

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 5th August, 2015</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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**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 - 14)**

To approve the minutes of the meeting held on 8 July 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](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **15/0275N Land off Mill Lane, Bulkeley, Cheshire SY14 8BL: Full application to erect 14 dwellings on land off Mill Lane, Bulkeley for M Schofield** (Pages 15 - 32)

To consider the above planning application.

6. **14/4062N Land Off Oak Gardens, Bunbury: Outline Application for Residential Development of 17 Dwellings with Primary Access off Oak Gardens, with all other matters reserved for Elan Homes Ltd** (Pages 33 - 52)

To consider the above planning application.

7. **14/4228N Rookery Cottage, Main Road, Worleston, Nantwich, Cheshire CW5 6DJ: The erection of one 2 storey detached dwelling house and detached double garage for Alan Hill** (Pages 53 - 64)

To consider the above planning application.

8. **15/0535N Wistaston Berkeley County Primary School, Laidon Avenue, Wistaston, Cheshire CW2 6RU: Construction of two new classrooms with integral WC block and glazed connection to existing school building, to be built as Phase 1 and then Studio with integral kitchen block as Phase 2. External works such as outdoor teaching areas and landscaping Modification of car parking area for Carolyn Brown, The Berkeley Primary School** (Pages 65 - 70)

To consider the above planning application.

9. **14/5548C Land Off Dunnocksfold Road, Alsager, Cheshire: Erection of up to 89 dwellings and formation of access point for P.E Jones (Constructors) Ltd** (Pages 71 - 84)

To consider the above planning application.

10. **15/0556N Basford Old Creamery, Newcastle Road, Chorlton, Crewe CW2 5NQ: Full (retrospective) planning consent is sought for the provision of the new modular building (temporary) B1 (Business) and change of use of the existing B8 (Storage or distribution) unit to B2 (General industrial) for Mr Jonathon Beeson** (Pages 85 - 94)

To consider the above planning application.

11. **14/4810C 55, West Street, Congleton, Cheshire CW12 1JY: Demolition of No. 55 West Street and the construction of a new two storey building containing 10No. one bedroom flats with accompanying amenity space for Justin Sheard** (Pages 95 - 104)

To consider the above planning application.

12. **15/2439C Elworth Hall Farm, Dean Close, Sandbach, Cheshire CW11 1YG: Proposed plot substitution of previously approved house types on plots: 3, 23-25, 28-30, 36-38, 41, 44, 50, 52, 67-70, 89, 92 including the repositioning of house types to facilitate the above. (Previously approved under ref: 12/2426C. APP/R0660/A/13/2196044) for J Gould, Rowland Homes** (Pages 105 - 116)

To consider the above planning application.

13. **15/2776C 26, Elton Road, Sandbach CW11 3NE: Rear extension and first floor enlargement for Mr & Mrs C & E Shawcross** (Pages 117 - 124)

To consider the above planning application.

14. **15/2609C Plot 74, Midpoint 18, ERF Way, Middlewich: Proposed BI office/B2/B8 warehouse and yard facility for Scottish Power for Mr Bob Nicholson, Pochin Property Ltd** (Pages 125 - 130)

To consider the above planning application.

15. **15/1315N Imperial Court, Nantwich: Reserved Matters (Residential Development) Erection of 41 Dwellings for Castlegate Homes** (Pages 131 - 140)

To consider the above planning application.

16. **15/2154C Former Fisons Site, London Road, Holmes Chapel: Variation of Condition 13 with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel for Bellway Homes Limited** (Pages 141 - 148)

To consider the above planning application.

17. **14/5719C Somerford Park Farm, Holmes Chapel Road, Somerford CW12 4SW: Reserved matters application for approval of access, appearance, layout and scale following outline approval 14/3538C - Replacement covered riding arena for Mr Simon King** (Pages 149 - 154)

To consider the above planning application.

**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, 8th July, 2015 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)

Councillors Rhoda Bailey, D Bebbington, W S Davies, S Edgar, S Hogben,  
O Hunter, A Kolker, A Moran, J Rhodes, B Roberts and B Walmsley

**Apologies**

Councillors M J Weatherill, P Butterill, J Clowes, P Groves and D Marren.

**27 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declaration were made in the interests of openness:

With regard to application number 15/1422N Councillor S Davies declared that he had in the past sat on a charitable body with one of the applicants.

With regard to application numbers 15/0586N and 15/0587N Councillor J Rhodes declared that as the Chairman of Crewe Town Council Planning Committee, she would take no part in the debate nor vote on the items.

With regard to application number 15/1248C Councillor R Bailey declared that a member of the applicant's family had worked for her in the past. With regard to application number 14/5029C she considered that she had pre-determined the application and would therefore withdraw from the meeting and take no part in the discussion or voting thereon.

With regard to application number 15/1248C Councillor A Kolker declared that a member of the applicant's family has worked for him and a family member in the past.

With regard to application numbers 15/210N and 14/2586N Councillor S Edgar declared that as ward member for Shavington he had kept an open mind about the applications.

With regard to application numbers 14/5925C and agenda item 20 Councillor G Merry declared that, whilst she was a Member of Sandbach Town Council, she was not a member of the Planning Committee which would have discussed the applications.

## 28 MINUTES OF PREVIOUS MEETING

Subject to the following corrections:

Minute 8 Application 15/1203N (The Horseshoe Inn) page 6. Paragraph (c) of the resolution to be numbered as (b).

Minute 7 Application 15/0971N (Eastern Road, Willaston) page 5. Insertion of the following wording missing from the end of paragraph (b) i.e. *provided that the changes do not exceed the substantive nature of the Committee's decision.*

Minute 11 Application 15/0876N (Newcastle Road, Shavington) page 9. The addition to the Heads of Terms 3). A scheme of management of the watercourse) to paragraph (c) of the resolution.

RESOLVED – That the Minutes of the meeting held on 10 June 2015 be approved as a correct record and signed by the Chairman.

## 29 15/0379N NORTH VIEW, NANTWICH ROAD, CALVERLEY CW6 9JN: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 5 HOUSES FOR MRS A WATERHOUSE

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

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 a S106 Agreement to secure;

1. Financial contribution of £11,100 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley

And conditions;

2. Time Limit (Outline)
3. Submission of reserved matters
4. Reserved Matters application made within 3 years
5. Development in accordance with approved plans
6. Prior submission of facing and roofing material details
7. Prior submission of surfacing material details
8. Prior submission of a foul drainage scheme
9. Prior submission of a surface water drainage scheme
10. Hours of piling
11. Prior submission of a piling method statement
12. Prior submission of a dust mitigation scheme
13. Prior submission of land contamination report (Phase I)
14. Prior submission of boundary treatment details
15. Prior submission of an updated Other Protected Species Survey
16. Prior submission of an updated bat survey

b) 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 Planning (Regulation), 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.

Note: At this point in the meeting, the Chairman invited Councillor S Hogben to declare any interests. In response and with regard to application number 15/1123C Councillor Hogben declared that he has received correspondence from the applicant as, the Chairman acknowledged, had all the members of the Committee.

**30 14/1447N LAND AT MAIN ROAD, WORLESTON, CREWE CW5 6DN: WITHDRAWN FROM THE AGENDA**

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

**31 15/1422N LAND OFF HOLMSHAW LANE, HASLINGTON, CREWE CW1 5TN: ERECTION OF 5 DWELLINGS, ASSOCIATED GARAGING, CAR PARKING AND LANDSCAPING FOR MR AND MRS M WHEELER**

Note: Councillor J Hammond (Ward Councillor), Mr Coupland (objector) and Mr R Spruce (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

That, contrary to the officer's recommendation to approve, the application be REFUSED for the following reason:

1 The access to the site off Holmshaw Lane would not be suitable due to the alignment of the highway. As such, the development would not be served by a safe and suitable access and would be contrary to guidance contained within the NPPF and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**32 15/0586N LAND OFF UNIVERSITY WAY, CREWE: AN OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 106 DWELLINGS, LANDSCAPING AND ASSOCIATED WORKS. ALL MATTERS ARE RESERVED EXCEPT ACCESS ON TO UNIVERSITY WAY. THE APPLICATION IS NOT SEEKING APPROVAL OF DETAILS FOR THE INTERNAL HIGHWAY / CYCLE / PEDESTRIAN NETWORK FOR HAWKSTONE PROPERTIES (CREWE GREEN) LLP**

Note: In respect of the next two items on the agenda, Councillor J Rhodes took no part in the discussion not voted on the applications.

Note: Mr H Jones (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

1. The proposed development would be for residential development on land allocated for employment purposes by Policy E.1 of the Borough of Crewe and Nantwich Adopted Local Plan First Review 2011. It is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 (Existing Employment Allocations) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 (Existing and Allocated Employment Sites) from the Cheshire East Local Plan Strategy – Submission Version (CELP). The proposal is also considered to be contrary to the NPPF.

b) 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 Manager (Regulation), 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.

c) Should the application be subject to an appeal. Approval is given to enter into a S106 Agreement to secure the following Heads of terms;

1. A 30% affordable housing provision to include;
  - 32 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 21 units) and 35% intermediate tenure (up to 11 units), the affordable housing should be provided on site.
  - The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.
  - Requires developer/applicant to transfer any rented affordable units to a Registered Provider
  - Requires developer/applicant to provide details of when the affordable housing is required
  - Includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
  - Includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site
2. A contribution of £216,926 to account for the Primary School provision
3. A link between this application and planning application ref:15/0587N to ensure the provision of adequate POS provision



**33 15/0587N LAND OFF UNIVERSITY WAY, CREWE: AN OUTLINE PLANNING APPLICATION FOR THE PROVISION OF SHARED RECREATIONAL SPACE, CHILDREN'S PLAY SPACE, LANDSCAPING AND ASSOCIATED WORKS FOR HAWKSTONE PROPERTIES (CREWE GREEN) LLP**

Note: Mr H Jones (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

The proposed development would be for the change of use of a site allocated for employment purposes by Policy E.1 of the Borough of Crewe and Nantwich Adopted Local Plan First Review 2011 to Public Open Space. It is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 (Existing Employment Allocations) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 (Existing and Allocated Employment Sites) from the Cheshire East Local Plan Strategy – Submission Version (CELP). The proposal is also considered to be contrary to the NPPF.

b) 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 Manager (Regulation), 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.

c) Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms

1. POS to be managed by an appointed Management Company in perpetuity.
2. Provision of NEAP

Note: Councillor J Rhodes rejoined the meeting.

**34 15/1210N OPEN GRASS LAND, CREWE ROAD, SHAVINGTON CW2 5AH: OUTLINE PLANNING FOR DEVELOPMENT OF 68 HOUSES INCLUDING NEW VEHICULAR ENTRANCE, BOUNDARIES, INFRASTRUCTURE AND LANDSCAPING, WITH PRIMARY ACCESS FROM THE CREWE ROAD SHOWN AND OTHER MATTERS RESERVED.**

Note: Mr P Reddish (objector) and Mr P Yates (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

a) That the application be REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe and adversely effect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

2. Insufficient information has been provided to demonstrate that the proposed development would not involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

3. Insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space. As such the proposed development is contrary to Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

b) 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 Planning (Regulation), 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.

c) Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP and a scheme of management in perpetuity

**35 14/2586N SHAVINGTON LODGE, WESTON LANE, SHAVINGTON-CUM-GRESTY, CREWE CW2 5AT: OUTLINE APPLICATION, ALL MATTERS RESERVED, FOR THE DEVELOPMENT OF 12 AFFORDABLE RESIDENTIAL DWELLINGS ON LAND OFF WESTON LANE FOR PHILLIP THOMPSON**

The Committee considered a report regarding the above planning application.

**RESOLVED**

a) That the application be refused for the following reasons:

1. The proposed development fails to preserve the settings of Shavington Lodge and Shavington Hall, which are Grade II listed buildings within proximity of the site. The application site forms part of the agricultural setting of these buildings. While submitted in outline, the indicative proposals contain limited information and it is likely that the development will erode and urbanise the setting of the listed. The development will result in serious harm to the significance of a heritage asset. The development is considered to be contrary to Policy BE.9 of the Borough of Crewe and Nantwich Local Plan 2011 together with paragraphs 126-136 of the National Planning Policy Framework.

2. Insufficient information has been submitted with the application to enable the full impacts of the development to be fully assessed. This includes a lack of information in terms of mitigating any loss of habitat for Great Crested Newts, inadequate details of in terms of achieving a safe access to the site and the implication of any layout and access upon protected trees and hedging at the site. The proposal is considered to be contrary to Policies NE.5, NE.9, BE.2, BE.3, RES.8 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

b) 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 Planning (Regulation), 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.

c) Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement: A scheme for the provision of 100% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

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

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

2. A contribution of £5000 to fund offsite habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

Note: The meeting was adjourned for lunch at 12.20pm and reconvened at 1.00pm

**36 14/5548C LAND OFF DUNNOCKSFOLD ROAD, ALSAGER: ERECTION OF UP TO 90 DWELLINGS AND FORMATION OF ACCESS POINT FOR P E JONES (CONTRACTORS) LTD**

Note: Councillor D Hough (Ward Councillor), Town Councillor D Longhurst (representing Alsager Town Council) and Ms K Phillips (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

That the application be DEFERRED for revisions to the affordable housing layout with a greater level of pepper-potting and amendments to front garden provision on the site.

**37 15/1123C SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON CW12 4SW: RETROSPECTIVE APPLICATION FOR RETENTION OF A NEW STABLE BUILDING WITH ANCILLARY GROOMS ACCOMMODATION (RESUBMISSION 14/4518C): FOR SIMON KING**

Note: Councillor J Wray (Ward Councillor), attended the meeting and addressed the Committee on this matter with the permission of the Chairman.

Note: Parish Councillor G Bell (on behalf of Somerford Parish Council), and Ms C Payne (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

That, contrary to the officer's recommendation for refusal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman and Vice Chairman of Southern Planning Committee and the Ward Member to APPROVE the application, subject to the imposition of planning conditions.

**38 14/5925C FORMER TEST TRACK SITE, FORMER FODEN FACTORY SITE, MOSS LANE, SANDBACH: REPLAN AND SUBSTITUTION OF HOUSETYPES ON PLOTS 41-47, 82 AND 100-102 OF EXTANT PLANNING PERMISSION 12/0009C FOR SEAN MCBRIDE, PERSIMMON HOMES (NORTH WEST)**

Note: Mr S McBride (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

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

### RESOLVED

- a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions and the satisfactory completion of a deed of variation to the S106 Agreement comprising;

#### Heads of terms

- A provision of 10% affordable housing (12 units) all of which are to be provided as Affordable Rent or Social Rent
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough
- A contribution towards local education provision of £120,000
- The provision of a Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management (the scheme of management shall include the bridge link)
- A provision of a foot/cycle bridge or a contribution to provide a foot/cycle bridge and secure the landing and access rights for any foot/cycle bridge and/or footpath and from the adjacent Canal Fields site
- An Interim Residential travel plan in accordance with DfT guidance document
- A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders (£44,000)

#### Conditions;

1. Standard time – 3 years
2. Materials as application
3. Submission of a landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. Boundary treatment details to be submitted to the LPA and approved in writing
6. Remove PD Rights for extensions and alterations to the approved dwellings
7. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
8. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
9. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
10. Acoustic mitigation measures to be submitted and agreed
11. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays

12. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
13. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
14. Completion of the proposed off-site highway works
15. Approved Plans
16. Brine Board
17. Ground Levels

b) 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 Planning (Regulation), 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.

