.

As such, it is considered that the design of the proposal is acceptable.

Ecology

There are two ponds on the OS Map within 250m of the proposed development. The the applicants agent has stated that the ponds are in fact used for the storage of dirty water.

The Council's Nature Conservation Officer has reviewed the application and advised that the footprint of the proposed building offers negligible habitat for great crested newts. The construction phase of building projects can sometimes pose a risk Great Crested Newts. However, it is advised that the erection of livestock buildings is however usually a relatively brief.

The Council's Nature Conservation Officer has therefore advised that Great Crested Newts are not reasonable likely to affected by the proposed development and consequently no further action in respect of protected species is required.

As such, it is considered that the proposal would not create any ecology concerns.

Trees and Hedgerows

There are no trees or hedgerows within the proximity of the site which could be impacted by the proposed development.

Highways

The application site would be accessed via an existing farm track. The Strategic Highways Manager has reviewed the application and has advised no new issues would created by the proposed development.

Conclusion

As a result of the above reasons, it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is advised within the submitted Design and Access Statement that the building would help the farm manage the risks of TB by keeping the young stock 'at home'. As such, it is considered that the

development would provide economic benefits in so far that it would allow for the continued safe operation of the farm business.

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

Social Role

Given the location of the site within the Green Belt, there are no neighbouring dwellings within close proximity of the application site. The closest dwelling is over 100 metres away. As such, it is not considered that the proposal would create any amenity issues with regards to loss of privacy, light, visual intrusion or environmental disturbance.

The application does not create any social concerns and is therefore considered to be socially sustainable.

Planning Balance

The site is designated as being within the Green Belt where development is only permitted if it falls within 1 of a number of categories. One of these categories is agriculture.

From an environmental sustainability perspective, given the location of the development, within close proximity to the existing farmyard, the use of typical materials for such a development, it is not considered that the development would have a significant impact upon the openness and landscape of the site.

No new issues in relation to trees, ecology, flooding or drainage would be created. It is also considered that no new highway safety or parking, issues would be created. As such, it is considered that the site is environmentally sustainable.

From an economic sustainability perspective, the scheme will assist in the continued safe operation of this working farm. As such, it is considered that the scheme is economically sustainable.

From a social perspective, no issues would be created.

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

RECOMMENDATION

APPROVE subject to conditions;

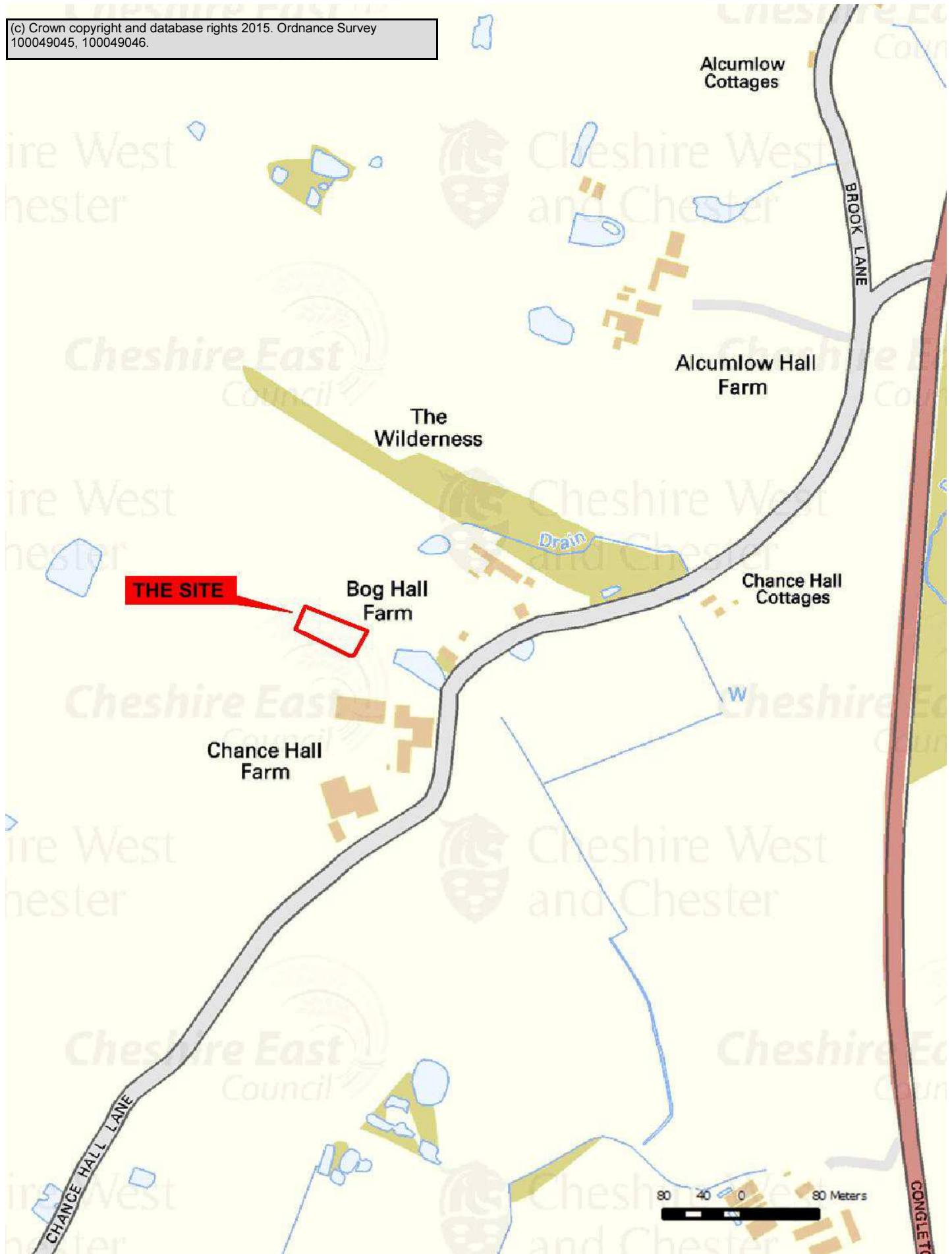
- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**

Informatives:

- 1. NPPF**
- 2. Hours of construction**

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: 14/5753C

Location: 19-23, LAWTON ROAD, ALSAGER, ST7 2AA

Proposal: Variation of Condition 7 of Planning Permission 10/0741C, as follows: 7. The hours of opening for the hereby-approved foodstore shall be restricted to 06.00 to 23.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays.

Applicant: ASDA Stores Ltd

Expiry Date: 16-Feb-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 10/0741C.

The variation of condition no. 7 to relating to hours of operation 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

PROPOSAL:

This application seeks to amend the hours operation detailed in condition no.7 of planning ref; 10/0741C, which granted full planning permission for the *'Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space'* at 19- 23, Lawton Road, Alsager.

Condition no. 7 stated that:

'The hours of opening for the hereby-approved foodstore shall be restricted to 07.00 to 22.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays or Public Holidays'

This application seeks the following wording for condition no. 7 to:

'The hours of opening for the hereby-approved foodstore shall be restricted to 06.00 to 23.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays'

SITE DESCRIPTION:

This application relates to a detached Co-op supermarket located on the northern side of Lawton Road, Alsager, within the Alsager Town Centre.

RELEVANT HISTORY:

15/0699C - Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space – under consideration

12/2162C - Non-Material Amendment to Planning Application 10/0741C - Elevational Alterations – Approved 20th June 2012

12/2135C - Non-Material amendment to 10/0741C for a Sub-Station – Approved 29th June 2012

11/2902C - Non-Material Amendment for Existing Co-Operative Foodstore and Town Centre Car Park – Approved 5th October 2011

10/0741C - Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space – Approved 15th July 2011

37808/3 - Erection of Class A1 retail foodstore, together with associated car parking, servicing and landscaping, and the formation of new vehicular accesses – Approved 22nd February 2005

37761/1 - Erection of food store, alteration and extension of town centre car park and improved highways access – Withdrawn 4th April 2005

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.

PS4 – Towns, GR1 - New Development, GR6 - Amenity and Health and 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 objections

VIEWS OF THE ALSAGER TOWN COUNCIL:

Have advised that the enforcement of previous conditions should be observed. No further comments.

REPRESENTATIONS:

Letters have been received from 3 addresses. The grounds for objecting are as follows:

- Increase in anti-social behaviour

APPRAISAL:

Principle of Development

Considerations relating to the suitability of the site for use as a Class A1 foodstore and 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 opening is the potential impact on any neighbouring properties.

Impact on Residential Amenity

The proposed variation to condition no. 7 would allow the store to operate to be between the hours of 06.00 to 23.00 on weekdays and Saturday and the hours of 10.00 to 17.00 on Sundays.

There are residential properties in the vicinity, mainly those on Lawton Road to the south, Wesley Avenue to the east and Sandbach Road North to the west.

The Council's Environmental Protection Team has advised that they have received and investigated a number of noise complaints from the current Co-op store. However, discussions have been held between the applicants and Environmental Protection and the issues which have been raised about the store are due to be addressed as an entirety outside of the planning process.

Following these discussions with Environmental Protection Team, the department is satisfied that the extension of the stores operating hours can be approved.

Other Matters Raised Representation

The concerns raised regarding anti-social behaviour are not under the control of the planning department. The concerns raised could happen at this site irrespective of the hours of operation of the unit. The concerns raised a police matters.