**39 15/1248C LAND ADJACENT TO 96 MACCLESFIELD ROAD, HOLMES CHAPEL CW4 8AL: CONSTRUCTION OF 2 NEW DWELLINGS FOR MARION PORTER**

Note: Mr J Ashall (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

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

**RESOLVED**

- a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  1. Time Limit (Outline)
  2. Submission of reserved matters
  3. Reserved Matters application made within 3 years
  4. Development in accordance with approved plans
  5. Reserved Matters to be accompanied by a comprehensive package of arboricultural information in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction.
  6. Prior submission of replacement tree planting plan
  7. Prior submission of a surface water drainage plan
  8. Implementation of noise mitigation measures
  9. Prior submission of a Phase 1 Contaminated land report
  10. Prior submission of electromagnetic screening measures (Jodrell Bank)
  11. Removal of PD Rights (A-E)
  12. Nesting birds
  13. Prior submission of features suitable for breeding birds

**Informatives:**

1. NPPF

b) 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 Manager (Regulation), 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.

**40 15/1745N LAND EAST OF BUTT GREEN HOUSE, WYBUNBURY:  
OUTLINE PLANNING PERMISSION FOR ERECTION OF 2 DETACHED  
DWELLINGS FOR MESSRS WHITTINGHAM, JONES AND MUNROE.**

Note: Councillor A Martin (Ward Councillor), Mrs Ford (objector) and Mr Gilbert (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

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

**RESOLVED**

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

1. Submission of Reserved Matters
2. Application for Approval of Reserved Matters
3. Commencement of Development
4. Plans
5. Hours of Construction
5. Submission / Approval and Implementation of Dust Suppression Scheme
6. Submission / Approval and Implementation of Piling Method Statement
7. Submission / Approval of Information regarding Contaminated Land
8. Construction hours
9. Submission of an updated badger survey
10. Survey for nesting birds
11. Incorporation of features for use by nesting birds
12. Features for use by hedgehogs
13. Visibility splays at access shall measure 2.4m x 106m in the leading direction and 2.4m x 120m in the non leading direction with no obstruction beyond 1m in height within the plays
14. Package of arboricultural information in accordance with BS5837:2012
15. Existing and proposed levels
16. Retention and protection of existing hedgerows
17. Replacement native species hedgerow
18. Surface water disposal scheme

b) 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 Planning (Regulation), 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.

c) Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) 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.

**41 15/1766C CROSSMERE FARM, DAVENPORT LANE, BRERETON HEATH CW12 4SU: VARIATION OF CONDITION NUMBER 10 ON APPLICATION 25981/3 - EXISTING LAND AND BUILDINGS TO BE USED AS A LIVERY YARD AND STUD FOR MS C COLLINS**

Note: Parish Councillor J Deans (representing Brereton Parish Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

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

1. Notwithstanding the GPDO, use of the site limited to livery / stud farm and not for any other purposes except for up to 10 equestrian events per calendar year
2. Submission of a noise mitigation plan (including public announcement systems)
3. Limit to 40 visitors, 10 staff and 6 horseboxes on event days
4. Hours of operation restricted with no events after 21.00

b) 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 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.

**42 15/2353C ARCLID GRANGE, HEMMINGSHAW LANE, ARCLID CW11 4SZ: CONSTRUCTION OF 2 NEW RESIDENTIAL DWELLINGS FOR THE TRUSTEES OF DEREK BERESFORD FAMILY**

Note: Ms J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

**RESOLVED**

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

1. Time
2. Plans
3. Prior submission of material details



4. Retention of boundary treatment
5. Contaminated land – Phase 1
6. Obscure glazing
7. Nesting birds

Informatives:

2. NPPF
3. Contaminated land
4. Hours of construction

b) 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 Manager (Regulation), 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.

**43 14/5029C 2 MOUNT PLEASANT ROAD, SCHOLAR GREEN ST7 3LQ:  
ERECTION OF DETACHED TWO BED DWELLING FOR NEIL  
HAMMOND**

Note: Councillor R Bailey (Ward Councillor), Mr G Roberts (Clerk to Odd Rode Parish Council) and Ms M Cook (objector) attended the meeting and addressed the meeting on this matter.

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

**RESOLVED**

That that Committee be minded to REFUSE the application for the following reason:

1. The proposed dwelling by reason of its siting and orientation would represent an alien feature within the street scene which would be detrimental to the character and appearance of the area. The development would be contrary to Policies PS6, H6, and GR2 of the Congleton Local Plan 2005 and guidance contained within the NPPF.

**44 MILLPOOL WAY/MANOR AVENUE, SANDBACH REF 13/2186C**

The Committee considered a report regarding the above planning application.

**RESOLVED**

That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement securing the affordable housing (30% provision of which is 65% rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.

1. Commencement
2. Plans
3. Submission of landscaping scheme
4. Implementation of landscaping scheme
5. Submission of a construction management plan to include hours of construction and piling
6. Submission of a Phase II Contaminated Land Assessment
7. Submission of details of external materials
8. Development in accordance with the Flood Risk Assessment
9. Details of foul water drainage
10. No development during the breeding bird season
11. Incorporation of features to accommodate breeding birds and roosting bats
12. Submission of details of existing and proposed levels.

**45 CHESHIRE EAST BOROUGH COUNCIL (GOOSTREY - LAND TO THE NORTH OF MAIN ROAD) TREE PRESERVATION ORDER 2015**

The Committee considered a report which requested that a Tree Preservation Order (Goostrey – Land to the north of Main Road) made on 9 March 2015, be confirmed. Two objections received on the Order were reported to the Committee.

RESOLVED:

That the Cheshire East Borough Council (Goostrey – Land to the north of Main Road) Tree Preservation Order 2015 be confirmed without modification

**46 CHESHIRE EAST BOROUGH COUNCIL (SANDBACH - MANOR ROAD NO.3) TREE PRESERVATION ORDER 2015**

The Committee considered a report requesting that a Tree Preservation Order (Sandbach – Manor Road No.3) made on 24 February 2015 be confirmed. One objection received on the Order was reported to the Committee.

RESOLVED:

That the Cheshire East Borough Council (Sandbach – Manor Road No.3) Tree Preservation Order 2015 be confirmed without modification

The meeting commenced at 10.00 am and concluded at 3.50 pm

Councillor G Merry (Chairman)

Application No: 15/0275N

Location: Land off Mill Lane, Bulkeley, Cheshire, SY14 8BL

Proposal: Full application to erect 14 dwellings on land off Mill Lane, Bulkeley

Applicant: M Schofield

Expiry Date: 28-Apr-2015

**CONCLUSION:**

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

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. There would also be an adverse impact on the landscape. The site is also unsustainably located.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.

Subject to conditions, the proposal is considered to be acceptable in terms of amenity, flood risk, highway safety, drainage, housing, trees and landscaping.

However, these do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

**RECOMMENDATION: REFUSE****REASON FOR DEFERRAL:**

This application was deferred at the Southern Planning Committee meeting on 22<sup>nd</sup> April 2015 for the following reasons:

- *Further information with respect to the affordable housing*
- *Clarification of the TPO trees on site*
- *Further information regarding sewage disposal with reference to the dwelling to the north of the site*

- A Committee site inspection to enable Members to assess the impact of the proposed development

## **PROPOSAL:**

The application seeks full planning permission to erect 14 dwellings on land off Mill Lane, Bulkeley

## **SITE DESCRIPTION:**

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of polytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

## **RELEVANT HISTORY:**

14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014

P92/0850 - Detached house – Refused 20th November 1992

P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992

7/19786 - Detached dwelling – Withdrawn 5th June 1991

7/08254 - Residential development – Refused 20th August 1981. Refused for the following reasons:

- The proposed development is contrary to the County Development Plan
- Extension of the settlement in agricultural land
- The site is not identified for development within the Cheshire Structure Plan

7/08093 - Residential development – Withdrawn 3rd July 1987

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Local Plan Policy**

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.3 (Areas of Special County Value)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleways)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

#### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

#### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

#### **CONSULTATIONS:**

**Bulkeley and Ridley Parish Council** – The Parish Council would not oppose this application, especially as it has been reduced from the original idea of 26 houses and a mix of houses,

bungalows and affordable housing was proposed. It was agreed to put forward the following to the Planning Committee:-

- The site is at almost the lowest point in Mill Lane and there are concerns about where surface water will drain without flooding the neighbouring property, given that people will be, for instance, washing cars and watering gardens, all of which will lead to an increase in surface water.
- The affordable housing should be administered by an established Housing Association and should be for people with strong links to the local community.

The Council then discussed what they might ask for under Section 106, payback to the local community. Suggestions were:-

- A footpath to link the entrance to the site with the existing footpath in Mill Lane.
- Drainage of the Playing Field if that is possible.
- A SID (speed indication device) on the A534 to curb traffic speed.

**Highways:** The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms with current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable and I do not raise objections to the application subject to conditions

**Environment Agency:** The above consultation does not require a formal response from the Environment Agency as it falls outside the scope of referrals we would wish to receive.

**United Utilities:** No objection to the proposed development provided that the following conditions are attached to any approval:

- Submission of details of foul drainage
- Foul shall be drained on a separate system
- Submission of a surface water drainage scheme and means of disposal, based on sustainable drainage principles
- The surface water drainage scheme must be restricted to existing runoff rates

**CEC Flood Risk Manager:** No objection subject to conditions regarding the submission of a surface water disposal assessment by means of a sustainable drainage scheme and submission of a surface water disposal scheme, including a scheme for the on-site storage and regulated discharge.

**Rights of Way:** The development will not affect any Public Rights of Way although the northern end of Bulkeley FP4, a 'cul de sac' footpath, is just 6 metres from the boundary of the development site as recorded on the Definitive Map of Public Rights of Way. Given that Bulkeley FP4 is close by, the PROW Unit expects that the Planning department will ensure that any planning conditions concerning this right of way are fully complied with. In addition, advisory notes should be added to the planning consent.

**Strategic Housing:** No objection.

**Environmental Health** – No objection subject to the following conditions:

- Environmental Management Plan

- Hours of construction
  - o Monday – Friday 08:00 to 18:00 hrs
  - o Saturday 09:00 to 14:00 hrs
  - o Sundays and Public Holidays Nil
- Provision of Bin Storage
- Travel Plan
- Electric Vehicle Charging Provision
- Contaminated Land Watching brief.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Representations have been received making the following points:

- Surprised that work on my trees is recommended, permission from neighbouring occupiers should be sought before any work is done on their property. Clearly the boundary between the nursery and Mr Schofield is the edge of the ditch farthest away from the nursery.
- The hedgerows and ditches on this boundary have been maintained by the family of the neighbouring occupier since 1932 and the ditch is an important part of the field drainage system. They have recently planted native hedging in all the gaps of the hedges round the nursery.
- It is surprising and disappointing that the planning application was submitted on the 27/1/15, but neighbours did not receive notification until 13/2/15.
- Also why are only a few residents informed directly i.e. no's 11,12,13,14 & 20, when this proposed development would impact on all residents of Mill Grove and the village as a whole
- This planning application is a modified version of a previous application 14/3052N to which many people, have previously objected.
- The reasons for objection still the same and residents would reiterate their absolute objection to this proposal. From their house and garden, neighbours have a beautiful outlook towards the hills. This is one of the main reasons they bought their property and invested so much time and money making it into their family home. To have these houses built next to them, so obstructing their outlook and having properties potentially overlooking them, would be extremely distressing and unfair.
- It would have some considerable impact on the value of neighbouring property.

## **APPRAISAL:**

### **Main Issues**

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

### **Principle of Development**

The site lies largely in the Open Countryside and Area of Special County Value as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor

recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

### **Housing Land Supply**

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Social Sustainability**

#### ***Affordable Housing***



The site falls within the Peckforton sub-area for the purposes of the Strategic Housing Market Update 2013. This identified a net requirement for 13 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 5 x 1 bed, 4 x 2 bed, 3 x 3 bed general needs units and 1 x 1bed older persons accommodation. There was no identified need for 4+ bed units.

Cheshire Homechoice shows there are currently 4 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 2 x 1 bed and 2 x 2 bed units.

There has also been a recent Rural Housing Needs Survey carried out for the Parish of Bulkeley and Ridley in November 2013. This identified 9 households who required affordable housing within the Bulkeley and Ridley Parish.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size.

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% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant has provided more than the policy requirement for affordable housing and the Strategic Housing Manager does not object to this application.

The proposed affordable housing would comprise 5 no. x 2 bed dwellings. The SHMA identified no need for 2 bed older person's accommodation.

The applicant has confirmed that the units would be tenure blind with the tenure split comprising 65% affordable (3 no. units) and 35% intermediate (2 no. units).

Timing of delivery for both affordable and market housing would be simultaneous and the affordable units would be constructed to the standards set out in the HCA 'Design and Quality Standards' April 2007 document.

The affordable housing provision would need to be secured as part of a S106 Agreement should the application be approved.

## **Health**

There is 1 medical practice within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the development would be less than 20 dwellings.

### **Education**

The Council's Education Officer has confirmed that a development of 14 dwellings would generate 4 primary and 2 secondary aged pupils. There is currently and forecast to be sufficient capacity in the local schools to accommodate the pupils generated by the development

### **Environmental Sustainability**

#### **Landscape**

This is an outline application for 14 dwellings on land off Mill Lane, Bulkeley. The application site is located to the north of the village of Bulkeley in what is currently agricultural land, adjacent to the A534.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this identifies that the application site is located within the boundary of a Local Landscape Designation Area and refers to saved Policy NE3 - Areas of Special County Value. The application site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

With regards to the landscape assessment it is considered that the landscape sensitivity is greater than the submitted assessment indicates and consequently that the significance of landscape effects would also be greater.

The visual assessment identifies a number of viewpoints in proximity to the application area. The significance of visual effect would also be greater for a number of these viewpoints than the assessment indicates.

Policy NE.3 of the Crewe and Nantwich Replacement local Plan 2011 provides additional protection to areas which have been designated in order to preserve and enhance their special landscape quality. It is not clear how the proposed development will either the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

#### **Trees**

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three early mature trees on the roadside verge. The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 covers a number of the trees in the vicinity, including five specimens on the northern

boundary. The TPO shows two Elm trees on the eastern boundary however, these are no longer present.

The application form is incorrect as it states there are no trees or hedges on the site or likely to be affected by the development.

The application is supported by a tree survey dated 6 October 2014, Version 2 which includes an Arboricultural Implications Assessment section. A Pre-commencement tree protection plan reflects the current proposed layout and shows arboricultural constraints. The tree survey covers 16 individual trees and several groups. A number of specimens are afforded Grade A.

In response to the Tree Officers concerns raised, the applicant has submitted a revised layout plan (Dwg No 6106 06 Rev D) which would involve moving the semi-detached plot proposed along the road frontage further back, to avoid any encroachment into the RPA of the existing tree adjacent.

The revised layout also shows the revised location of the footpath, which would further reduce the conflict with the existing tree along the front elevation.

The revised layout also identifies root protection areas for existing trees and subsequent ground protection areas, which would address any encroachment into existing RPA'S.

In response to the revised Site Layout, the Tree Officer raises no objection subject to conditions regarding the submission of a tree protection scheme, arboricultural method statement, surface and foul and surface water drainage layout, site specific construction details and information regarding levels.

## **Hedgerows**

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst it would normally be advised that a full assessment be made under the Hedgerow Regulations, outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access, provided the existing access is infilled with hedge within 8 months. It would appear this could be achieved on this site. Infill of the hedge would need to be secured by condition.

Hedgerows are priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the proposed entrance to the site. It is recommended that if planting consent is granted, detailed proposals for the provision of suitable replacement native species planting should be secured by means of a condition

## **Ecology**

This application is supported by an acceptable Phase One Habitat Survey. The Councils Ecologist has the following comments to make.

### Trees with bat roosting potential

Three trees on site have been identified as having potential to support roosting bats. These trees are all located on the boundary of the application site and so it seems feasible that these trees would be

retained as part of the proposed development. If planning consent is granted it is recommended that a condition be attached to secure the retention of these trees.

The northern and western boundaries of the application site have been identified as being of importance in the context of the site for foraging bats. The submitted ecological assessment identifies the need to retain these hedgerows within an appropriate buffer of semi-natural habitat. The submitted layout plan shows the provision of additional screening planting along the northern boundary of the application site which would assist in part in achieving this objective.

If planning consent is granted it is recommended that a condition be attached to secure the provision of a habitat buffer zone along the northern and western boundaries and provision of bat roosting boxes.

To avoid any potential impact arising from excessive lighting it is recommended that if planning consent is granted a condition be attached requiring any lighting associated with the proposed development be submitted as part of any future reserved matters application.

#### Nesting birds

If planning consent is granted the standard conditions are required to safeguard nesting birds.

#### **Location of the site**

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

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

- Bus Stop (500m) – 250m
- Public Right of Way (500m) – 20m
- Community Centre/Meeting Place (1000m) – 320m

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

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 12500m
- Convenience Store (500m) – 4500m
- Primary School (1000m) – 2500m
- Amenity Open Space (500m) – 4500m
- Pharmacy (1000m) – 5600m

- Post office (1000m) – 2500m
- Children's Play Space (500m) – 4500m
- Secondary School (1000m) – 7400m
- Medical Centre (1000m) - 5790m
- Outdoor Sports Facility (500m) – 4500m
- Child Care Facility (nursery or crèche) (1000m) - 3800m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Bulkeley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical and will be the same distances for the residential development in Bulkeley from the application site. However, the majority of the services and amenities listed are accommodated within Bunbury.

On this basis the previous application was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal. They were at 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) and at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C).

However, in the intervening period an appeal decision has been received for a site known as "The Gables" at Peckforton, where the Inspector stated:

*"The defects of this location and the dearth of facilities are matters of fact. A place that can boast of containing little more than a post box and a restaurant (transformed from an old public house beside the A49) can provide few of the day-to-day facilities that prospective occupants might need. Moreover, since there is barely a bus service to speak of, the means of reaching such facilities must mainly depend on using the private car. (Mr Augustine's ability to push his 2 children to Bunbury and back being the exception that proves the rule). True, there is a 'Brambley Hedge Nursery' amongst the 'farmsteads' a little way beyond the settlement, but everything else (a small Co-op, a butcher, a post office, a medical centre, the village hall, the primary school, 2 churches and 3 public houses) are at last 1.5km away in the village of Bunbury. No doubt prospective residents would make some use of those facilities, often travelling back and forth by car. But, the use of the car also presents immediate opportunities to travel further afield. And, the need to do so to reach facilities and services unavailable locally could well encourage such journeys. The contrary possibility that the appeal proposal might contribute to re-establishing the post office and shop, the police station, the primary school or the Methodist Chapel in Spurstow a quarter of a century or so since their demise is, I fear, little more than a 'pipe dream'."*

On this basis the scheme is no longer considered to be acceptable in locational sustainability terms.

## **Access**

The Strategic Highways Manager has confirmed that there is adequate visibility available at the junction with Mill Lane in both directions and the submitted design is considered acceptable. Parking provision within the site does conform with current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The traffic generation resulting from 14 units is low and given

that the background traffic flow on the local highway network in the vicinity of the site is also well below capacity there can be no traffic impact grounds to reject the application.

In regards to connectivity, the site is not currently linked to the pedestrian footway network as Mill Lane does not have footways, the application includes a proposal to provide a footway along Mill Lane linking to the existing path at Mill Grove. The site location does not have good public transport links and it cannot be stated that the site has good accessibility and it needs to be recognised that developments located in relatively rural locations cannot in most cases provide good levels of accessibility. As the development in terms of numbers is limited the site does not provide a major traffic impact on the road network.

The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms to current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable in highway terms subject to conditions.

### **Amenity**

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded between the proposed dwellings and these properties. This would also be achieved within the site as would the recommended minimum distance of 13m between principal elevations and flank elevations.

The minimum garden area of 50sqm would be achieved in the majority of cases with the exception of the terraced affordable units, where rear garden areas would be reduced to around 40sqm in 2 out of 3 cases. However, the properties do benefit from substantial front gardens as well, and such garden areas are not untypical for this type of report. Therefore it is not considered that a refusal on amenity grounds could be sustained.

### **Design**

In this case the density of the development is considered to be acceptable and would be consistent with the surrounding area of Bulkeley. The development is for 14 dwellings. The proposed dwellings are a mixture of 2 storey and single storey types, which are of a simple, vernacular pitched roof form, and include features such as arched window heads and gable detailing which is reminiscent of the many farm buildings and estate cottages in the vicinity. Subject to conditions controlling materials it is considered that these house types would be appropriate in this locality.

The proposal is considered to be an acceptable layout and all highways would be well overlooked. Car dominated frontages would be avoided. Secure bin storage, for both recycling and household waste, should be provided that is adequate for the size of the development. This could be secured by condition.

Overall, therefore, it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF has been achieved.

## **Noise**

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan would be required as well as a condition to limit the operating hours of the construction site.

## **Air Quality**

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts.

## **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

The application was deferred at the last meeting in order for additional information to be provided in relation to foul drainage on this site. The application forms state that the foul drainage will connect into the mains sewer

A number of objections have been received in relation to the drainage of the site. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

The councils Strategic Flood Risk Manager has also been consulted on this application. No objections have been raised subject to conditions regarding the submission of a surface water disposal assessment by means of a sustainable drainage scheme and submission of a surface water disposal scheme, including a scheme for the on-site storage and regulated discharge

## **Economic Sustainability**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect

economic benefits to the area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the applicant has provided supporting which identifies that the site is Grade 2 agricultural land which is contrary to Policy NE.12 and the NPPF.

### **S106 contributions:**

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.

In this case, however, no Section 106 Contributions are required.

### **PLANNING BALANCE AND CONCLUSION**

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

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. There would also be an adverse impact on the landscape and the Area of Special County Value. In addition the location of the site is not considered to be sustainable.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.



Subject to conditions, the proposal is considered to be acceptable in terms of highways amenity, flood risk, drainage and design.

The NPPF supports sustainable development but due to the environmental impacts and the location of the site in this instance it is considered that the site is unsustainable. While there have been some mixed decisions on appeal about a site's location, the appeal at Peckforton provides a similar scenario to that proposed and as consequence it is considered that the balance tips in favour of refusing the application.

It is therefore considered to be unsustainable development and accordingly is recommended for refusal.

## **RECOMMENDATION**

**REFUSE** for the following reasons:

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

- the unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with it's unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework .

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 Planning (Regulation), 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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of affordable housing – 3 units to be provided as social rent/affordable rent with 2 units as intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

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



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Application No: 14/4062N

Location: Land Off, OAK GARDENS, BUNBURY

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 17 DWELLINGS WITH PRIMARY ACCESS OFF OAK GARDENS, WITH ALL OTHER MATTERS RESERVED.

Applicant: Elan Homes Ltd

Expiry Date: 27-Nov-2014

### SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

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

Balanced against these benefits must be the negative effects that this proposal would have on protected trees (including the loss of a veteran protected Ash tree (T28)), the lack of information to demonstrate that the proposal would not harm species protected by law (bats, barn owls and reptiles), the substandard access strategy, the failure to provide alternatives for the existing public rights of way that cross the site and the lack of affordable housing. Together, these negatives all translate to a proposal which is unsustainable both in the environmental and social sense and are far outweigh the benefits of the scheme.

The draft Bunbury Neighbourhood Plan must also be weighed into the planning balance. It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As

a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As a result of the above reasons, it is considered that the proposal would represent an unsustainable form of development and is therefore recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE**

## **REASON for REFERRAL**

This application is referred to the Southern Planning Committee as it is a small-scale major development and relates to a departure to the Crewe and Nantwich Borough Local Plan.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 17 dwellings with access taken from Oak Gardens. Details of appearance, layout, scale and landscaping have been reserved for approval at a later stage.

## **SITE DESCRIPTION**

The application site is located to the south of the Bunbury Village, to the east of properties fronting Bunbury Lane. To the north are properties which front onto Wakes Meadow, to the south is agricultural land and to the west is a dense copse of woodland that is afforded protection under a Tree Preservation Order. There are 3 public footpaths which all converge towards the southern boundary of the site. The site is generally flat and linear in shape measuring approximately 0.8 ha in size. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

## **RELEVANT HISTORY**

7/18232 – Outline application for two detached houses and garages – Refused 19-Apr-1990

7/17235 - Res. Development (2 No. Detached houses with double garage) – Refused 03-Aug-1989

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 69-78 - Promoting healthy communities 216 – Neighbourhood planning

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleway)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 - Efficient Use of Land

SE 4 - The Landscape  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Draft Bunbury Neighbourhood Development Plan**

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

H1 – Housing Development  
H2 - Scale of Housing Development  
H3/H4 – Affordable Housing  
H5 - Design  
LC1 - Built Environment  
LC2 – Landscape  
ENV2 – Countryside & Open Views

### **Other Material considerations:**

SPD2 – Development on Backlands and Gardens  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Interim Affordable Housing Statement: Affordable Housing  
Bunbury Village Design Statement

### **CONSULTATIONS**

#### **Head of Strategic Infrastructure (Highways)**

Object – The access strategy is unsatisfactory in terms of carriageway widening and construction.

#### **Environmental Protection**

No objections, subject to conditions restricting hours of piling; the prior submission of a piling method statement, the prior submission of external lighting, the prior submission of a dust mitigation scheme and contaminated land. Informatives sought relate to; hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to conditions relating to foul water and surface water.

#### **Education**

No objection subject to financial contributions of £49,028.07 towards secondary school provision. Forecasts show that primary provision can accommodate expected primary children.



## **Public Rights of Way Unit (PROW)**

Object – the proposal would obstruct Bunbury Parish footpaths no. 14 and 15.

## **Bunbury Parish Council**

Object on the following grounds:

- The proposed development is in open countryside, outside the Bunbury Settlement Boundary. Against Policy N.E.2
- There is a significant Highways safety issue. There are serious concerns of danger to pedestrians; to children playing and the risk of traffic collisions with the increase of traffic entering the proposed site, and leaving the site, into a road that has a blind bend. Against Highways Policy BE.3
- Access is inadequate. The proposed internal road is 4.8 metres wide, condensing into a bottleneck at the access road which is 4.2 metres at most. It is of particular concern that the application is for full planning consent for the access way which is inadequate for the number of dwellings proposed. Against Highways Policy BE.3
- The design is not in keeping with the local area. There are concerns about the scale, size and density of the development. The proposed 17 dwellings are on a site that is half the size of nearby Wakes Meadow which has 20 houses on it. Against Policy BE.2
- The application is not in line with the adopted Bunbury Village Design Statement 2009. The development does not conform to the density in that part of the Village and to the building scale of the immediate area. Bunbury Village Design Statement 2009
- There is concern at the potential loss of 3 Footpaths that cross the site. Loss of Amenity Against Policy BE.1
- Concern that there will be increased risk of flooding with additional runoff and impermeable surfaces. There are currently areas of wet surface in the area. Against Policy NE.20

## **REPRESENTATIONS**

Over 100 representations have been received, including a report from the 'Lower Bunbury Action Group' and a letter from Wulvern Housing objecting to this proposal on the following grounds:

- Unsustainable – lack of services, facilities and amenities in area
- Contrary to development plan
- Contrary to Village Design Statement and Parish Plan
- Loss of greenfield / intrusion into open countryside
- Standard of design would not enhance the built environment, respect the pattern, character and form of the surroundings
- Too many units / density too high / scale of development too much
- Impact on trees
- Negative impact on local economy / tourism
- Loss of wildlife and impact on protected species
- Lack of parking
- Road is too narrow
- Will be hazardous for young children playing in the area
- Emergency vehicles / service vehicles would not be able to access the site

- Pedestrian environment is poor
- Harm to local listed buildings
- Traffic generation
- Road safety
- Noise, dust and general disturbance during construction
- Loss of footpaths
- Loss of views
- Impact on property values
- Damage to highway
- Would undermine existing 'Home-Zone' on Oak Gardens
- Impact on historic character and appearance of the village / area
- Impact on neighbouring amenity
- Limited public transport
- Council already has a 5 year supply of housing
- Nearby Beeston development already adds huge pressure to local area
- Lack of local employment to service new houses
- Alternative sites should be considered first
- Village does not have the infrastructure to support more houses
- Impact on cyclists
- No demand or demonstrable need for the proposed houses
- Proposed housing is not affordable
- Site suffers from poor drainage
- Cumulative impact of all developments in Bunbury would exceed need

## **APPRAISAL**

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

## **Principle of Development**

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by*

*public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*

*An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'*

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

### **Bunbury Neighbourhood Plan**

Bunbury Parish Council has prepared a draft Neighbourhood Development Plan (NDP) for the Parish of Bunbury. The consultation period for the plan has now taken place and ran until 21st May 2015.

Paragraph 216 of the NPPF states *'from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 17 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Consequently, the scale of this development would prejudice the outcome of the neighbourhood plan making process and as such, the proposal does not accord with NDP, which has been through its formal consultation process. The scale of this development in combination with others being considered by the Council would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

## **Housing Land Supply**

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account of 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

## **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”*

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

## **Environmental role**

The application site is located at the rear of residential properties which front onto Bunbury Lane. The proposed housing development will be accessed directly off Oak Gardens which in turn takes access off Bunbury Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and post office which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre and is therefore locationally sustainable.

## **Landscape Impact**

The site has no national landscape designation. In the Cheshire Landscape Character Assessment the site is within the East Lowland Landscape Type. In this area the landscape type is represented by generally flat agricultural land where the prevailing field pattern and condition of the hedgerows can account for subtle differences in landscape character.

It terms of the impact on the wider landscape, this proposal would be read against the backdrop of the existing development at Wakes Meadow to the north and the existing properties to the east fronting Bunbury Lane. In addition, a row of terraced properties at Oak Gardens serve to screen the eastern part of the site. To the west, the site is well screened by the dense copse of protected trees. Owing to these features, it is considered that the visual impact of the development on the landscape would not be adverse and is acceptable.