Other Matters

There is no evidence on file of the formal discharge of a number of conditions included on the original application re: 10/0741C. As such, should this application be approved, it is proposed that these

conditions are re-inserted and where information is required for submission, this be conditioned to be submitted within 6 months of the date of this determination.

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

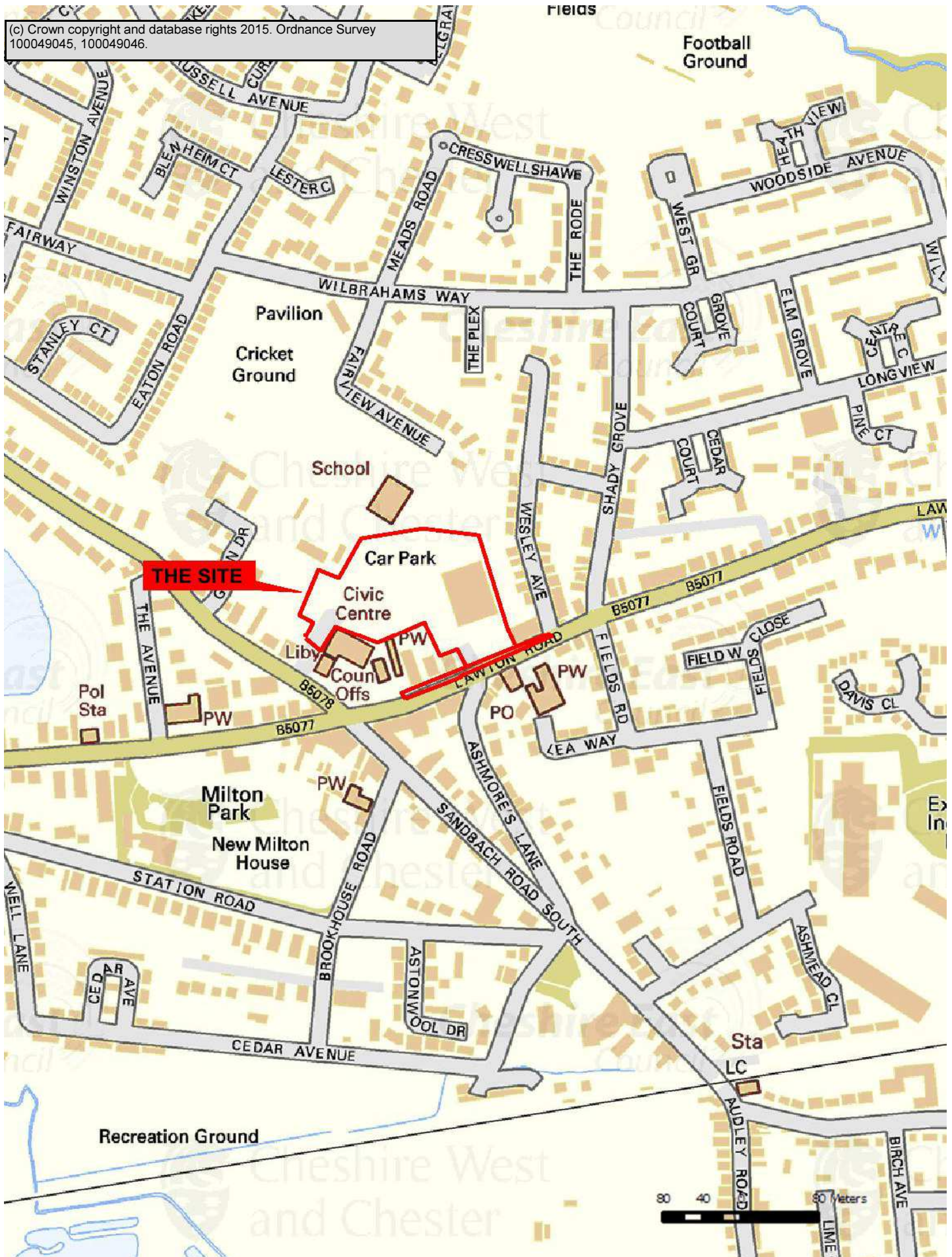
APPROVE subject to the following conditions

1. Development in accordance with approved amended plans received 29th April 2010 (10/0741C)
2. Materials - as per discharge (27/10/2011)
3. Restriction of retail floor space within the supermarket to 1318m² net retail floor space.
4. Restriction on hours of opening for supermarket
5. Restriction on hours of opening of restaurant
6. Restriction on hours of opening for the restaurant
7. Restriction on hours of delivery for all units
8. Noise mitigation for delivery areas – as per discharge (27/10/2011)
9. Noise mitigation for plant and equipment – as per discharge (07/03/2012)
10. Refrigeration and/or air conditioning plant and equipment - Submission of details within 6 months
11. Extraction equipment re cooking equipment – Submission of details within 6 months
12. Bus stop upgrade details - Submission of details within 6 months
13. New junction plans – as per discharge (07/03/2012)
14. Final layout of the car parking area - as per discharge (27/10/2011)
15. Signal junction installations - as per discharge (07/03/2012)
16. TRANSYT Design - as per discharge (07/03/2012)
17. Electric car charger points - as per discharge (27/10/2011)
18. CCTV details - Submission of details within 6 months
19. Public realm treatment strategy – as per discharge (07/03/2012)
20. Footpath enhancement - as per discharge (07/03/2012)
21. Surface water discharge rates - as per discharge (27/10/2011)
22. Surface water regulation system timescales - Submission of details within 6 months
23. Site to be drained on a separate system with only foul drainage connected into the foul sewer - as per discharge (27/10/2011)
24. Standard landscaping - as per discharge (27/10/2011)
25. Tree Protection - as per discharge (27/10/2011)
26. Standard landscaping replacement planting within remaining period.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species) - Submission of details within 6 months
28. Roller shutter details - as per discharge (24/02/2012)
29. Site waste management plan - as per discharge (24/02/2012)
30. Post construction Review - Submission of details within 6 months

- 31. Development phasing - as per discharge (07/03/2012)
- 32. 10% renewable energy – Submission of details within 6 months
- 33. Public Art - as per discharge (30/05/2013)
- 34. External lighting - as per discharge (07/03/2012)

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: 14/5288N

Location: Plot 18, SANDLAND GROVE, NANTWICH, CW5 6GF

Proposal: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling

Applicant: Ben Sutton

Expiry Date: 06-Apr-2015

CONCLUSION:

The application includes an appropriate quality of design and the proposal is considered to be acceptable in terms of its bulk, size and scale. The development would not have a detrimental impact upon residential amenity.

The application site is within the Settlement Boundary for Nantwich and the proposal represents an appropriate form of development.

SUMMARY RECOMMENDATION:

APPROVE with conditions

REASON FOR REPORT:

This application is to be determined at planning committee as the proposal is for a variation of a condition on a major planning application (Condition 1 of planning permission 12/4741N).

PROPOSAL:

The proposed development is for a variation of Condition 1 of planning permission 12/4741N to allow the construction of a conservatory/orangery to the rear of No. 3, Sandland Grove, Nantwich (also known as Plot 18). The conservatory will measure approximately 4.8 metres in width by 2.9 metres in depth with a roof ridge height of 3.0 metres.

SITE DESCRIPTION:

The site lies to the south of Sandland Grove within the Settlement Boundary for Nantwich and is surrounded by new residential dwellings, the majority of which are unoccupied. To the immediate north is Sandland Grove and to the immediate south is a garage that serves a neighbouring dwelling, plot number 15.

The application site comprises the host dwelling (No. 3, Sandland Grove) and associated curtilage. The host dwelling is of new, red brick construction with a tiled roof.

RELEVANT HISTORY:

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – approved 13th December 2013

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

RES.11- Improvements and Alterations to Existing Dwellings

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

Supplementary Planning Documents:

Extensions and Householder Development Supplementary Planning Document (SPD)

CONSULTATIONS:

Highways: No comment.

Environmental Health: No objections with recommended conditions/informatives relating to hours of construction and contaminated land.

Environment Agency: No objection.

Archaeology: No archaeological implications.

Network Rail: No comment.

Public Rights of Way: No objection.

United Utilities: No comment.

Nantwich Town Council: No objection.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for a single storey, rear extension to a dwelling within the settlement boundary for Nantwich which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

The rear extension is single storey and projects beyond the existing building line by approximately 2.9 metres. It is considered that the proposed development will have no discernible impact on the residential amenities of either neighbouring properties (No. 2, Sandland Grove and No. 4, Sandland Close) as the projection and height of the proposed single storey rear conservatory are modest.

The proposed development would be constructed largely of glass and would be single storey therefore there would not be any significant impact on the amenity of No. 4, Sandland Close (the closest neighbouring property) as it is considered that the height of the proposed conservatory is acceptable and the existing boundary treatment is sufficient.

The proposed development would not have a detrimental impact upon the dwelling to the rear of the site (Plot 15).

There would be no breach of the 45 degree guideline as outlined in the Extensions and Householder Development SPD. It is not considered this extension would significantly harm any amenity in terms of loss of light or visual intrusion.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The property is a newly built modern, two and a half storey detached dwelling and the extension would be constructed largely of glass and, where appropriate, materials to match the existing dwelling. The conservatory would be situated at the rear of the property and would not alter the street scene.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

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 in within the Settlement Boundary for Nantwich and is in accordance with Policy RES.11 (Improvements and Alterations to Existing Dwellings) and is therefore considered to be acceptable.