#### Loss of Agricultural Land

The proposal would result in the loss of an area of agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

#### Trees

The supporting Arboricultural Statement identifies some 48 individual trees located on and immediately adjacent to the application site; the majority of trees have been categorised in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction as Category A (High Quality and Value) and B (Moderate Quality and Value). Two hedgerows have also been identified along the northern and southern boundaries of the site.

The survey confirms the presence of a Veteran Tree; a Common Ash (T28) located in the central section of the site. The tree has a stem diameter in excess of 1000mm and an estimated height of some 20 metres. A veteran tree has veteran features usually associated with habitat but does not automatically indicate extreme age. Colonising species, biodiversity, the presence of hollows and cracks, quality of habitat, and decline in vitality are factors in determining veteran status. The tree clearly has the attributes for the definition of a True Veteran (*Defining and Surveying Veteran Trees*, Neville Fay 2007) and as a consequence is now protected under a Tree Preservation order.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The proposed sketch layout indicates that this tree will be removed to accommodate Plots 5 and 6, although the layout is only indicative. However, the provision of 17 units would undoubtedly put pressure on the said tree and as such, in its current form; the proposal does not accord with the NPPF or local plan policy.

The position of plots in relation to existing mature boundary Oaks and Sycamore do not provide for adequate space to address shading and reasonable daylight/sunlight provision. It is anticipated that the current draft layout would lead to future requests to fell or severely prune retained trees which would impact upon their contribution to the public amenity of the area.

The Council's Tree Officer has similar concerns in respect of proposed plots to the western section of the site facing the woodland. The woodland provides an important visual amenity, landscape buffer and wildlife corridor; the integrity of which must be maintained. The location of gardens and Plots close to the woodland edge will inevitably lead to its erosion and degradation by haphazard felling/lopping and topping to facilitate acceptable levels of daylight/sunlight. In view of the above matters, particularly the removal of the protected Ash tree (T28), it is considered that the impact of the proposal on trees is unacceptable.

### Ecology

The application is supported by an Extended Phase 1 habitat survey. The Council's Nature Conservation Officer (NCO) has reviewed the submitted information and advised with respect to the following considerations:

### Grassland habitats

The NCO has advised that the grassland habitats on site are of relatively low value and do not present a significant constraint upon development. However, the grasslands do support a number of species which are indicative of better quality grassland habitats. The development proposals therefore still result in an overall loss of biodiversity. If planning consent were to be granted, the residual impacts of the development would need to be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation/enhancement potentially within the 'Meres and Mosses Nature Improvement Area'.

The method of calculating an appropriate commuted sum has been based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011': The loss of habitat (Semi improved grassland) amounting to roughly 0.8ha:

- Cost of creation of Lowland Grassland 0.8ha x £11,293.00 (cost per ha) = £9034.40  
(Source UK BAP habitat creation/restoration costing + admin costs)

The above calculation would be for the creation of species rich UK BAP grassland. However, the habitat lost is species poor and so the impacts of this loss are less. Consequently, the NCO has suggested half of this figure would be appropriate resulting in a required contribution of £4517.20



### Bats

The protected Ash tree (T28) within the site has been identified as having potential to support roosting bats. As previously discussed, this tree would be lost under the current proposals. Without the retention of this specimen, a detailed bat survey is required to establish the presence/absence of roosting bats. In the absence of such, there is insufficient information to determine the impact of the proposal on protected species.

### Barn owl

The application site has also been identified as having potential to support foraging barn owls. The submitted habitat survey recommends that further surveys are undertaken to assess the usage of the site by barn owls. In the absence of such, there is insufficient information to determine the impact of the proposal on protected species.

### Woodland and stream

A Woodland and stream are located along the western boundary of the application site. Both of these habitats must be safeguarded during both the construction and occupational stage of the proposed development. This could be secured at the reserved matters stage.

### Reptiles

The habitat report identifies the application site as being suitable to support reptile species. The report states that there are no records of reptiles within 1km of the application site. The Council's NCO has advised that grass snakes have recently been recorded within close proximity of the application site. The proposed development therefore has the potential to have an adverse impact upon this species and it is advised that a detailed reptile survey be undertaken and submitted in support of this application. A report of the required survey should include any mitigation/compensation proposals.

Taking the above into account, there is insufficient information to determine the impact that the proposals would have on species protected by law, contrary to Policy NE.9 of the Local Plan and advice within the NPPF.

### Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposal is outline form and therefore the submitted layout is only indicative. Nonetheless, the sketch layout shows the provision of 17 detached dwellings arranged in a linear pattern following the shape of the site then terminating at the western end of the site forming a cul-de-sac. The density of 17 detached units on the site would be greater than the adjoining development found at Wakes Meadow to the north. However, there are examples of similarly grouped development directly to the east of the site and as such, the proposal would not be

incongruous in this regard. It is considered that the overall layout of the development is acceptable in design terms.

In terms of general impact on the character and appearance of the area, the development would be situated to the rear of both the development on Wakes Meadow and those dwellings fronting Bunbury Lane. As such, the impact that the development would have on the appearance of the area would be limited and at this stage, the application is considered to be acceptable in this regard.

### Access

Access to the site is to be taken from Oak Gardens which is an existing adopted highway benefitting from an approved junction with Bunbury Lane. The additional 17 dwellings would cause an increase in traffic generation of 11 trips in the peak hours above the 7 already generated by the existing 10 dwellings that already exist. This is a non-material impact on the junction of Oak Gardens/Bunbury Lane and Bunbury Lane itself.

The application is supported by an access strategy. This strategy presents 2 options both of which comprise extending the carriageway of Oak Gardens at its turning head and continuing it into the site. Option 2 features a passing place on Oak Gardens to allow a service vehicle to pass a car. However, the Council's Head of Strategic Infrastructure (Highways) has confirmed that neither option is satisfactory.

Any widening of Oak Gardens should be completed on the side which does not carry services and the widening should be continued around the radius kerb onto Bunbury Lane if possible. Full carriageway construction would be required, grasscrete is not acceptable as proposed.

The principle of serving 17 additional units off Oak Gardens is not in dispute. However, the access strategy is not acceptable and accordingly the Head of Strategic Infrastructure recommends refusal of this application in terms of carriageway widening and construction.

### Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. United Utilities have also reviewed the application and advised that they have no objections, subject to a number of informatives relating to the provision of water metres and general drainage advice.

### Public Right of Way

The Council's Public Rights of Way Unit (PROW) has confirmed that the proposed development would lead to the obstruction of Bunbury Public Footpaths 14 and 15. There are also plans to dedicate an additional public footpath which runs directly through the middle of the site but this has not yet been formalised.

Despite discussions held between the PROW, landowner and applicant, there has been no progress towards dedicating a new route and extinguishing / diverting footpaths 14 and 15. On this basis, the PROW maintains an objection to the scheme.

Local Plan Policy RT.9 states that *'permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes'*. In the absence of an application to divert the existing footpaths and designate a new route, the proposal is contrary to local plan policy.

### Conclusion

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the impact upon the wider landscape will not be significant. However, the proposal would result in the loss of important trees (one of which is protected), has provided insufficient information to determine the impacts on protected species, proposes an unsatisfactory access strategy and would also result in the obstruction of 2 no. public footpaths without securing suitable alternative routes. Thus, whilst there are no objections to the indicative design and matters relating to flooding and drainage, the objections to other environmental considerations far outweigh these matters and as such, the scheme is not considered to be environmentally sustainable.

### **Economic Role**

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

### **Social Role**

#### Affordable Housing

The site falls within the Bunbury sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 18 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 18 x 1 bed and 1 x 4+ bed units. The SHMA showed an over-supply of 2 bed units.

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 19 applicants who have selected the Bunbury lettings area as their first choice. These applicants require 4 x 1bed, 12 x 2 bed and 3 x 3 bed units.

There has also been a recent Rural Housing Needs Survey carried out in Bunbury completed in March 2013 which showed there were 27 households in housing need who would consider affordable housing, with the majority of these requiring housing within the next 2 years.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less 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 3 dwellings or more than 0.2 hectare in size.

The proposal is for 17 dwellings, including one keyworker home. The accompanying Planning Statement outlines that the applicant is providing a gifted dwelling to the Council for community worker use. The Council's policy is for affordable units to be provided through a Registered Provider of Social Housing and this is not accepted. The applicant has not proposed how they will meet the requirements of the IPS or emerging Policy SC5, or the mechanisms for providing the keyworker unit as affordable in perpetuity.

Furthermore, based on 17 dwellings, the requirement is for 5 units to be provided as affordable, 3 rented and 2 intermediate. The applicant is not providing affordable housing as part of their proposal, and as there is an identified housing need, the Council's Strategic Housing Section has objected to the application.

The proposal does not provide the requisite affordable units and as such it is considered that the scheme offers a social dis-benefit in considering the social sustainability of the application.

### Residential Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The closest residential properties to the site in question would be the occupiers of the properties to the north at Wakes Meadow and no's 1-6 Oak Gardens. As the application is in outline form, the precise position of the proposed dwellings in relation to neighbouring properties is not yet known nor is the position of windows.

Based on the indicative plan submitted, it has been demonstrated that a layout of 17 dwellings could be accommodated on the site without comprising the spacing standards advised between principal to principal elevations and principal to flanking elevations with the properties on Wakes Meadow. The distance between principal elevations between some of the units and no's 1-6 Oak Gardens would be reduced below the 21 metre recommended distance. However, the distance as indicated would be approximately 20 metres which would not be sufficient to materially harm the amenity afforded to these neighbouring properties.

The scheme would be capable of providing a sufficient standard of amenity for each dwelling and as such, subject to suitable reserved matters detail, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### Education

The Council's Education Department have confirmed that the proposed development would generate 3 primary and 3 secondary school places. Forecasts show that the existing primary provision can accommodate the expected primary children and therefore no mitigation is required for primary provision.

With respect to secondary provision, forecasts show that secondary provision cannot accommodate the expected number of secondary children generated by the proposed development without mitigation. On this basis, a contribution for 3 secondary children is required which would amount to £49,028.07.

## **Planning Balance**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

Balanced against these benefits must be the negative effects that this proposal would have on protected trees (including the loss of a veteran protected Ash tree (T28)), the lack of information to demonstrate that the proposal would not harm species protected by law (bats, barn owls and reptiles), the substandard access strategy, the failure to provide alternatives for the existing public rights of way that cross the site and the lack of affordable housing. Together, these negatives all translate to a proposal which is unsustainable both in the environmental and social sense and are far outweigh the benefits of the scheme.

The draft Bunbury Neighbourhood Plan must also be weighed into the planning balance. It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal for the reasons set out below.

## **RECOMMENDATION**

### **REFUSE for the following reason(s):**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National**

Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
3. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Bunbury Neighbourhood plan and because of the unacceptable environmental and social impacts of the scheme in terms of the loss of the veteran protected Ash tree (T28), the lack of information to demonstrate that the proposal would not harm species protected by law (bats, barn owls and reptiles), the substandard access strategy, the failure to provide alternatives for the existing public rights of way that cross the site and the lack of affordable housing. These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies BE.3 (Access and Parking), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside), RES.7 (Affordable Housing) and RT.9 (Footpaths and Bridleway) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) and SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

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 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Financial contribution of £4517.20 towards 'Meres and Mosses Nature Improvement Area'
  3. Education contribution/s of £49,028.07 towards secondary school provision





Application No: 14/4228N

Location: ROOKERY COTTAGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE, CW5 6DJ

Proposal: The erection of one 2 storey detached dwelling house and detached double garage

Applicant: Alan Hill

Expiry Date: 12-Nov-2014

#### **SUMMARY:**

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

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing close to an existing settlement where there is existing infrastructure and amenities.

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

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

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the Framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough albeit only one unit and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL**

This is an outline application for the erection of one dwelling, with all matters reserved apart from access and layout. **Indicative** plans have been submitted with the application indicating that the proposed development would consist of one detached dwelling with a detached double garage.

Access would be taken from the existing access to Rookery Cottage, which itself is taken from a private road known as Rookery Park Drive.

**SITE DESCRIPTION**

The application site lies within the open countryside and comprises the eastern end of the garden of the property known as Rookery Cottage. Rookery Cottage is the last property in a small group of dwellings of the private road known as Rookery Park Drive.

**RELEVANT HISTORY**

None relevant to this application.

**NATIONAL & LOCAL POLICY**

**National Policy:**

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

Of particular relevance are paragraphs 14 and 47.

**Development Plan:**

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

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention

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

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

**Other Considerations:**

North West Sustainability Checklist  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

**CONSULTATIONS:**

**Highways:**

No comments received at the time of report writing.

**Environmental Protection:**

Make comments regarding noise & disturbance and land contamination.

**Parish Council:**

No comments received at the time of report writing.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing, 1 representation has been received expressing full support for the proposal. This can be viewed on the Council website.

## **APPRAISAL**

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

### **Principle of Development**

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

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

### **Housing Land Supply**

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the

period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

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

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

The site is designated as Open Countryside in the adopted local plan and currently comprises the garden of Rookery Cottage. As such its value in retaining the intrinsic character and beauty of the countryside is limited and its landscape value could not be argued to be so valuable that its loss could be considered significant. As such it is considered that a refusal on the grounds of adverse impact on open countryside could not be sustained.

### **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 site is within walking distance of Worleston which has a shop and public house and is adjacent to existing residential development. As such it is considered to be locationally sustainable and a refusal on these grounds could not be sustained.

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

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

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

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

The site is designated as being within open countryside and therefore not the first priority for development. It is however adjacent to existing residential development and is within walking distance of facilities in Worleston.

### **Landscape**

The site is currently part of a large garden associated with Rookery Cottage and given its domestic nature; it is not considered that there would be significant and severe harm to the overall landscape character of the area. As such a refusal on landscape impact could not be sustained.

### **Trees and Hedgerows**

There are trees within the site that could be impacted by the proposed development. These trees are not covered by any Tree Protection Order.

The proposed driveway does fall within the root protection areas of several trees and it is proposed that in order to protect these trees a 'no dig' method is to be used to construct the driveway that would be entirely above the existing soil surface. This should be controlled by condition.

The proposed dwelling and garage would be sited outside the root protection areas of trees on the site and none are proposed for removal. In order to ensure their protection, a condition should be imposed to ensure that tree protection measures are implemented during construction.

### **Ecology**

Given the rural nature of the surroundings and the presence of trees, it is considered that any reserved matters application should include details of provision of features for bats and birds to be incorporated into the buildings.

A condition should be imposed to ensure the protection of breeding birds should development be taking place between 1<sup>st</sup> March and 31<sup>st</sup> August in any year.

## **Design & Layout**

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

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

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

The indicative layout shows a development that would not appear inappropriate in this context where there are a variety of property designs and sizes in the vicinity.

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

## **Highways**

The Head of Strategic Infrastructure (Highways) has not commented on this application. However the application is only for a single dwelling off a private driveway, there is adequate space for the parking of at least 3 vehicles and vehicles would be able to enter and leave in a forward gear.

The proposal is therefore considered to be acceptable in highway safety and parking terms and in compliance with Policy BE.3.

## **ECONOMIC SUSTAINABILITY**

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

Paragraph 19 states that:

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

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

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

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

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

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

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Worleston, including additional trade for the local shop and public house, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

The site is within walking distance of Worleston, which has a shop and public house and would contribute to the supply of housing in the local area albeit in a limited manner.