APPROVE subject to completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

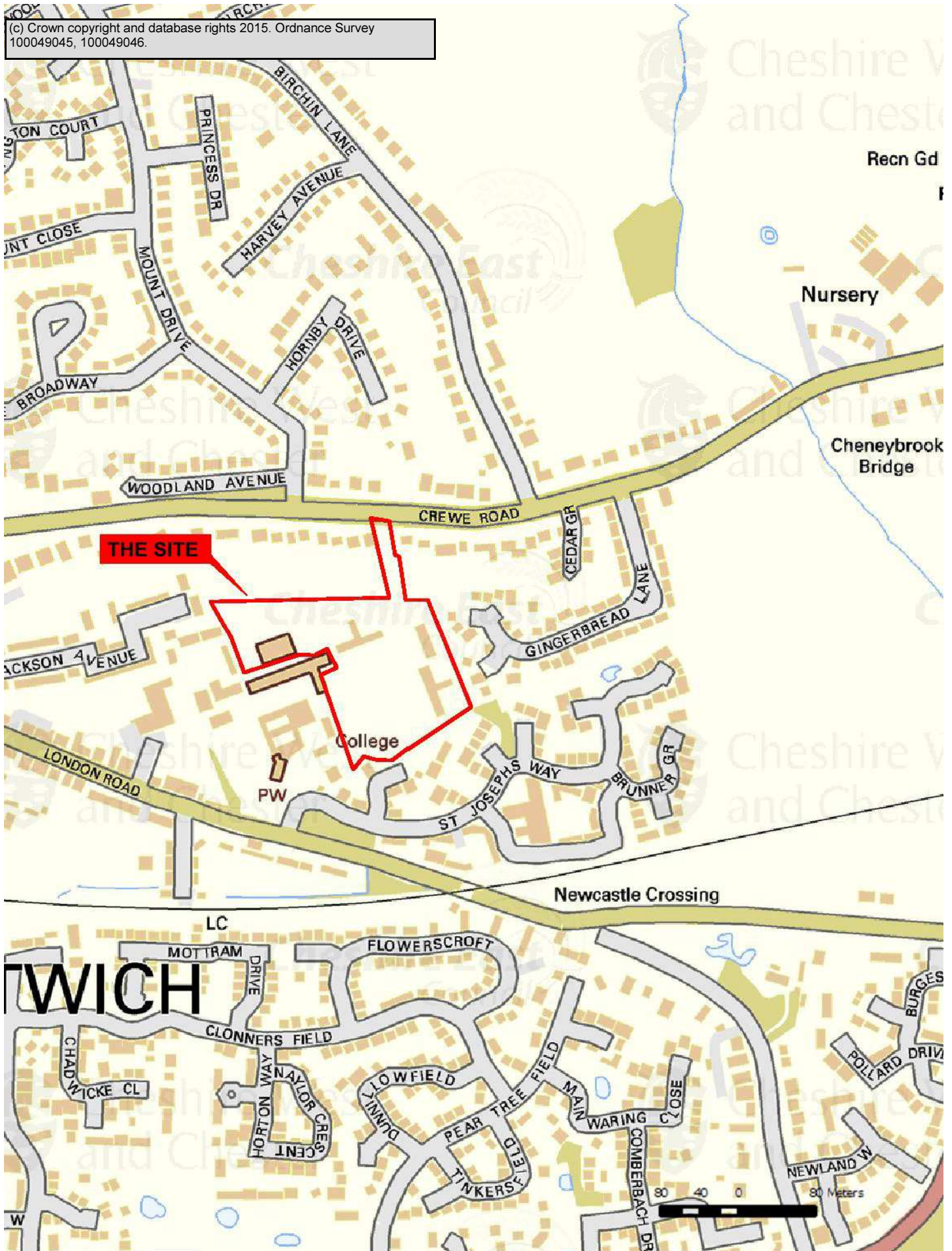
And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25
22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
23. Internal site layout as per discharge of condition application 14/0102D

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of 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: 14/5321N

Location: Plot 17, SANDLAND GROVE, NANTWICH, CW5 6GF

Proposal: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling

Applicant: Ben Sutton

Expiry Date: 06-Apr-2015

CONCLUSION:

The application includes an appropriate quality of design and the proposal is considered to be acceptable in terms of its bulk, size and scale. The development would not have a detrimental impact upon residential amenity.

The application site is within the Settlement Boundary for Nantwich and the proposal represents an appropriate form of development.

SUMMARY RECOMMENDATION:

APPROVE with conditions

REASON FOR REPORT:

This application is to be determined at planning committee as the proposal is for a variation of a condition on a major planning application (Condition 1 of planning permission 12/4741N).

PROPOSAL:

The proposed development is for a variation of Condition 1 of planning permission 12/4741N to allow the construction of a conservatory/orangery to the rear of No. 2, Sandland Grove, Nantwich (also known as Plot 17). The conservatory will measure approximately 4.8 metres in width by 2.9 metres in depth with a roof ridge height of 3.0 metres.

SITE DESCRIPTION:

The site lies to the south of Sandland Grove within the Settlement Boundary for Nantwich and is surrounded by new residential dwellings, the majority of which are unoccupied. To the immediate north is Sandland Grove and to the immediate south is a garage that serves a neighbouring dwelling, plot number 15.

The application site comprises the host dwelling (No. 2, Sandland Grove) and associated curtilage. The host dwelling is of new, red brick construction with a tiled roof.

RELEVANT HISTORY:

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – approved 13th December 2013

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

RES.11- Improvements and Alterations to Existing Dwellings

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

Supplementary Planning Documents:

Extensions and Householder Development Supplementary Planning Document (SPD)

CONSULTATIONS:

Highways: No comment.

Environmental Health: No objections with recommended conditions/informatives relating to hours of construction and contaminated land.

Environment Agency: No objection.

Archaeology: No archaeological implications.

Network Rail: No comment.

Public Rights of Way: No objection.

United Utilities: No comment.

Nantwich Town Council: No objection.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for a single storey, rear extension to a dwelling within the settlement boundary for Nantwich which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

The rear extension is single storey and projects beyond the existing building line by approximately 2.9 metres. It is considered that the proposed development will have no discernible impact on the residential amenities of either neighbouring properties (No. 1, Sandland Grove and No. 3, Sandland Close) as the projection and height of the proposed single storey rear conservatory are modest.

The proposed development would be constructed largely of glass and would be single storey therefore there would not be any significant impact on the amenity of No. 1, Sandland Close (the closest neighbouring property) as it is considered that the height of the proposed conservatory is acceptable and the existing boundary treatment is sufficient.

The proposed development would not have a detrimental impact upon the dwelling to the rear of the site (Plot 15).

There would be no breach of the 45 degree guideline as outlined in the Extensions and Householder Development SPD. It is not considered this extension would significantly harm any amenity in terms of loss of light or visual intrusion.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The property is a newly built modern, two and a half storey detached dwelling and the extension would be constructed largely of glass and, where appropriate, materials to match the existing dwelling. The conservatory would be situated at the rear of the property and would not alter the street scene.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

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 in within the Settlement Boundary for Nantwich and is in accordance with Policy RES.11 (Improvements and Alterations to Existing Dwellings) and is therefore considered to be acceptable.

APPROVE subject to completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25
22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
23. Internal site layout as per discharge of condition application 14/0102D

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of 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: 14/5329N

Location: Plot 4, STANLEY BOUGHEY PLACE, NANTWICH, CW5 6GQ

Proposal: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling

Applicant: Ben Sutton

Expiry Date: 06-Apr-2015

CONCLUSION:

The application includes an appropriate quality of design and the proposal is considered to be acceptable in terms of its bulk, size and scale. The development would not have a detrimental impact upon residential amenity.

The application site is within the Settlement Boundary for Nantwich and the proposal represents an appropriate form of development.

SUMMARY RECOMMENDATION:

APPROVE with conditions

REASON FOR REPORT:

This application is to be determined at planning committee as the proposal is for a variation of a condition on a major planning application (Condition 1 of planning permission 12/4741N).

PROPOSAL:

The proposed development is for a variation of Condition 1 of planning permission 12/4741N to allow the construction of a conservatory/orangery to the rear of Plot 4, Stanley Boughey Place, Nantwich. The conservatory will measure approximately 4.8 metres in width by 2.9 metres in depth with a roof ridge height of 3.0 metres.

SITE DESCRIPTION:

The site lies to the east of Stanley Boughey Place within the Settlement Boundary for Nantwich and is surrounded by new residential dwellings, the majority of which are unoccupied. To the immediate north is Plot 3 and to the immediate south is Plot 5.

The application site comprises the host dwelling (Plot 4, Stanley Boughey Place) and associated curtilage. The host dwelling is of new, red brick construction with a tiled roof.

RELEVANT HISTORY:

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – approved 13th December 2013

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

RES.11- Improvements and Alterations to Existing Dwellings

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

Supplementary Planning Documents:

Extensions and Householder Development Supplementary Planning Document (SPD)

CONSULTATIONS:

Highways: No comment.

Environmental Health: No objections with recommended conditions/informatives relating to hours of construction and contaminated land.