### **Residential Amenity**

The proposal is for one detached dwelling on this site. It would be possible to achieve above acceptable separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the property to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

The site was part of the Rookery Hall estate in the past and there is a building that was linked to an old gas works, which it appears, served the estate. A Phase I Contaminated Land Survey has been commissioned that indicates that because of the gas works, a further Phase II survey should be carried out and this should be secured by condition.

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



It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

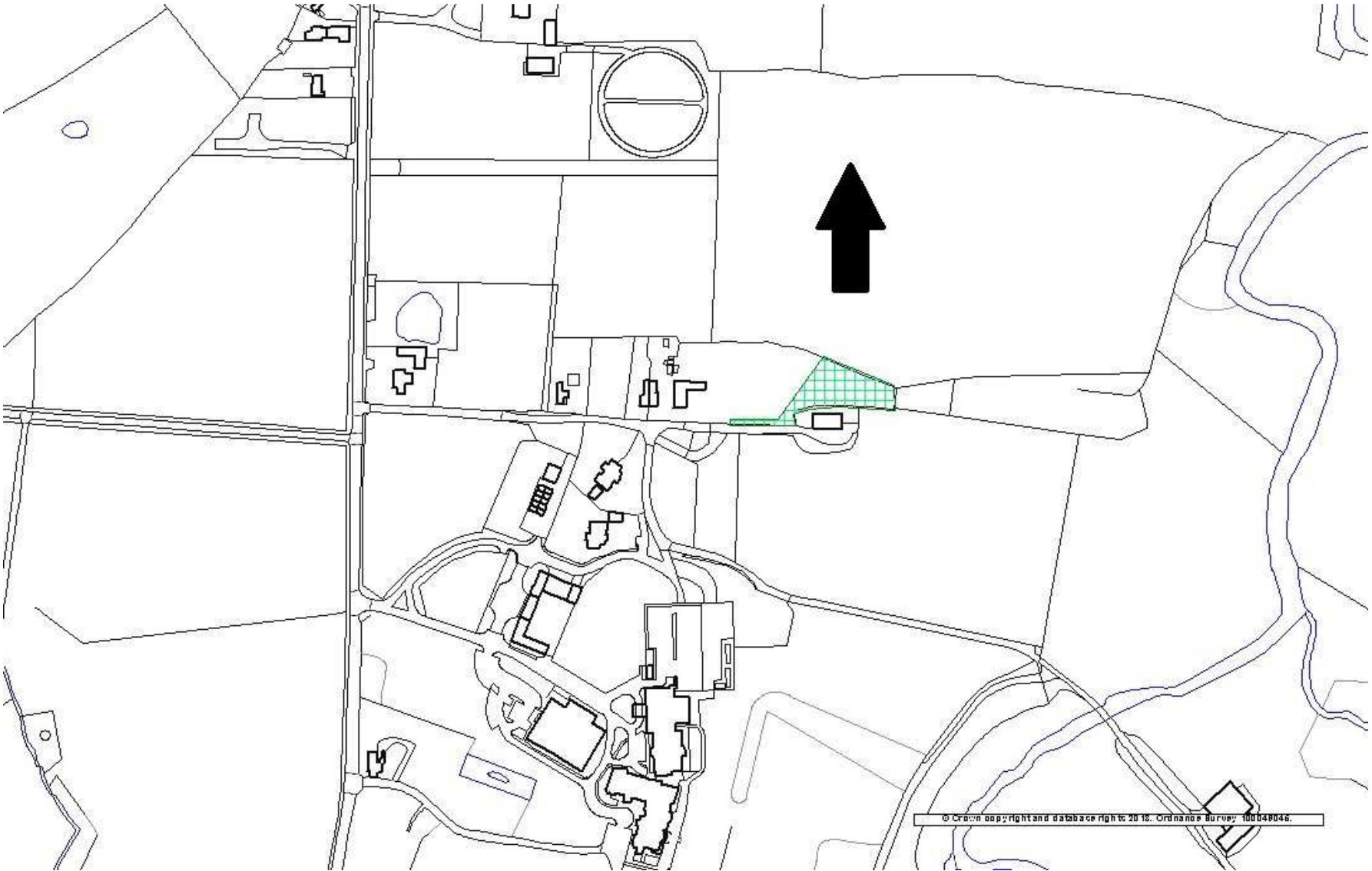
## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission of a Phase II Contaminated Land Assessment**
- 5. Submission of tree protection measures including a ‘no-dig’ solution for the driveway**
- 6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 7. Reserved matters to include details of any external lighting.**
- 8. Submission of drainage scheme to include foul and surface water**
- 9. Breeding bird survey for works in the nesting season**
- 10. Submission of details of features suitable for use by breeding birds and roosting bats**

**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 Head of Planning (Regulation) 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: 15/0535N

Location: WISTASTON BERKELEY COUNTY PRIMARY SCHOOL, LAIDON AVENUE, WISTASTON, CHESHIRE, CW2 6RU

Proposal: Construction of two new classrooms with intergral WC block and glazed connection to existing school building, to be built as Phase 1 and then Studio with intergral kitchen block block as Phase 2. External works such as outdoor teaching areas and landscaping Modification of car parking area

Applicant: Carolyn Brown, The Berkeley Primary School

Expiry Date: 13-May-2015

**SUMMARY:**

The principle of development is acceptable.

The design and layout of the revised scheme is considered to be acceptable. The extension is considered to be appropriate to the character and appearance of the area.

The proposal is not considered to impact upon existing or proposed levels of residential amenity and would not give rise to any highway implications.

Conditions to secure a drop off parking zone and tree protection would be attached to any grant of consent.

The proposal would comply with the relevant policies of the Development Plan and is recommended for approval subject to the conditions set out below.

**RECOMMENDATION:**

**APPROVE with conditions**

**DETAILS OF PROPOSAL**

The proposed development is for an extension to the front of the school to provide 1no. new classroom.

The extension would also incorporate a lean to structure on the south elevation to provide external teaching space.

Maximum internal dimensions would measure 26m (width) x 15.2m (depth) x 4.6m (height).

Maximum external dimensions would measure 26m (width) x 22.9m (depth) x 4.6m (height).

The application originally proposed an extension comprising Phase 1 (2 no. classrooms) and Phase 2 (a hall). The application has since been revised to include only Phase 1.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is Wistaston Berkeley County Primary School which is a modern school located in a residential area within the Crewe Settlement Boundary.

## **RELEVANT HISTORY**

P02/0941 – Ground Floor Extension - Approved 16<sup>th</sup> October 2002.

P00/0313 – Courtyard infill to provide information technology resource centre - (County Consultation) - Approved 06<sup>th</sup> June 2000.

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Borough of Crewe and Nantwich Local Plan 2011**

RT.1 – Protection of Open Spaces with Recreational or Amenity Value

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

### **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

## **CONSIDERATIONS (External to Planning)**

**Sport England:** No objection given the siting of the extension would be in area that does not constitute functional playing field.

**Environmental Health:** No objection subject to a compliance condition regarding method of piling, submission of dust suppression statement, construction hours and an informative regarding contaminated land.

**Highway Authority:** No objection based on the additional information submitted on 22<sup>nd</sup> April. Confirmation was provided from the Headmistress that the proposal would involve the addition of 1 no. member of staff and that the staff car park was increased by 8 no. parking spaces in August 2014. The proposal is to enhance the existing teaching facilities on site.

**View of the Parish/Town Council:**

Comments received 21.04.2015 (Based on original application submitted – Phase 1 and 2) - Object to the proposal based on siting, impact on visual amenity and the existing mature oak tree, proximity of footpath along Laidon Avenue to Phase 2.

Comments received 05.07.2015 (Based on the revised application) – Concerns raised regarding increased parking, access and highway issues. A condition is suggested to provide a safe, off-road drop off area for parents should the application be approved.

### **Other Representations:**

3 representations received objecting to the proposal (based on the original application submitted – Phase 1 and 2). Concerns raised include inadequate parking facilities to accommodate the proposal, impact on access and highway safety.

1 representation received supporting the proposal (based on the original application submitted – Phase 1 and 2) subject to improved parking facilities and impact on the oak tree will be mitigated for.

2 representations received objecting to the proposal (based on the revised application submitted – Phase 1 only). Concerns raised include inadequate parking facilities to accommodate the proposal, impact on access and highway safety and adverse visual impact.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site lies within an area of formal open space and school playing fields and Crewe Settlement Boundary.

Policy RT.1 permits development where it would result in the loss of open space, including school playing fields, where the proposed development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of pitches or adversely affect their use.

The application states that the school is increasing pupil numbers by 18 no. in September 2015 as there is a smaller Year 6 cohort leaving in comparison to the new intake. Existing classrooms are currently used for multiple purposes which is considered to be inadequate. The proposal would involve the construction of an extension to the existing school building, to provide additional accommodation and enhanced teaching facilities for the schools pupils.

It is not considered that the proposal would adversely impact upon the quantity or quality of the existing sports pitch, given the classroom would be partly sited on the playing field and not directly on the existing sports pitch.

Sport England raises no objections given the proposal would affect land considered to be incapable of forming, or forming part of, a playing pitch and/or a functional playing field.

The principle of development is acceptable subject to compliance with visual and residential amenity policies.

### **Character and Appearance**

The original application included two phases of development. The second phase fronted the adjacent street scene along Laidon Avenue and appeared to be within the RPA of a mature oak tree.

The application has since been revised to include only the first phase, given the scale and massing of the second phase was considered to appear incongruous in its siting directly adjacent to Laidon Avenue.

The current proposal is considered to have a relatively long depth, measuring 26m. However, the siting of the extension would not exceed beyond the existing building parameters on site and its scale is considered to be appropriate in the context of the main school building and its existing extensions.

The extension would be set back approximately 21.6m from the site boundary to the highway which would help to lessen the massing of the building when viewed from the street scene.

The building would be typically modular in nature which is considered to be acceptable in the context of the existing buildings on site.

Overall, the scale, massing and appearance of the proposal are considered acceptable and would not adversely affect visual amenities of the locality, complying with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011.

### **Residential Amenity**

The extension would be sited within the existing school building complex and in excess of 21m away from the nearest residential dwelling.

On this basis, it is not anticipated that the extension would result in a detrimental impact on existing levels of residential amenity of neighbouring properties.

Environmental Health raises no objections.

The proposal would comply with Policy BE.1 of the Borough of Crewe and Nantwich Local Plan 2011.

### **Access and Car Parking**

The application form states that the proposal would involve increasing full time staff to 3 no. and increasing part time staff to 2 no.

The Headmistress has since confirmed that there would be 1 additional part time member of staff.



There are 29 existing car parking spaces on site, with 1 no. disabled space.

The primary purpose of the building is to improve the teaching accommodation for existing pupils. It is anticipated therefore that there would be little, if any, increase in trips to and from the site.

A condition would be attached to any grant of consent that a drop off zone is secured as part of the application, to which the Highway Authority have verbally confirmed no objections are raised in this respect.

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

### **Trees**

During the course of the determination of this application, the oak tree sited on the western boundary of the site was granted TPO status.

No objections are raised, subject that a tree protection condition is attached to any grant of consent.

### **CONCLUSIONS AND REASONS(S) FOR THE DECISION**

The overall scale and layout of the revised proposal is considered acceptable and would not result in adverse impacts upon visual or residential amenities of the locality and would not raise any access or parking implications.

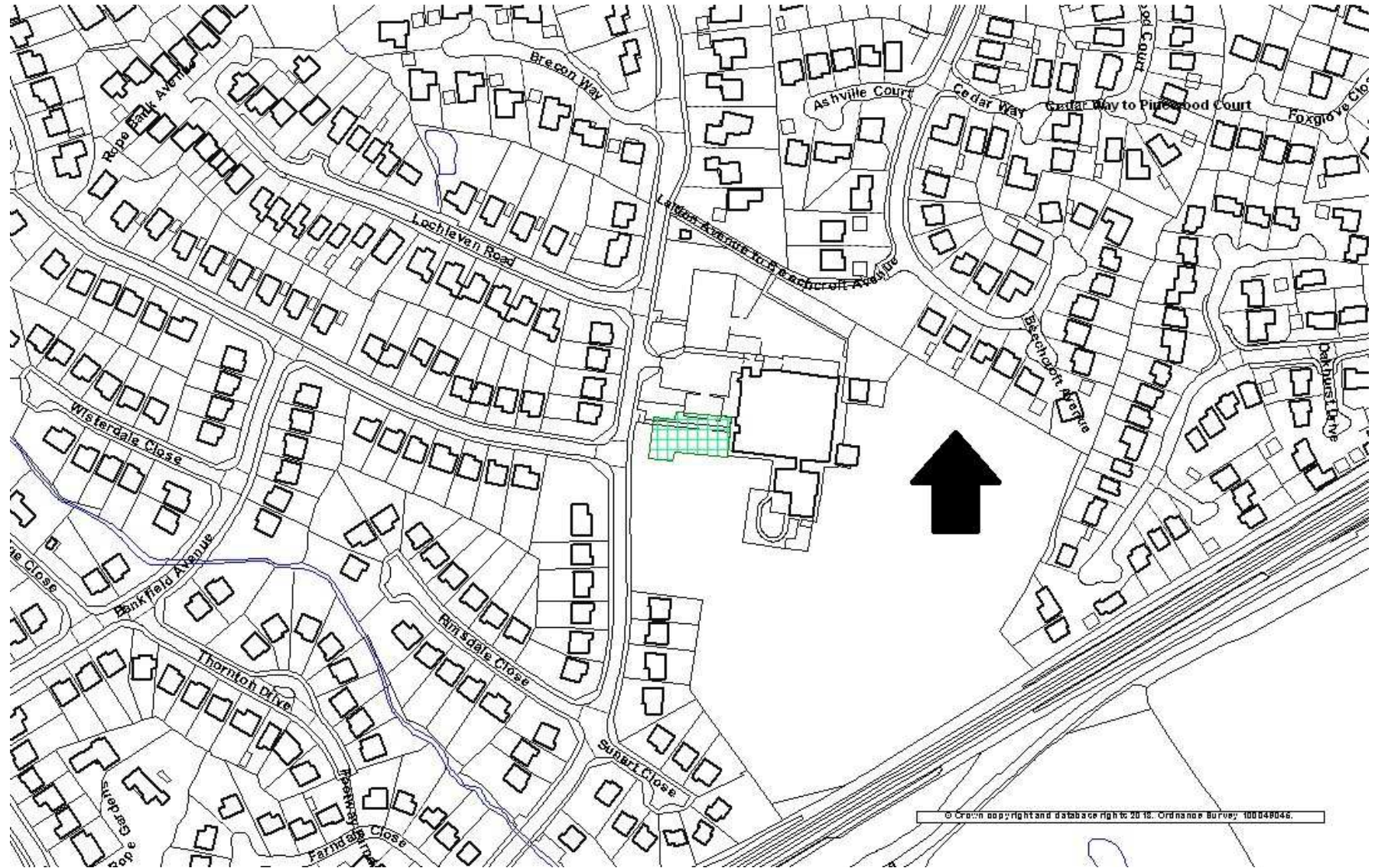
The proposal would comply with the above mentioned local policies contained within the Borough of Crewe and Nantwich Local Plan 2011 and the Cheshire East Local Plan Strategy – Submission Version as well the National Planning Policy Framework.

### **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

- 1. Standard time 3 years**
- 2. Plans**
- 3. Materials**
- 4. Piling hours**
- 5. Dust Suppression Statement**
- 6. Tree Protection Condition**
- 7. Provision of drop off Parking Zone**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), 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: 14/5548C

Location: LAND OFF, DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE

Proposal: Erection of up to 89 dwellings and formation of access point

Applicant: P.E JONES (CONTRSCTORS) LTD

Expiry Date: 02-Mar-2015

**CONCLUSION:**

The principle of development has already been accepted as part of the outline approvals on this site.

Social Sustainability

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

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

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

Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

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

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

**REASON FOR DEFERRAL:**

This application was deferred from the Southern Planning Committee meeting on 8<sup>th</sup> July 2015 for the following reason:

*That the application be DEFERRED for revisions to the affordable housing layout with a greater level of pepper-potting and amendments to front garden provision on the site.*

Amended plans have now been received to address the issues raised within the deferral. This has resulted in the loss of 1 unit on the site (down from 90 to 89 units). The amended plans are subject to a 2 week consultation period which expires on 4<sup>TH</sup> August 2015.

**PROPOSAL:**

This is a reserved matters application for 89 dwellings. The issues which are to be determined at this stage relate to the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate reserved matters application.

The access would be via a single priority junction off Dunnocksfold Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height.

**SITE DESCRIPTION:**

This reserved matters application follows the approval of application 12/4146C which was allowed at appeal.

The site of the proposed development extends to 3.12 ha and is located to the north west of Alsager. The site is within open countryside. To the south and west is residential development. To the north is agricultural land. The former sports grounds of the MMU campus is located to the east of the site. A public footpath (Alsager No 3) runs to the north and east of the site.

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

## **RELEVANT HISTORY:**

13/4627C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Withdrawn 18<sup>th</sup> January 2015

12/4146C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Refused 22<sup>nd</sup> May 2013. Appeal Lodged. Appeal Allowed 14<sup>th</sup> July 2014

## **POLICIES**

### **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.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are:

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

### **Other Considerations:**

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

### **CONSULTATIONS:**

**CEC Flood Risk Manager:** No objection.

**Environment Agency:** Refer to standing advice.

**Natural England:** No objection.

**CEC Strategic Housing Manager:** Following the deferral of this application and the submission of the amended plan the Strategic Housing Manager has stated as follows:

The amended location of the affordable units is acceptable and the pepper-potting is sufficient from Strategic Housing view.

**CEC PROW:** No objection. The developer is required to provide a specification of the PROW. An informative should be attached to the decision notice.

**CEC Strategic Highways Manager:** No objection.

**CEC Countryside Access:** The PROW appears on the ground as a well-used footpath with a rural feel and forms part of a circular route that local residents will have devised and value as a facility. The development should therefore retain this link and ambience, for example by the accommodation of the footpath within a wide green corridor with natural surveillance from the fronts of houses. The width of this corridor would be required to be a minimum of 3 metres.

It is requested that the current stiles on the public footpath at each side of the site are removed or replaced with two-way gates to British Standards, depending on adjacent landowner stock management requirements.

In addition, logged under the Rights of Way Improvement Plan is a request from members of the public that this footpath be upgraded to a bridleway so that cyclists and horse riders can use it in addition to pedestrians.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

**CEC Environmental Health:** Conditions suggested in relation to piling works, construction method statement, construction management plan, travel plan, electric vehicle charging, dust control and contaminated land.

**ANSA Open Space:** There is no information regarding the proposed play area i.e. a description of the type of equipment to be provided and the number of pieces of equipment, safety surfacing, fencing and street furniture.

Also management and maintenance regimes should be provided for both the Amenity Greenspace and Children's Play area

#### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Alsager Town Council:** Makes the following comments:

- That, written confirmation be sought from the Planning Authority that the access point to the proposed development as defined on the latest amended plan is as per the access point as defined in the appeal decision.
- That, the density of the proposed development remains too high.
- That, the proposed layout still lacks suitable landscaping to the Dunnocksfold Road frontage in reducing the developments impact on the street scene.
- That, the affordable housing allocation within the site lacks appropriate pepper potting.

#### **REPRESENTATIONS:**

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

Letters of objection has been received from 14 households raising the following points:

#### Principal of development

- Greenfield sites should not be built on when there is brownfield land available
- Loss of agricultural land
- The development is contrary to the Cheshire East Local Plan
- No further housing development is needed
- Approving the application would jeopardise the development of the MMU site
- Alsager is not a sustainable location
- Intrusion into the open countryside
- Impact upon the semi-rural character of the area
- The development does not comply with the North-West Sustainability checklist
- The development is contrary to the NPPF
- Alsager has had more than its fair share of housing development
- Obstruction of the PROW which crosses the site
- The outline application was only approved due to the lack of a 5 year housing land supply

#### Highways

- Increased highways congestion
- Dunnocksfold Road is too narrow to serve this development
- Traffic problems at peak hours
- Speeding vehicles along Dunnocksfold Road
- Dunnocksfold Road is used as a rat run
- Pedestrian/cyclist safety
- Lack of traffic surveys in Alsager
- Poor visibility at the access point
- The access point is not the same as that which was approved at the appeal
- The access is located on a blind bend
- Cumulative highways impact

#### Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

#### Amenity Issues

- Noise and dust pollution during the construction phase
- Loss of outlook
- Loss of privacy

#### Design issues

- The development is not in keeping with the locality
- The development should include provision for disabled residents
- Loss of hedgerow
- The development appear too dense
- The development does not provide housing to serve the elderly

### **APPRAISAL**



The principle of residential development has already been accepted following the approval of the outline application 12/4146C.

This application relates to the approval of the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate application.

### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rented and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted as part of the reserved matters application. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The affordable housing mix comprises 4 x 1 bed apartments, 20 x 2 bed houses and 2 x 3 bed houses. This gives a total of 26 affordable units of which 17 would be rented and 9 would be intermediate tenure.

The house types and details are acceptable and the units are tenure blind. The number of affordable units and tenure split is correct.

The SHMA identified a net requirement for 54 affordable homes per annum for Alsager. This equates to a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed older persons accommodation. Information taken from Cheshire Homechoice and discussions with colleagues in Housing Allocations Team shows there is a high demand for 1 bed units (94 x 1 bed units).

The applicant has submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the Strategic Housing Manager has raised no objection to this development.

Following the deferral of the application an amended plan to show a greater level of pepper potting on this site has been received. This now moves a block of the affordable housing towards the south-east corner of the site and significantly reduces the density towards the western portion of the site. This has also resulted in a less car-dominated appearance to parts of the site with a greater front garden provision to the affordable units. Whilst supporting photographs have also been provided of affordable housing provided by the applicant within the northern part of the Borough.

This plan is considered by the Councils Strategic Housing Manager who has raised no objection in terms of the degree of pepper potting on this site.

### **Highways Implications**

The access to this development and the wider traffic impact were approved as part of the outline application.

As part of this application a number of local residents and the Town Council have raised concerns that the access proposed as part of this reserved matters application is not in the same location as that approved as part of the outline application. However the case officer has checked the plans

for the outline application and this reserved matters application and the access is located at the same point.

Some objections have also raised concern that there are 2 vehicular access points proposed as part of this application. This is not correct and the proposed plans only show 1 vehicular access point.

In terms of the internal highways design and parking provision on this site the Head of Strategic Infrastructure has now considered this application and raised no objection to the development and as such the development is considered to be acceptable in relation to this issue.

### **Amenity**

In this case the Congleton Borough SPG Note 2 requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations of the dwellings along the Dunnockfold Road frontage ranges between 27 metres and 35 metres. The separation distance between non-principal and principal elevations is 24 metres. As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

To the west of the site is a detached dwelling known as Sunnyside Farm. The proposed dwelling at Plot 1 would have its rear elevation facing a non-principle side elevation at Sunnyside Farm. In this case the development would have a separation distance of 17.3 metres which meets the guidance within the Councils SPG.

### **Light pollution**

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

### **Disturbance during the construction phase of the development**

Conditions in relation to piling work and dust control will be attached to any approval. A condition in relation to the submission of a construction method statement is attached to the outline approval.

### **Trees and Hedgerows**

#### **Trees**

The submission provides an updated arboricultural report, details of tree constraints, and proposed tree protection measures. This shows that all boundary trees would be retained as part of this development.

Although the layout has been amended, on plots 29 and 65 the social relationship between dwellings and retained trees is not ideal with limited separation and encroachment into root protection areas for construction works. However the planning conditions attached to the outline consent would secure the retention and protection of the trees as part of this development.

### Hedgerows

The boundary hedgerows would be retained as part of the proposed development apart from at the point of access. Compensatory planting should be provided to compensate for any losses and this will be considered as part of the reserved matters application for the landscaping of the site.

### **Landscape**

The impact of residential development upon the open countryside and landscape was considered as part of the outline application where the Inspector found that the planning benefits outweighed the harm caused by this development and that the development constituted sustainable development.

The detailed landscape design is a reserved matter and will be determined at a later date.

### **Design**

The application is a Reserved Matters application with details of scale, layout and appearance to be determined at this stage. Landscaping would be reserved for determination as part of a future application.

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

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

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 28 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Alsager.

The layout plan includes centrally located open space and play area. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

The existing hedge lines and tree would be retained as the basis for the landscape infrastructure and the detailed landscaping of the site would be determined at a later date.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Alsager.

## **Ecology**

### **Bats**

The mature trees on site are shown as being retained as part of the proposed development and as such it is not considered that this development would have a detrimental impact upon bats.

### **Other Protected Species**

An updated survey has been undertaken and submitted for other protected species. A number of setts are present around the site boundaries. The precise impacts on this protected species and the exact specification for the level of mitigation required would depend upon the detailed design produced as part of the landscape proposals at a future reserved matters stage. However it is likely that some of the existing sett entrances would require closure under the terms of a Natural England license to allow the development to proceed lawfully. Other setts entrances could be retained and works could be undertaken in such a manner as to minimise impacts. Based upon the submitted survey and outline mitigation strategy submitted the Council's Ecologist is satisfied that the potential impacts of the development on badgers could be dealt with appropriately.

If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey and mitigation strategy. The submitted strategy should include proposals for the provision of badger buffers zones and corridors around the site boundary.

## **Public Open Space**

The site layout shows that an area of POS would be provided centrally within the site. The Open Space Officer stated at the outline stage that if the development was approved there would be a deficiency in the quantity of provision and the requirement for the site is 2,280sq.m. This area is provided within the application site.

In terms of children's play space, the Public Open Space Officer has requested the provision of a 5 piece LEAP. This would be provided centrally and details will be provided as part of the future reserved matters application for landscaping of the site.

The open space and LEAP on site would be managed by a management company and this is secured as part of a S106 Agreement.

## **Education**

This issue was dealt with as part of the outline application where a contribution of £173,540 was secured as part of the S106 Agreement.

## **PROW**

A public footpath (Alsager No 3) runs to the north and east of the site. This PROW would be retained through the site and as such there is no objection in relation to the impact of the PROW. It should also be noted that the S106 Agreement includes a contribution to replace stiles on the PROW.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

The Council's Flood Risk Manager has considered this application and has raised no objection to this development.

It should also be noted that conditions to secure a scheme for surface water run-off and a scheme to manage the risk of flooding from overland flow were attached to the outline permission.

## **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approvals on this site.

### Social Sustainability

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

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

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

### Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

#### Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

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

#### **RECOMMENDATION:**

**APPROVE** subject to the following conditions

1. **Approved Plans**
2. **Materials to be submitted and approved**
3. **The future reserved matters application to include an updated Badger Survey**
4. **Implementation of the tree and hedge protection measures as proposed**
5. **Submission of contact details for the appointed supervising arboricultural consultant and key site personnel.**
6. **Adherence to the submitted Arboricultural method statement**
7. **Service routes to be submitted and agreed in writing**
8. **Bin and cycle storage details for the apartments**
9. **Dust control measures**
10. **Restriction to the hours of piling works**

#### **Informative:**

1. **PROW advice note**

**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 Planning (Regulation), 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: 15/0556N

Location: Basford Old Creamery, NEWCASTLE ROAD, CHORLTON, CREWE, CW2 5NQ

Proposal: Full (retrospective) planning consent is sought for the provision of the new modular building (temporary) B1 (Business) and change of use of the existing B8 (Storage or distribution) unit to B2 (General industrial).

Applicant: Mr Jonathon Beeson

Expiry Date: 08-Apr-2015

**SUMMARY:**

The site is an existing employment site which has been disused for some time. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions, there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

Local concerns of residents are noted, particularly in respect of highway safety, residential amenity, however it is considered that these have been addressed during the application process.

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

**RECOMMENDATION:**

**Approve subject to conditions.**

**CALL IN**

This application has been called in by Cllr Janet Clowes for the following reasons:

- a) *This application seeks to move from a B8 use to a B2 (General Industrial) use to store and cut concrete joists. The Parish Council is concerned that the cutting of concrete beams via a multi angle saw will create considerable noise and dust in a site that is an exposed position*

*surrounded by Open Countryside where noise will travel considerable distances and will cause loss of amenity to local residents in nearby homes along Newcastle Road.*

*b) The Parish Council do not object to the office development of the site.*

*c) The Parish Council do not object IN PRINCIPLE to the change of use to B2 BUT would ask that prior to any fabrication works being commenced, appropriate noise mitigation is included.*

*d) As evidenced at other cement fabrication businesses across the Borough (eg Wrenbury) planning conditions included robust noise mitigation measures and conditions related to appropriate ventilation systems to deal with dust created by multi-angle saw machinery have been applied. The Parish Council ask that similar conditions be applied here.*

*e) There remain considerable concerns that to date, no measures have been taken to maintain the integrity of the Grade II listed building on this site.*

*f) The application makes no reference to HGVs that will have access to this site (bringing concrete beams in and out). The current plans do not appear to include a suitable HGV turning circle with access to the proposed fabrication building.*

*g) The Parish Council would ask that appropriate 'green' barriers (hedges/trees) be conditioned along the Newcastle Road boundary to mitigate the visual impact of the site.*

*h) The Parish Council ask if this site has been identified as 'safeguarded land' in the context of the proposed HS2 route.*

## **PROPOSAL**

This application is for the provision of a new modular building (temporary) B1 (Business) and change of use of the existing B8 (Storage or distribution) unit to B2 (General Industrial).

## **SITE DESCRIPTION**

The site consists of a substantial range of vernacular traditional agricultural buildings that currently have consent for office/light industrial use and general storage/distribution.

To the front of the site, adjacent to the access and Newcastle Road is Basford Bridge Cottage a Grade II Listed Building in a very poor state of repair. A main railway line runs alongside the western boundary of the site.

The site is designated as being within the Open Countryside in the adopted local plan.

## **RELEVANT HISTORY**

P03/0367    2003    Conversion to Office/Light Industrial Use and General Storage / Distribution

P08/0782    2008    Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.

11/2911N    2011    Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution

## **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 and 19.

### **Development Plan:**

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

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
E.4 – Existing Employment Sites  
E6 – Employment in Open Countryside  
NE.17 – Pollution Control

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

## **CONSULTATIONS:**

### **Highways:**

No objection.