Environment Agency: No objection.

Archaeology: No archaeological implications.

Network Rail: No comment.

Public Rights of Way: No objection.

United Utilities: No comment.

Trees and Landscape: No objection.

Nantwich Town Council: No objection.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for a single storey, rear extension to a dwelling within the settlement boundary for Nantwich which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

The rear extension is single storey and projects beyond the existing building line by approximately 2.9 metres. It is considered that the proposed development will have no discernible impact on the residential amenities of either neighbouring properties (Plot 3 and Plot 5) as the projection and height of the proposed single storey rear conservatory are modest.

The proposed development would be constructed largely of glass and would be single storey therefore there would not be any significant impact on the amenity of any of the surrounding properties as it is considered that the height of the proposed conservatory is acceptable and the existing boundary treatment is sufficient.

The proposed development would not have a detrimental impact upon the dwellings to the rear of the site (Plots 7 and 8).

There would be no breach of the 45 degree guideline as outlined in the Extensions and Householder Development SPD. It is not considered this extension would significantly harm any amenity in terms of loss of light or visual intrusion.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The property is a newly built modern, two and a half storey detached dwelling and the extension would be constructed largely of glass and, where appropriate, materials to match the existing dwelling. The conservatory would be situated at the rear of the property and would not alter the street scene.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

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 in within the Settlement Boundary for Nantwich and is in accordance with Policy RES.11 (Improvements and Alterations to Existing Dwellings) and is therefore considered to be acceptable.

APPROVE subject to completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

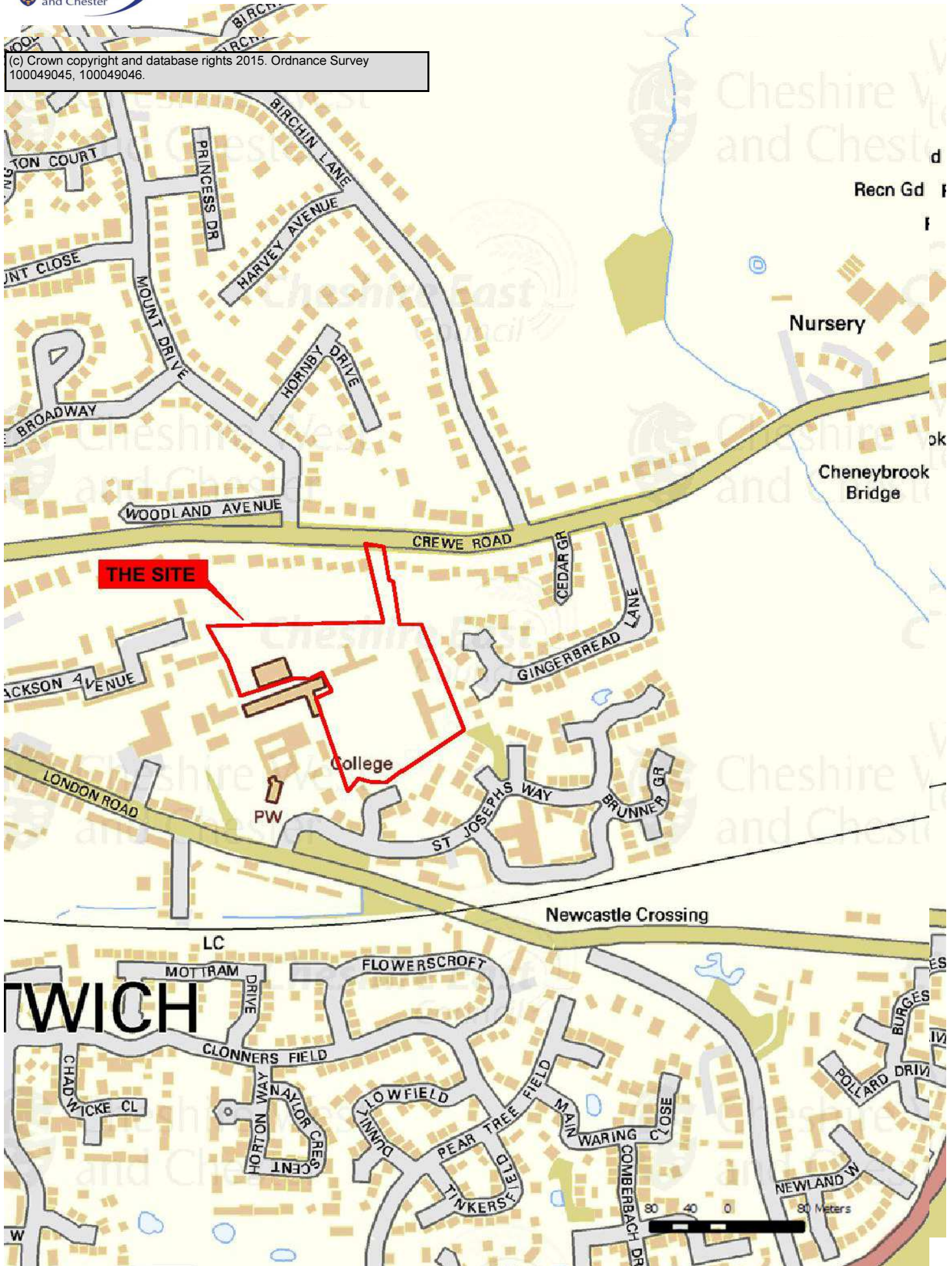
And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25
22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
23. Internal site layout as per discharge of condition application 14/0102D

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of 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: 14/5331N

Location: Plot 3, STANLEY BOUGHEY PLACE, NANTWICH, CW5 6GQ

Proposal: Variation of condition in permission 12/4741N to allow erection of a conservatory / orangery to the rear of the dwelling

Applicant: Ben Sutton

Expiry Date: 06-Apr-2015

CONCLUSION:

The application includes an appropriate quality of design and the proposal is considered to be acceptable in terms of its bulk, size and scale. The development would not have a detrimental impact upon residential amenity.

The application site is within the Settlement Boundary for Nantwich and the proposal represents an appropriate form of development.

SUMMARY RECOMMENDATION:

APPROVE with conditions

REASON FOR REPORT:

This application is to be determined at planning committee as the proposal is for a variation of a condition on a major planning application (Condition 1 of planning permission 12/4741N).

PROPOSAL:

The proposed development is for a variation of Condition 1 of planning permission 12/4741N to allow the construction of a conservatory/orangery to the rear of Plot 3, Stanley Boughey Place, Nantwich. The conservatory will measure approximately 4.8 metres in width by 2.9 metres in depth with a roof ridge height of 3.0 metres.

SITE DESCRIPTION:

The site lies to the east of Stanley Boughey Place within the Settlement Boundary for Nantwich and is surrounded by new residential dwellings, the majority of which are unoccupied. To the immediate north is Plot 2 and to the immediate south is Plot 4.

The application site comprises the host dwelling (Plot 3, Stanley Boughey Place) and associated curtilage. The host dwelling is of new, red brick construction with a tiled roof.

RELEVANT HISTORY:

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – approved 13th December 2013

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

RES.11- Improvements and Alterations to Existing Dwellings

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

Supplementary Planning Documents:

Extensions and Householder Development Supplementary Planning Document (SPD)

CONSULTATIONS:

Highways: No comment.

Environmental Health: No objections with recommended conditions/informatives relating to hours of construction and contaminated land.

Environment Agency: No objection.

Archaeology: No archaeological implications.

Network Rail: No comment.

Public Rights of Way: No objection.

United Utilities: No comment.

Nantwich Town Council: No objection.

REPRESENTATIONS:

One objection has been received which raises the following points:

- Impact on amenity on neighbouring dwellings
- Proximity of building to boundary
- Noise and dust amenity issues

APPRAISAL:

Principle of Development

The proposal is for a single storey, rear extension to a dwelling within the settlement boundary for Nantwich which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

The rear extension is single storey and projects beyond the existing building line by approximately 2.9 metres. It is considered that the proposed development will have no discernible impact on the residential amenities of either neighbouring properties (Plot 2 and No. 4) as the projection and height of the proposed single storey rear conservatory are modest.

The proposed development would be constructed largely of glass and would be single storey therefore there would not be any significant impact on the amenity of any of the surrounding properties as it is considered that the height of the proposed conservatory is acceptable and the existing boundary treatment is sufficient.

The proposed development would not have a detrimental impact upon the dwelling to the rear of the site (45, Gingerbread Lane).

There would be no breach of the 45 degree guideline as outlined in the Extensions and Householder Development SPD. It is not considered this extension would significantly harm any amenity in terms of loss of light or visual intrusion.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site

and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The property is a newly built modern, two and a half storey detached dwelling and the extension would be constructed largely of glass and, where appropriate, materials to match the existing dwelling. The conservatory would be situated at the rear of the property and would not alter the street scene.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

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 in within the Settlement Boundary for Nantwich and is in accordance with Policy RES.11 (Improvements and Alterations to Existing Dwellings) and is therefore considered to be acceptable.

APPROVE subject to completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

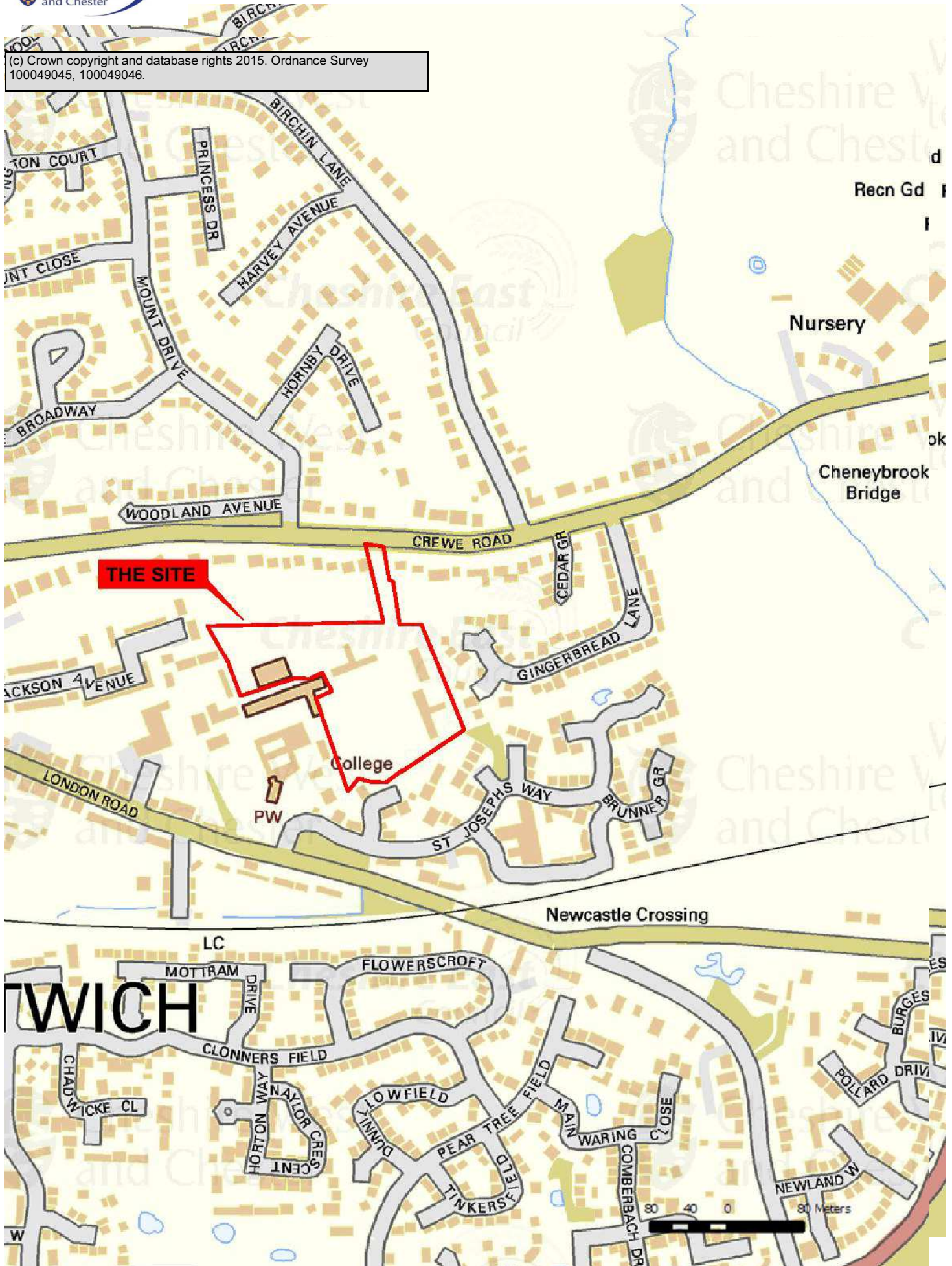
1. Compliance with approved plans
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3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25

- 22. **Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D**
- 23. **Internal site layout as per discharge of condition application 14/0102D**

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of 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: 15/0270M

Location: KANDERSTEG, BROADWALK, PRESTBURY, CHESHIRE, SK10 4BR

Proposal: Replacement of existing conservatory and utility room with new conservatory and utility room

Applicant: Mrs J Findlow

Expiry Date: 16-Mar-2015

SUMMARY

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the existing dwellinghouse, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application has been brought to the Southern Planning Committee as the applicant is Councillor P Findlow of Prestbury ward.

PROPOSAL

This application seeks householder planning permission for the:

- Demolition of conservatory and single storey extension; and
- Construction of orangery and single storey extension in the same position on a slightly larger footprint.

DESCRIPTION AND SITE CONTEXT

This application relates to a site located on the southern side of Broadwalk, a suburban road located within the predominantly residential area of Prestbury.

The dwelling is sited at an elevated and set back position from the public highway and is faced with render under a main hipped roof. A large two storey extension projects to the eastern aspect with smaller single storey extensions located to the rear.

The area is characterised by large dwellings located on sizeable curtilages of traditional construction and architectural style.

RELEVANT HISTORY

46480P – Approved

New utility room, internal alterations and new pitched roof to existing flat roofed area.

POLICIES

Local Plan Policy

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

Relevant policies within the Macclesfield Borough Local Plan (MBLP) are as follows:

- BE1 - Design Guidance
- DC1 - New Build
- DC2 - Extensions and Alterations
- DC3 - Amenity
- DC6 - Circulation and Access
- DC38 - Space, Light and Privacy

Cheshire East Local Plan Strategy – Submission Version

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

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

The relevant policies are as follows:

- MP1 - Presumption in Favour of Sustainable Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE2 - Efficient Use of Land

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance

CONSIDERATIONS (External to Planning)

None

VIEWS OF PRESTBURY PARISH COUNCIL

No objection

OTHER REPRESENTATIONS

None

OFFICER APPRAISAL

Principle of Development

Principle of development

The application is for an extension to an existing dwelling within a predominantly residential area of Prestbury. The principle of development is therefore acceptable provided it accords with design and amenity policies in the local plan (2004) and wider governmental guidance contained within the NPPF (2012)

The key issues for Members to consider relate to the design, siting and scale of the development and its impact upon the character and appearance of the area.

Design, Character & Appearance

Local Plan policies BE1, DC1 and DC2 advise that the overall scale, density, height, massing and palette of materials should be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed alterations to the rear elevation are considered to be appropriately scaled and sympathetically designed to appear proportionate to the overall scale of the main dwellinghouse.

With respect to detail, the extension would be constructed using brickwork and faced with render to match that used on the existing property and as such, the design of the extension would have an acceptable impact on the appearance of the property.

Given the position of the extension to the rear elevation which is not visible from public vantage points, the alterations would make a negligible impact upon the character and appearance of the area.

Residential Amenity

Policies DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy.

Due to the distances involved and the scale and nature of the proposed development, the development would not result in injury to residential amenity.

Highways and Parking

The proposal would not result in a change to the existing parking or access arrangements. These would be able to support the proposed development and as such the scheme is in compliance with Local Plan Policy DC6.

CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the existing dwellinghouse, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. nppf

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Application No: 15/0775N

Location: Site Of Thornton House, EMBERTON PLACE, AUDLEM, CW3 0HL

Proposal: Removal of Condition 3 relating to the Provision of Social Housing

Applicant: Wulvern Housing Ltd

Expiry Date: 13-Apr-2015

SUMMARY

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

Planning permission 13/3258N gave approval for the erection 10 bungalows subject to condition 3 which stated as follows:

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing*
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider*
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.*
- iv) 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.*

Reason: To ensure that the development is provided for its intended purpose and to secure

affordable housing in accordance with the NPPF and Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Interim Planning Statement on Affordable Housing.

This application seeks to remove this condition and secure the affordable housing as part of a S106 Agreement.

SITE DESCRIPTION

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

The approved development has now been constructed and has been occupied.

RELEVANT HISTORY

13/3258N - Construction of 10 bungalows with associated landscaping and car parking – Approved 18th October 2013

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

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as within the Audlem Settlement Boundary.

The relevant Saved Policies are:

RES.7 (Affordable Housing)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG6 – Spatial Distribution of Development

Other Considerations

Interim Planning Statement on Affordable Housing

CONSULTATIONS

Strategic Housing Manager: The Council's Interim Planning Statement on Affordable Housing requires affordable housing to be secured by way of s106 agreement, as such I do not object to this application.

PARISH/TOWN COUNCIL

No comments received at the time of writing this report.

REPRESENTATIONS

No representations received at the time of writing this report.

APPRAISAL

Principle of Development

The principle of development has been accepted and this application seeks to alter the mechanism to secure the affordable housing on site.

Affordable Housing

The development would still provide the same level of affordable housing and the developer wishes to alter the mechanism which secures the affordable housing on site from a planning condition to a S106 Agreement. This follows discussions with the applicant's lender.

CONCLUSIONS

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing**
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider**
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.**

iv) 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.