**Environmental Protection:**

Recommend conditions/informatives relating to hours of working, hours of operation of the business, noise and vibration and external lighting.

**Weston & Basford Parish Council**

Have concerns relating to the B2 (General Industrial) use about noise, disturbance and hours of operation and recommend that this is controlled by condition.

**Hough & Chorlton Parish Council:**

Also have concerns relating to the B2 use about noise, disturbance and hours of operation and recommend that this is controlled by condition.

**REPRESENTATIONS:**

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

At the time of report writing 1 representation has been received which can be viewed on the Council website. This expresses concerns about the nature of the operation on the site, noise and disturbance and highway safety. Concerns are also expressed about loss of property value, however this is not something that can be taken into account in the assessment of a planning application.

**APPRAISAL**

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

**Principle of Development**

The site is on an existing industrial area, within the Open Countryside. Policy E.4 states that *“proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted.”*

The site was disused for some time and its re-use for employment purposes is considered to be acceptable in principle.

The issue in question is whether this proposal represents sustainable development and whether the requirements of other policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework (NPPF).

**Sustainability**

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

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

***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time

*to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design & Layout**

The proposal involves the upgrading and re-use of existing buildings on the site and a new, temporary modular building (retrospective). The modular building is a flat roofed structure and given its temporary nature in this industrial context, the design is considered to be acceptable.

The refurbishment of the existing buildings will result in the appearance of the site being improved to the benefit of the surrounding area.

The proposal is therefore considered to be in compliance with Policy BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Highways**

The proposal would be served by the existing access to the site. This is a relatively wide access with good visibility splays and there is adequate on-site parking provision. The Head of Strategic Infrastructure (HIS) considers that traffic generation would be modest and raises no objection to the proposal.

It is therefore considered that the proposal is acceptable in highway terms and is in compliance with Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan.

## **ECONOMIC SUSTAINABILITY**

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’

With regard to the economic role of sustainable development, the proposed development will provide employment both operationally and during the refurbishment works.

## **HS2**

It is only Phase One of HS2 that is presently safeguarded (the route between London and the West Midlands). The consultation for safeguarding of Phase Two (the route between Fradley and Crewe) closed on 6th January this year, however, it has not yet come into force. It will only come into force when the outcome of the consultation is published and the Secretary of State for Transport has issued the LPA with the Safeguarding Directions. Thus, as it stands the weight applied to such is limited and we must determine in accordance with current development plan policy.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The site is located in Open Countryside, with the nearest residential property being on the opposite side of Newcastle Road and other residential properties approximately 270 metres to the west.

As originally submitted the application did not contain sufficient information relating to noise from the sawing and cutting operations undertaken outside. Subsequently a Revised Noise Assessment was submitted and this highlights that a concrete screen has been installed since the previous noise report and whilst concrete cutting takes place, water is used as a lubricating and cooling agent, which reduces the noise impact. The conclusion of the amended report is generally consistent with the findings of Environmental Protection Officers, in that adverse noise impacts are unlikely. At the time of report writing there have been no new complaints about operations at the site.

In order to ensure that the residential amenity of neighbouring properties is protected, it is considered that conditions should be imposed to ensure that concrete cutting operations that take place outside the buildings shall be restricted to the area surrounded by the concrete barrier and that when fabrication and concrete work is taking place inside buildings, all external doors must be closed.

Again, in order to protect the amenity of nearby residential properties, the hours of operation for this industrial site should be restricted to 9am to 6pm Monday to Friday, 9am to 2pm on Saturdays, with no working on Sundays and Public Holidays. Should any external lighting be proposed, details should be submitted for approval.

### **Listed Building**

There have been a series of applications/renewals for the original consent P03/0367 for conversion of the buildings on this site to office/ light industrial uses and general storage/distribution. The Grade II Listed Building is approved for office use within the original consent (P03/0367). Scaffolding has been erected to support the building in recent years.

The modular office building is located to the west of the Grade II Listed Building and its presence will have little impact on it, given its temporary nature and the long term intended works to convert the Listed Building to office use.

The change of use of the existing B8 building to B2 use is similarly unlikely to have an impact on the Grade II Listed Building, provided vibrations from the new use do not affect the structural stability.

### **Response to Objections**

The representation of the occupier of the dwelling on the opposite side of Newcastle Road has been given careful consideration, in particular noise and disturbance. Measures have been put in place to address this, including conditions should the application be approved. There is no objection from the HIS and as such a refusal on highway safety could not be sustained. Property values are not something that can be considered in the determination of a planning application.

### **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 site is an existing employment site which had been disused for some time and granting planning permission would have a positive benefit in terms of employment.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, impact on the Listed Building and highway safety.

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

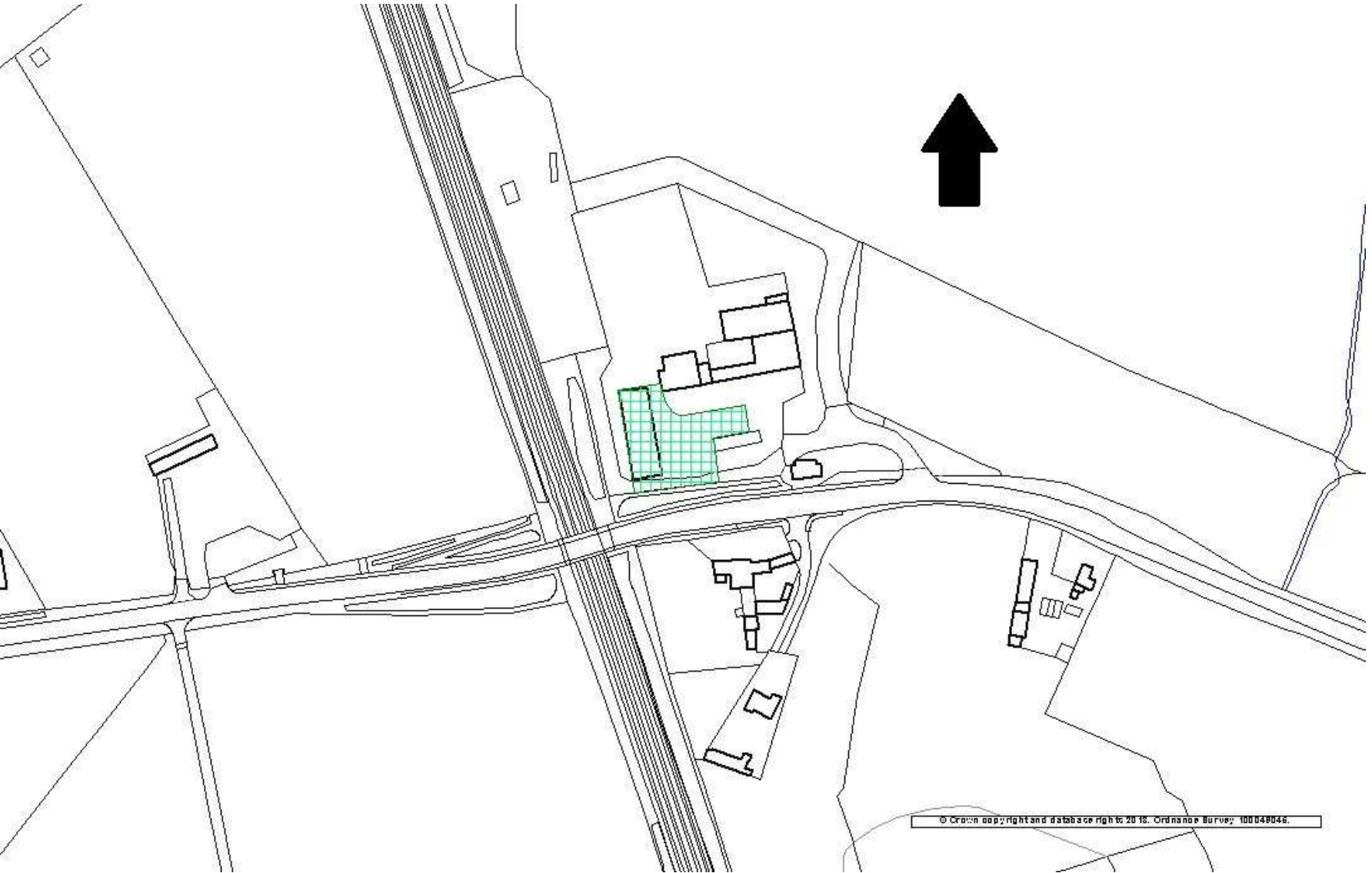
### **RECOMMENDATION**

**Approve subject to the following conditions:**

1. **Approved plans**
2. **Materials in accordance with the details submitted with the application**
3. **Restriction on hours of concrete sawing operations to 9am to 6pm Monday to Friday, 9am to 2pm Saturday and no working on Sundays or public holidays**
4. **Restriction on the hours of steelwork fabrication to 8am to 6pm Monday to Friday with no working on Saturdays, Sundays or public holidays**
5. **Submission of details of external lighting**
6. **Concrete cutting operations that take place outside the buildings shall be restricted to the area surrounded by the concrete screen**
7. **While fabrication and concrete work is taking place inside the buildings, all external doors shall remain closed**

**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 Head of Planning (Regulation) 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: 14/4810C

Location: 55 , West Street, Congleton, Cheshire, CW12 1JY

Proposal: Demolition of No. 55 West Street and the construction of a new two storey building containing 10No. one bedroom flats with accompanying amenity space.

Applicant: JUSTIN SHEARD

Expiry Date: 14-Jan-2015

#### **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 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

#### **RECOMMENDATION:**

**APPROVE subject to conditions**

## **PROPOSAL:**

Full planning permission is sought to demolish an existing two-storey building and to replace it with a two-store building with accommodation within the roof space to provide 10 no. one bedroom apartments at no. 55 West Street, Congleton.

## **SITE DESCRIPTION:**

The application site is situated on the northern side of West Street opposite the junctions with Silk Street and Elizabeth Street in Congleton Town Centre. The site is presently vacant but has been used previously as 2 residential units. The surrounding area is a mix of residential, commercial and retail uses owing to the town centre location. The site falls within the settlement zone line of Congleton and the Congleton West Street Conservation Area as designated in the adopted Congleton Borough Local Plan First Review.

## **RELEVANT HISTORY:**

16760/3 - Change of use to retail shop - Approved 30/05/1985

17157/3 - Proposed conversion of first floor to one flat and one bedsit. Approved 22/10/1985

20080/3 - Extension to shop - Approved 07/09/1988

27204/3- Change of use from shop to 2No. one bedroom flats - Approved 23/05/1995

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 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	Affordable and Low Cost Housing
BH4/5	Listed Buildings Impact of Proposals
BH9	Conservation Areas
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 9 Energy Efficient Development  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy SC 4 Residential Mix

#### **CONSULTATIONS:**

##### **Highways:**

Object on the grounds that the proposal should provide 12 parking spaces.

##### **Green Spaces (Ansa: Environmental Operations):**

No comments received

##### **United Utilities:**

No objection subject to conditions requiring submission of foul and surface water drainage scheme schemes.

##### **Cheshire Archaeology Planning Advisory Service:**

No objection

#### **VIEWS OF THE CONGLETON TOWN COUNCIL**

No objection subject to the height of the building being in keeping and sympathetic with the surrounding properties.

**REPRESENTATIONS:**

Letters have been received from 5 neighbouring properties objecting to this proposal on the following grounds:

- Density of scheme too high
- Lack of parking in the area
- Will add to congestion in the town centre
- Existing building needs urgent renovation and should be repaired
- Damage to adjoining properties during construction
- Existing infrastructure cannot cope with increase in residents
- Water pressure is low
- Sewers and drainage cannot cope
- Loss of privacy, loss of light, overlooking
- Design of building will have a detrimental effect on the conservation area
- Building too big
- Noise from existing flats has affected neighbouring amenity
- Flats should be soundproofed
- Concerns about safety of demolishing the existing building
- Birds and bats are prevalent in the summer

**APPRAISAL:**

**Principle of Development**

The application site is located within the settlement zone line and Town Centre of Congleton, where according to Policy PS4, there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other relevant policies. Of relevance is Policy H4, which states that regard will be had to the location of the site to jobs, shops and services by modes other than the car and Policies S4 and S5 which refer to town centre uses.

Whilst the site is on the edge of the town centre, the predominant uses are residential. In terms of land use therefore, the proposal would conform to the surrounding scale and character of development. The site is in a sustainable location where it is easily accessible and well connected to public transport and community facilities and services.

With respect to town centre policies, proposals for non-retail uses at ground floor level will be permitted where the proposed use is a commercial, leisure, entertainment, community or civic use appropriate to the town centre or for residential use on the periphery of the town centre. This is provided that; the proposal does not detract from the town centre function of the area; does not impact detrimentally on amenities of any future and adjacent occupiers and accords with other policies. Owing to the fact that the existing site has a lawful residential use, is on the edge of the town centre and is not situated in-between retail uses, the proposal would not individually or cumulatively undermine the retail function of the town centre.

Consequently, the proposal is deemed to be compliant with local plan policies PS4, H4 and S5 and S6.

Subject to conformance with other relevant material planning considerations, the principle of 10 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this. The scheme is therefore compliant with national and local policy.

### **Locational Sustainability**

The proposals seek to utilise previously developed land, inside the settlement within a town centre location, which offers a good range of shops and services and transport links. On this 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'.

### **Housing Land Supply**

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 10 no. dwellings within the plan period 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.

### **Design and Conservation**

This proposal is for the demolition of no. 55 West Street and the construction of a new two storey building containing 10 one bedroom flats with accompanying amenity space. The application is supported by a structural report which evidences the poor condition that the building is in. The Council's Conservation Officer recognises this and the need to redevelop the site.

The proposal calls for the height of the new building to be increased. Amended plans have been received which show a lower roofline than that originally proposed. The lower roofline would be achieved by providing a flat section of roof on top of the proposed building. This would not be evident from the street scene or conservation area. Equally, the rear of the building would not be visible from the street-scene as it is enclosed by other built form.

In terms of size and scale, from West Street, the building would step up from the adjoining property no. 57 but would be lower than the beginning of the properties on the other side, no.s 51-53. The proposal would not over dominate this frontage and would transition well with the appearance of the street-scene. Subject to the use of high quality facing brick, slate roofs, timber windows with a decent reveal and the use of conservation roof lights, it is considered that the proposal would not materially harm the street scene nor would it impact negatively on

the West Street Conservation Area. As such, the design is considered to be acceptable and in compliance with local plan policies GR2 and BH9.

## **Highways**

The Head of Strategic Infrastructure (HSI - Highways) originally objected as there was no parking provision. The required standard was cited as being 12 spaces, 1 per unit plus 2 spaces for visitors. This proposal would offer 3 no. spaces. However, it is important to note that this scheme is for small 1 bed units where the likelihood of car ownership will be less than that of open market housing. Additionally, the site is located in a highly sustainable location where it is accessible by other public transport links serving the wider area. Further, the standard as referred to by highways is not yet formally adopted and as such, a refusal could not be sustained on this basis.