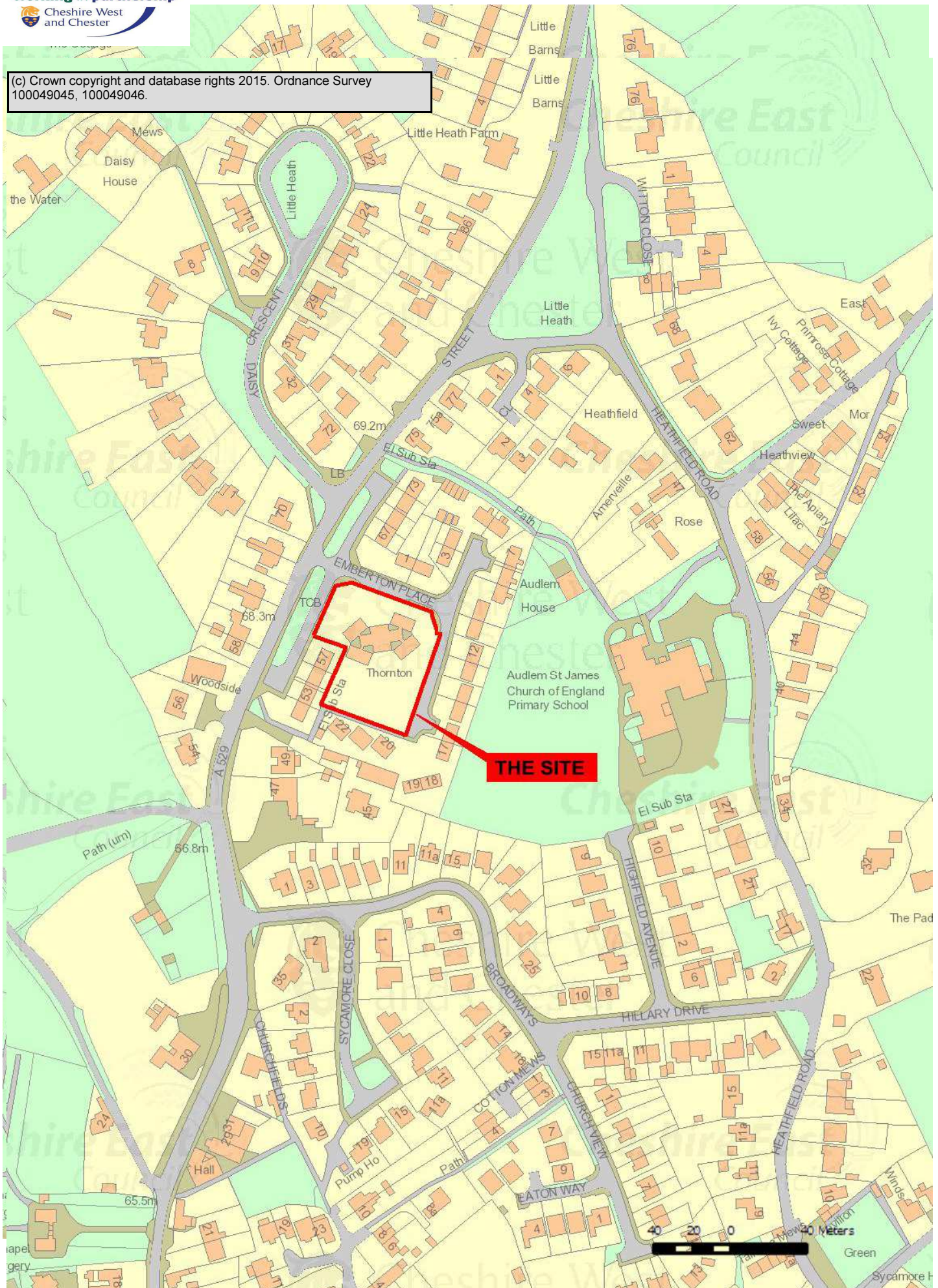
Approve subject to the following conditions;

1. Approved Plans

2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

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

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Application No: 15/0776N

Location: Site Of Royal Scot, PLANE TREE DRIVE, CREWE

Proposal: Removal of Condition 12 relating to Affordable Housing on application 13/1654N

Applicant: Wulvern Housing

Expiry Date: 13-Apr-2015

SUMMARY

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

Planning permission 13/1654N gave approval for the erection 14 dwellings subject to condition 12 which stated as follows:

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented*
- ii) Details of the arrangements for the transfer of the affordable housing to an affordable housing provider*
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.*
- iv) 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.*

Reason: To ensure that the development is provided for its intended purpose and to secure affordable housing in accordance with the NPPF and Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Interim Planning Statement on Affordable Housing.

This application seeks to remove this condition and secure the affordable housing as part of a S106 Agreement.

SITE DESCRIPTION

The application was a public house known as the Royal Scot, on Plane Tree Drive, Crewe. There was a large area of hardstanding around the public house and a garden area to the rear. The application site is situated within the Settlement Boundary for Crewe. The site is located within a predominantly residential area with a parade of shops and a secondary school in close proximity.

The approved development has now been constructed and has been occupied.

RELEVANT HISTORY

13/1654N - Demolition of Royal Scot Public House & construction of 14no. 2 bedroom homes for social housing – Approved 24th July 2013

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

Development Plan

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

The relevant Saved Policies are:

RES.7 (Affordable Housing)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG6 – Spatial Distribution of Development

Other Considerations

Interim Planning Statement on Affordable Housing

CONSULTATIONS

Strategic Housing Manager: The Council's Interim Planning Statement on Affordable Housing requires affordable housing to be secured by way of s106 agreement, as such I do not object to this application.

PARISH/TOWN COUNCIL

No comments received at the time of writing this report.

REPRESENTATIONS

No representations received at the time of writing this report.

APPRAISAL

Principle of Development

The principle of development has been accepted and this application seeks to alter the mechanism to secure the affordable housing on site.

Affordable Housing

The development would still provide the same level of affordable housing and the developer wishes to alter the mechanism which secures the affordable housing on site from a planning condition to a S106 Agreement. This follows discussions with the applicant's lender.

CONCLUSIONS

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing**
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider**
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.**

iv) 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.

Approve subject to the following conditions;

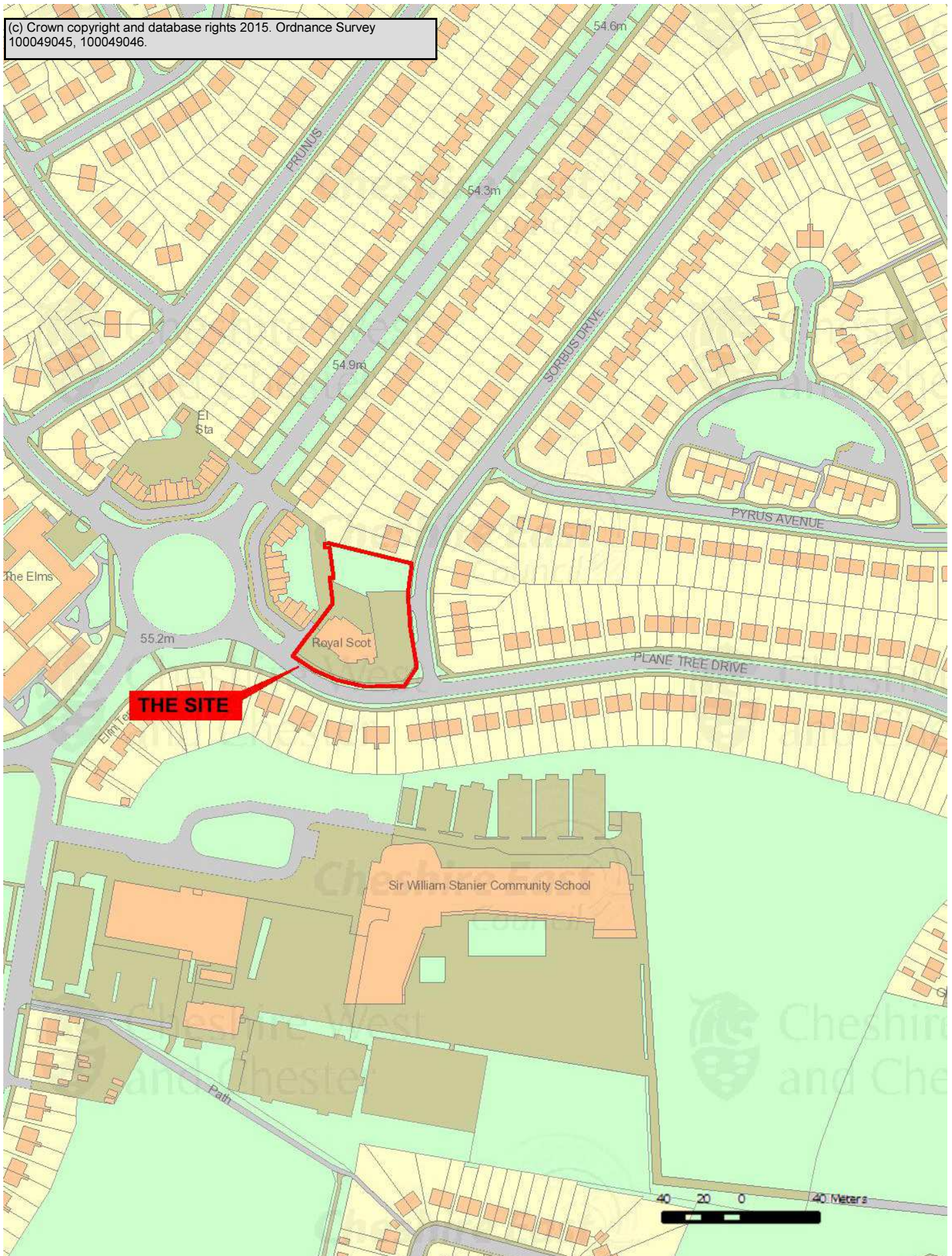
1. Approved Plans

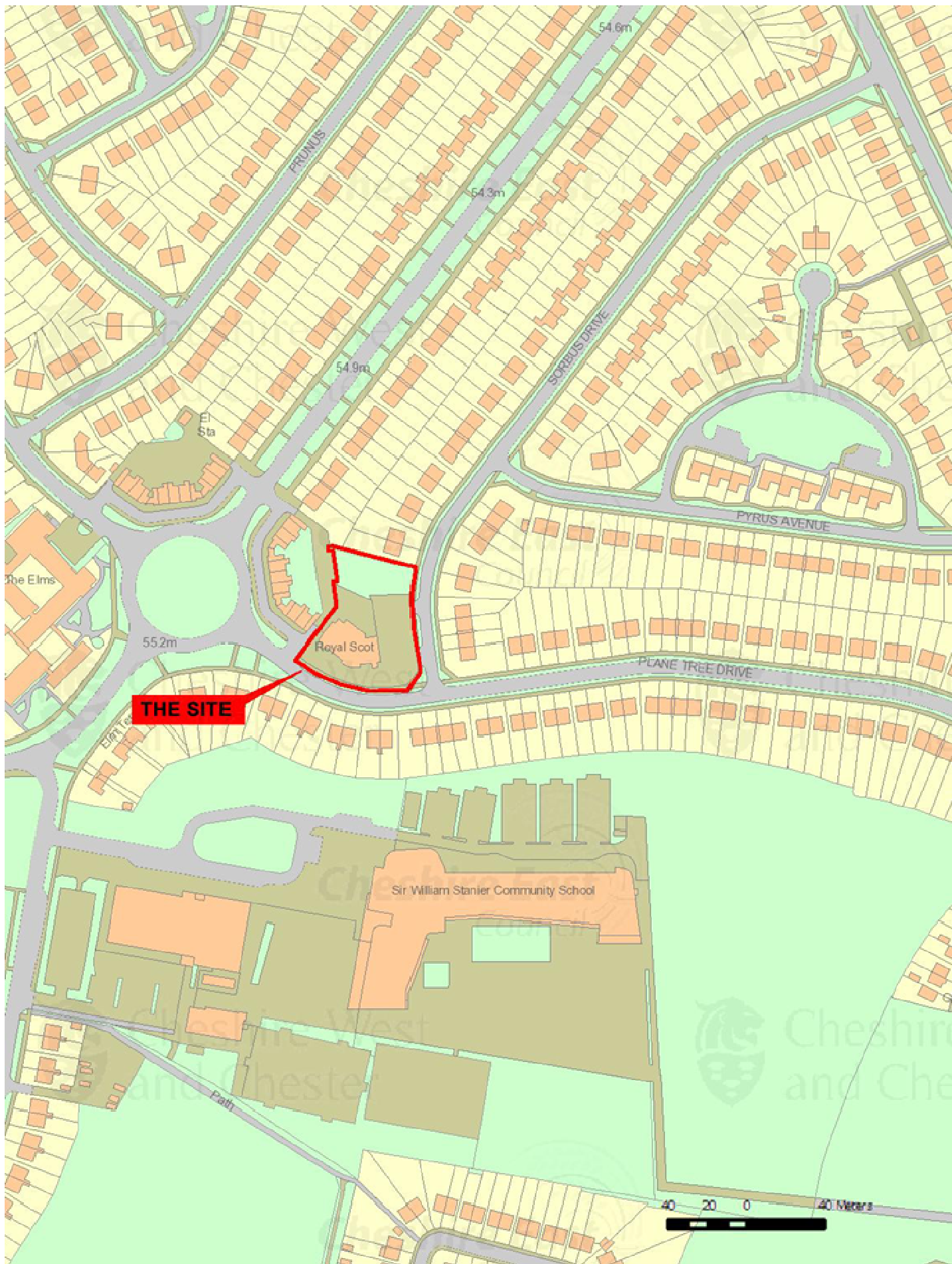
2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

3. Remove Permitted Development

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

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Application No: 15/0777N
Location: 89A, BRADFIELD ROAD, CREWE, CW1 3RB
Proposal: Removal of Condition 15 which will be dealt with instead by way of S106
Applicant: Wulvern Housing Ltd
Expiry Date: 13-Apr-2015

SUMMARY

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

Planning permission 13/0130N gave approval for the erection 12 dwellings and 4 apartments subject to condition 15 which stated as follows:

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented*
- ii) Details of the arrangements for the transfer of the affordable housing to an affordable housing provider*
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.*
- iv) 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.*

Reason: To ensure that the development is provided for its intended purpose and to secure

affordable housing in accordance with the NPPF and Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Interim Planning Statement on Affordable Housing.

This application seeks to remove this condition and secure the affordable housing as part of a S106 Agreement.

SITE DESCRIPTION

The application site is located to the southern side of Bradfield Road within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site included a detached bungalow (89A Bradfield Road) and a large car garage to the rear of the site. The area is predominantly residential with residential properties to the north, south and west. To the east of the site is an existing area of public open space.

The approved development has now been constructed and has been occupied.

RELEVANT HISTORY

13/0130N - Demolition of Existing Bungalow & Garage. Construction Of : 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses – Approved 28th February 2013

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

Development Plan

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

The relevant Saved Policies are:

RES.7 (Affordable Housing)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG6 – Spatial Distribution of Development

Other Considerations

Interim Planning Statement on Affordable Housing

CONSULTATIONS

Strategic Housing Manager: The Council's Interim Planning Statement on Affordable Housing requires affordable housing to be secured by way of s106 agreement, as such I do not object to this application.

PARISH/TOWN COUNCIL

No comments received at the time of writing this report.

REPRESENTATIONS

No representations received at the time of writing this report.

APPRAISAL

Principle of Development

The principle of development has been accepted and this application seeks to alter the mechanism to secure the affordable housing on site.

Affordable Housing

The development would still provide the same level of affordable housing and the developer wishes to alter the mechanism which secures the affordable housing on site from a planning condition to a S106 Agreement. This follows discussions with the applicant's lender.

CONCLUSIONS

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing**
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider**
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.**

iv) 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.

Approve subject to the following conditions;

1. Approved Plans

2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

3. The windows on the side elevation of plots 3 and 11 of the approved dwellings shall be non-opening unless the part of the window opened is more than 1.7 metres above the floor of the room in which the window is installed and permanently glazed in obscure / translucent glass. The fenestration details shall not be varied without the prior written consent of the Local Planning Authority.

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

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Application No: 15/0803N

Location: FORMERS SITE OF NORTH STREET METHODIST CHURCH, NORTH STREET, CREWE, CW1 4NJ

Proposal: Variation of Condition 11 (affordable housing) of approved 13/0136N - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision.

Applicant: Wulvern Housing Ltd

Expiry Date: 13-Apr-2015

SUMMARY

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

Planning permission 13/0136N gave approval for the erection 18 dwellings retirement apartments and a church community centre subject to condition 11 which stated as follows:

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented.*
- ii) Details of the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing.*
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.*

iv) 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.

This application seeks to remove this condition and secure the affordable housing as part of a S106 Agreement.

SITE DESCRIPTION

The application site relates to the former North Street Methodist Church itself and land to its rear on the southern side of North Street, Crewe, within the Crewe Settlement Boundary.

In April 2013 planning permission was granted for the demolition of the Church and the erection of a community centre and a 3-storey affordable housing retirement block. This development is currently under construction and is largely completed.

There are no designations affecting the site.

RELEVANT HISTORY

13/0136N - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision – Approved 3rd April 2013

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

Development Plan

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

The relevant Saved Policies are:

RES.7 (Affordable Housing)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG6 – Spatial Distribution of Development

Other Considerations

Interim Planning Statement on Affordable Housing

CONSULTATIONS

Strategic Housing Manager: The Council's Interim Planning Statement on Affordable Housing requires affordable housing to be secured by way of s106 agreement, as such I do not object to this application.

PARISH/TOWN COUNCIL

No comments received at the time of writing this report.

REPRESENTATIONS

One letter of general observation has been received raising the following points:

- The development has been completed
- Privacy issues

APPRAISAL

Principle of Development

The principle of development has been accepted and this application seeks to alter the mechanism to secure the affordable housing on site.

Affordable Housing

The development would still provide the same level of affordable housing and the developer wishes to alter the mechanism which secures the affordable housing on site from a planning condition to a S106 Agreement. This follows discussions with the applicant's lender.

CONCLUSIONS

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

The proposed amendment relates to an alteration to alter the mechanism which secures the affordable housing on this site only. There are no objections to this change.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing**
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider**

iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.

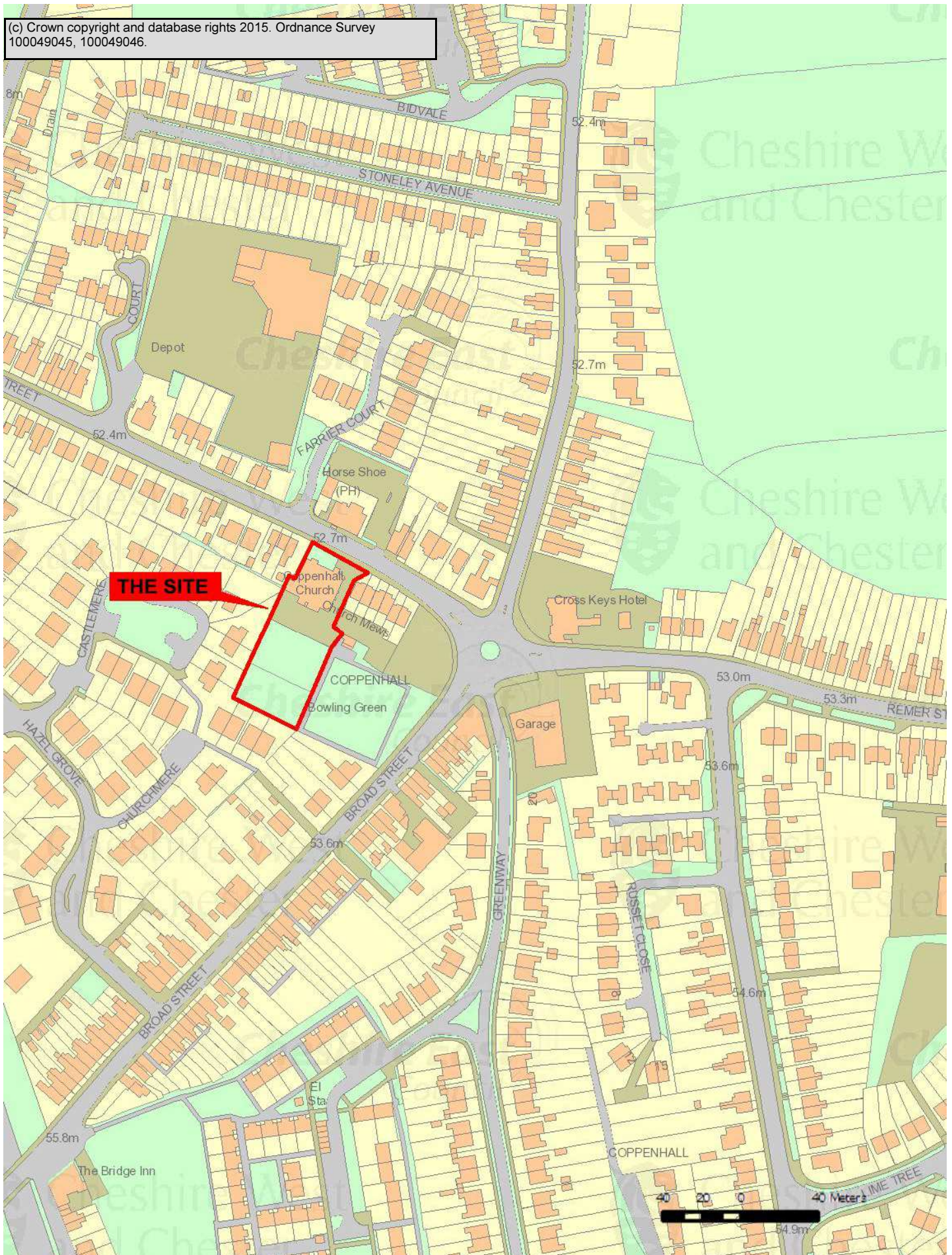
iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Approve subject to the following conditions;

1. Plans
2. Materials - As per discharge
3. Hours of construction
4. Lighting - As per discharge
5. Dust suppression scheme – Implementation
6. Kerb radius and tactile paving – As per discharge
7. Landscaping – Implementation
8. Boundary treatment – Implementation
9. Internal site layout – Implementation
10. Parking layout – As per discharge
11. Drainage details - As per discharge

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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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	25 th March 2015
Report of:	David Malcolm – Principal Planning Manager
Title:	Planning applications 15/0805N, 15/0802N, 15/0804N, 15/0806N and 15/0801N
Site:	Various Developments by Wulvern Housing

1.0 Purpose of Report

- 1.1 Under the scheme of delegation the above applications would need to be referred to Southern Planning Committee. This report is to request that the applications are delegated to the Principal Planning Manager to determine.

2.0 Decision Required

- 2.1 To agree to delegate applications 15/0801N, 15/0802N, 15/0804N, 15/0805N and 15/0806N to the Principal Planning Manager to determine following the completion of the consultation period for each application.

3.0 Background

- 3.1 The applications relate to the following sites:
- 3.2 15/0801N - Site Of Former Rockwood Public House, 204 Alton Street, Crewe - Demolition of Rockwood Hotel/Pub and development of 20 new apartments.
- 3.3 15/0802N – Brooklands House, Ford Lane, Crewe - Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping.
- 3.4 15/0804N - Site Of Underwood Court and West View, Underwood Lane, Crewe - The demolition of 2no. vacant residential care homes to be replaced with 34no. 2 and 3 bed homes with associated parking and landscaping. The proposals result in a change of use from C2 to C3.
- 3.5 15/0805N - 8-16, Sandfield Court, Wrenbury - Demolition of 8-16 Sandfield Court and the Erection of 8no. 2 Bedroom Bungalows.

- 3.6 15/0806N – Linden Court, Hungerford Avenue, Crewe -22No. new residential units, predominantly two storey semi-detached dwellings with 6No. 1 bedroom flats and a new access road

4 Proposed Development

- 4.1 All 5 applications listed above seek to remove the affordable housing condition and secure the affordable housing as part of a S106 Agreement instead.

5 Officer Comment

- 5.1 The principle of development has been accepted on each site and these applications seek to alter the mechanism to secure the affordable housing on each site.
- 5.2 The development would still provide the same level of affordable housing and the developer wishes to alter the mechanism which secures the affordable housing on site from a planning condition to a S106 Agreement. This follows discussions with the applicant's lender.

6. Conclusion

- 6.1 On the basis of the above, it is requested that applications 15/0801N, 15/0802N, 15/0804N, 15/0805N and 15/0806N are delegated to the Principal Planning Manager to determine following the completion of the consultation period for each application.

7. Recommendation

- 7.1 Applications 15/0801N, 15/0802N, 15/0804N, 15/0805N and 15/0806N are delegated to the Principal Planning Manager to determine following the completion of the consultation period for each application.

8. Financial Implications

- 8.1 There are financial implications.

9. Legal Implications

- 9.1 There are no legal implications.

10. Risk Assessment

- 10.1 There are no risks associated with this decision.

11. Reasons for Recommendation

- 11.1 For the purpose of issuing a decision on each application.

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:

- 15/0801N
- 15/0802N
- 15/0804N
- 15/0805N
- 15/0806N

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	25 th March 2015
Report of:	Daniel Evans – Principal Planning Officer
Title:	Update following the resolution to approve application 12/3464N subject to a S106 Agreement
Site:	Land to the rear of 72 Broad Lane, Stapeley

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 12/3464N. This application has a resolution for approval subject to the completion of a S106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by the Committee at the meeting on 10th October 2012.

2.0 Decision Required

- 2.1 To agree the alteration to the committee resolution.
- 2.2 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement.

3.0 Background

- 3.1 The application site relates to a parcel of land adjacent to Stapeley Broad Lane Primary School and to the rear of 72 Broad Lane. The site is agricultural land, and part of it has recently been used as a contractors compound area for development works to the school. A field drain runs to the west of the site with residential properties situated along Broad Lane. The site is situated within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

4 Proposed Development

- 4.1 Application 12/3464N seeks planning permission for a school car park and new access. The access would be situated between the school building and 72 Broad Lane which is a redundant school house.

5 Previous Resolution

- 5.1 Members may recall that on 10th October 2012, the Southern Planning Committee resolved to grant planning permission for a car park and access on this site.
- 5.2 The resolution to approve was subject to completion of Section 106 Agreement making provision for a traffic management contribution and a number of conditions as follows:

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure a financial contribution of £4,000 for traffic management and the following conditions:

- 1. Standard time*
- 2. Approved plans*
- 3. Materials as application or otherwise agreed by the LPA*
- 4. Details of lighting columns and hours of use*
- 5. Visibility Splays*
- 6. Internal access gate to be set back as per submitted plan*
- 7. Submission of School Travel Plan*
- 8. Boundary treatments*

- 5.3 As the application site includes land which is still owned by the Council it becomes a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.

6 Officer Comment

- 6.1 The S111 route envisages the completion of a S111 Agreement with a draft S106 attached. Once permission is issued and the sale is completed (within 6 weeks of the sale), then the S106 will be completed.
- 6.2 The same Heads of Terms will be secured just via an appropriate mechanism given the Council's ownership of the site.

7. Conclusion

- 7.1 On the basis of the above, the committee resolution should be amended.

8. Recommendation

- 8.1 The Southern Planning Committee resolve to alter the committee resolution as follows:

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure a financial contribution of £4,000 for traffic management and the following conditions:

- 1. Standard time*
- 2. Approved plans*
- 3. Materials as application or otherwise agreed by the LPA*
- 4. Details of lighting columns and hours of use*
- 5. Visibility Splays*
- 6. Internal access gate to be set back as per submitted plan*
- 7. Submission of School Travel Plan*
- 8. Boundary treatments*

9. Financial Implications

- 9.1 There are financial implications.

10. Legal Implications

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

11. Risk Assessment

- 11.1 There are no risks associated with this decision.

12. Reasons for Recommendation

- 12.1 For the purpose of negotiating and completing a S111/S106 Agreement for application 12/3464N 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 12/3464N

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