Vehicular access to the rear car park is provided off West Street. The vehicle movements generated by 10 units would not have a 'severe' impact on the local highway network. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

## **Ecology**

The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

## **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, on the opposite side of West Street, the proposals would not achieve the minimum interface distances advised within SPG2. However, it is important to note that historic layout and pattern of development in this location is tightly grouped and the existing building does not achieve the recommended separation. It is one of the features that characterises this town centre location. However, the proposal would not increase direct overlooking of the properties on the opposite side of West Street as the proposal would not come any closer than the existing building. Further, the scale of the building fronting West Street would not be significantly greater than at present and as such, it is not considered that these neighbours would incur increased material harm to their amenity.

Turning to the adjoining property, no. 57, the proposal would extend further beyond this neighbour's rear elevation (by 6 metres). However, as amended, the upper floors would be stepped in at the corner and it is important to note that the outrigger attached to the existing building already travels hard-up along the common boundary shared with this neighbour. It is considered therefore that a refusal could not be sustained on the impact on this neighbourly reason of loss of light or visual intrusion. With respect to direct overlooking, no windows are proposed in the side elevation facing this neighbour and as such, there would be no direct overlooking.

Turning to the neighbouring property on the other side, no 51-53, the proposal would enjoy a gap of 2.6 metres between the side of the proposed building and the main side elevation of



no. 53. The proposed building would extend 4 metres beyond the main rear wall of no. 53 and as such would not cause material harm in terms of loss of light or visual intrusion. An application of the 45-degree test would support these conclusions. No 53 also benefits from a two-storey outrigger at the rear which hosts some side facing windows. However, the ground floor windows would be screened by the existing boundary wall, and the 2 upper floor windows are secondary. Whilst the proposal would include side facing windows facing the side of no, 53, the upper floor side windows could be obscured to ensure no direct overlooking as they are also secondary.

With regard to the amenities of the occupiers of the proposed units, the units have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. It is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the terraced nature of the area. Subject to obscured glazing, the proposal is found to be acceptable in terms of residential amenity.

### **Public Open Space Provision**

According to the Council's Supplementary Planning Guidance, developments of 7 or more dwellings will generate a requirement for public open space and children's play space. The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. However, this scheme is only for 10x no. 1 bedroom. As such, they are not family dwellings and therefore the demands on local play space and open space will be low.

Given that this scheme is very small, it is deemed to be impractical to provide the open space on site and therefore consideration needs to be given to off-site works at a suitable local facility. A further update on this matter will be provided to Members when the Greenspaces officer has confirmed the exact requirements.

### **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 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Standard time limit 3 years**
- 2. Development to be carried out in accordance with approved / amended plans**
- 3. Submission / approval and implementation of environmental management plan**
- 4. Submission / approval and implementation of demolition strategy**
- 5. Drainage - Foul drainage should be connected to foul sewer**
- 6. Drainage – surface water drainage scheme to be submitted**
- 7. Materials to be submitted and approved (Cheshire brick and slate roof)**
- 8. Windows to be timber and set behind 100mm reveal**
- 9. Drawings of window detail to be submitted**
- 10. Brick bond to match existing**
- 11. Roof lights to conservation style**
- 12. Notwithstanding submitted detail, rainwater goods to be cast metal and painted black**
- 13. Parking to be provided as per approved plan prior to first occupation**
- 14. Obscured glazing requirement for upper floor side facing windows**
- 15. Provision of cycle parking**
- 16. Provision of bin storage**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), 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 Principal Planning Manager (Regulation), 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: 15/2439C

Location: ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, SANDBACH, CHESHIRE, CW11 1YG

Proposal: Proposed plot substitution of previously approved house types on plots: 3, 23-25, 28-30, 36-38, 41, 44, 50, 52, 67-70, 89, 92 including the repositioning of house types to facilitate the above. (Previously approved under ref: 12/2426C. APP/R0660/A/13/2196044)

Applicant: J Gould, Rowland Homes

Expiry Date: 26-Aug-2015

**SUMMARY**

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

**RECOMMENDATION**

**Approve subject to conditions and a deed of variation**

**PROPOSAL**

Planning permission 12/2426C gave permission for 88 dwellings and for associated works including roads, sewers, pumping station, drainage works and balancing pond.

This application seeks minor changes to the approved house types on plots: 3, 23-25, 28-30, 36-38, 41, 44, 50, 52, 67-70, 89, 92 including the repositioning of house types to facilitate the above.

**SITE DESCRIPTION**

The site lies on the northern edge of the settlement of Elworth. The site comprises agricultural land which has predominantly been used for grazing in recent years. It is located off Dean Close and Wrenmere Close, two minor cul-de-sacs off Grange Way and Lawton Way in Sandbach, approximately 1500m east of the centre of Sandbach. The surrounding urban area is predominately residential in character and includes a variety of forms, architecture and materials.

The site originally formed part of a larger agricultural holding. The site of these buildings, extending to around 1 hectare is an ongoing construction site where planning permission has previously been granted for 25 dwellings (Phase 1). This approved development is accessed by a private driveway

between Nos. 14 and 16 Dean Close, which serves 4 of the dwellings currently under construction with the remainder served from an extension of Wrenmere Close.

The Phase 2 area comprises of the remaining agricultural holding extending to some 13.6 hectares (33.7 acres). This comprises an area of fallow agricultural land divided into a number of field parcels. These fields are separated by a mix of post and wire fencing and established trees and hedgerows.

## RELEVANT HISTORY

09/3245C	2008	Partial demolition of the existing site (including modern agricultural buildings and the existing dwelling) the conversion of the remaining existing buildings to form 8 dwellings and the erection of 13 additional dwellings within the curtilage of the existing residential property - Withdrawn
10/1765C	2010	The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property. - Approved
10/2006C	2010	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works. – Refused / Appeal Allowed
11/ 4396C	2012	Variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15. – Resolution to approve subject to Section 106
12/0281C	2012	Change Of House Type On Plot 16 From Bonham To Bonnington And Re-Siting Of Plot 17 Marlborough House Type. – Refused / Appeal Dismissed
12/2426C	2014	The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) Approved under Appeal APP/R0660/A/13/2196044
13/4491C		Full Planning Application - The Erection of 96 dwellings together with associated works including the creation of approximately 10 hectares of open space and recreation land (Phase 2), and the amendment of Plots 16 and 17 previously approved under reference 10/2006C (Phase 1) - Resubmission of Application 12/2426C – no decision
15/1079D		Discharge of Conditions - The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) – no decision
15/1806D		Discharge of Conditions - Discharge of conditions 5, 8, 9, 15, 16, 17, 26, 29, 33 and 34 attached to planning permission 12/2426C. Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1) – no decision

15/2040D Discharge of Conditions - Discharge of Conditions 11, 28 and 31 on Application  
12/2426C - no decision

15/2248C Non-Material Minor Amendment - Non material amendment relating to  
12/2426C (proposed residential development) – no decision

## **NATIONAL AND LOCAL POLICY**

### **National Policy**

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

14. Presumption in favour of sustainable development  
56-68. Requiring good design

### **Development Plan**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost 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  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity

SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management

## **CONSULTATIONS**

**CEC Highways:** No comments received at time of writing this report.

**CEC Strategic Housing Manager:** No objection - The proposed re-plan does not relate to any of the affordable housing plots. The substitution of house types maintains the same number of total dwellings across the site so the number of affordable housing units required will not change.

**CEC Education** – No comments received at time of writing this report.

**CEC Environmental Health:** No objections

**Environment Agency** - No comments received at time of writing this report.

**United Utilities** - No comments received at time of writing this report.

## **PARISH/TOWN COUNCIL**

Members have no objection to the proposed plot substitutions, however, request all agreed conditions relating to the 10 hectares of open space/recreation land and supply of 29 affordable homes remain as approved.

## **REPRESENTATIONS**

Representations have been received from 2 occupants. The main issues raised are;

- The new layout will leave the existing houses exposed to crime and disorder. Contravenes the NPPF as existing fencing along Boothsmere Close will remain as it, 4 ft post and rail fencing backing on to the public open space and lay by.
- This application will over ride the conditions placed on 12/2426C by the Inspector
- Issues of amenity raised regarding the rear of No.7 Boothsmere Close

## **APPRAISAL**

The key issues are:

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

### **Principle of Development**

Given that the principle of development has been established by the granting of full planning permission as part of application 12/2426C this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates solely to minor changes to the house types on this site.

### **Design**



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

The changes relate to 20 dwellings which will replace the 20 approved previously at plots: 3, 23-25, 28-30, 36-38, 41, 44, 50, 52, 67-70, 89 and 92 inc. Plot 15 has been moved forward from the boundary allowing greater interface differences from the existing houses to the rear of Boothsmere Close. Plots 26, 27, 31, 42, 43 and 71 have been repositioned in order to facilitate the plot substitutions.

At plots 3, 25, 28, 36, 52, 68, 89, 92 the Bonnington house type will be replaced with Brantwood, plot 23 the Howell house type will be replaced with the Renishaw house type, plot 24 the Holbrook house type will be replaced with the Renishaw house type, plot 29 the Haywood house type will be replaced with the Bowes house type, plot 30 the Howel house type will be replaced with the Bowes house type, plot 37 Bonnington house type will be replaced with Reynold house type, plots 38, 41 and 44 the Bonnington house type will be replaced with Bellingham house type, plot 50 the Reynold house type will be replaced with Marlborough house type, plot 67 the Howell house type will be replaced with the Holbrook house type, plot 69 the Holbrook house type will be replaced with the Renishaw house type, plot 70 the Howell will be replaced with the Renishaw house type.

In line with conditions 3 and 4 attached to the original permission, Plot 64 has been amended to pull it in line with the adjoining dwellings, and there is no longer a dwelling on plot 49.

There are three new house types Bowes, Bellingham & Brantwood which are new to the scheme. However these new house types are similar to the existing approved housing and retain a good mix and variety across the site and are considered to be consistent with the wider development as a whole on the site.

These minor changes would still respect the character and appearance of the area and would comply with Policy GR2 (Design) of the Congleton Local Plan.

### **Amenity**

With the exceptions of plots 15 and 71 the development will have no impact on residential amenity over and above the originally approved scheme. Both units 15 and 71 have been moved slightly from there original positions. However they will increase the separation distances and therefore will create an improvement to the scheme.

The remained changes relate to internal amenity and there is no greater impact to the future occupants amenity over and above that which has already been approved.

Therefore the proposal is considered to comply with the requirement of policy GR1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Trees**

There are no direct implications in respect of the protected trees on the site in relation to the proposed plot substitutions, which are mainly located within the central core of the site.

The arboricultural conditions agreed previously at the inquiry still prevail and should be attached to any Decision Notice. Note protective fencing should not just take into consideration protected trees but also those located privately off site; and where applicable updated British Standards (BS3998:2010 & BS5837:2012) should be used. The amendments which form part of this application do not raise any additional arboricultural issues.

## **Highways**

The changes to the house types are considered to be minor and it is unlikely that these would raise any greater issues than the approved plans. The access to serve the development would not change as part of this application. The Strategic Highways Manager has yet to comment on the application and therefore any comments will form part of an update report to the committee.

## **Affordable Housing**

The development would still provide the same level of affordable housing. The Strategic Housing Manager has raised no objection to this application.

## **CONCLUSIONS**

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

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

## **RECOMMENDATIONS**

That the application be approved subject to completion of Section 106 Deed of Variation to include the amended scheme application number to secure, affordable housing provision, and secure education and highway contributions and provision of public open space and a management company for future maintenance in relation to application 12/2426C

Approve subject to the following conditions (as per the appeal decision);

### **1. Approved Plans**

2. No development shall take place until an Environmental Management Plan for all construction and remediation operations has been submitted to and approved in writing by the Local Planning Authority. The plan shall address environmental impact in respect of air quality, vibration, noise, waste management, parking, loading and unloading of contractor's vehicles and the use of plant on existing residents during the remediation and construction phase. Development shall be carried out in accordance with the approved details.

3. No remediation / construction works or deliveries shall be undertaken at the site outside the hours of Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs nor at any time on Sundays, Bank or Public Holidays.

4. Any piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. No piling operations shall be undertaken at the site outside the hours of Monday – Friday 09:00 to 17:30 hrs; Saturday 09:00 to 13:00 hrs nor at any time on Sundays, Bank or Public Holidays.

5. A method statement for any necessary piling to include the following details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of such operations:

- Details of the method of piling,
- Duration of the pile driving operations (expected starting date and completion date),
- Prior notification to the occupiers of potentially affected properties,
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Development shall be carried out in accordance with the approved details.

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7. No development shall take place until full details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours: proposed ground levels and finished floor levels for the buildings hereby permitted; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Notwithstanding the details shown on the approved plans, the parking area within the area of public open space adjacent to

the southern boundary shall be substituted for lay-by parking along the access road.

9. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected on the common boundary with 7 Boothsmere Close or on the northern boundary to plots 45-48, 50, 51 and 56-64 unless approved pursuant to condition 17 of this consent or a further planning permission has first been granted on application to the Local Planning Authority.

12. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme, which shall be in place prior to the commencement of work. The approved protection scheme shall be complied with for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the Local Planning Authority. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil

or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

13. No development shall commence until a Construction Method Statement (for the adoptable highway and access footways which extend within the Root Protection Areas as defined within BS5837:2012), a Tree Pruning/Felling Specification, a Levels Survey as existing and proposed and measures for the protection of existing hedges have been submitted to and approved in

writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved Construction Method Statement.

14. No development shall take place until a scheme of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment pertaining to that dwelling has been implemented in accordance with the approved details. The scheme shall make provision, inter alia, for post and wire fencing and native hedge planting to the north and eastern boundaries with the open space / agricultural land.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) the hedge to the north and eastern boundaries with the open space / agricultural land shall not be replaced with any gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order unless a further planning permission has first been granted on application to the Local Planning Authority.

16. Prior to the commencement of development details of bollards to prevent vehicular use of the pedestrian /cycle ways adjacent to plot 72 and plot 15 shall be submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

17. No dwelling hereby permitted shall be occupied until the parking and vehicle turning areas associated with that dwelling have been constructed in accordance with the details shown on the approved plans. These areas shall be reserved thereafter exclusively for the parking and turning of vehicles and shall not be obstructed in any way.

18. No development shall take place until full details of the construction and surfacing of the access road and shared surfaces have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access road and shared accesses have been laid out to base course level in accordance with the approved drawings and the 95th dwelling shall not be occupied until the access road and shared surfaces have been surfaced in the approved manner.

19. No development shall take place until a drainage scheme for the site, in accordance with the requirements of the approved Flood Risk Assessment (Ironside Farrah Ltd, 3890/SRG, June 2012) together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved drainage scheme and timetable.

20. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. No development shall take place except in complete accordance with the approved scheme.

21. No development shall take place until an assessment into the potential for disposing of surface water by means of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. In the event that the approved assessment identifies that the site has potential for the use of SUDS, these shall be incorporated within the scheme of drainage to be submitted pursuant to condition 22.

22. No development shall take place until a scheme for the management of overland flow from the surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed building finished floor levels. No development shall take place except in complete accordance with the approved scheme.

23. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority, has been carried out. The work shall be carried out strictly in accordance with the approved scheme.

24. Prior to the development commencing, a detailed Contaminated Land Remediation scheme shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme shall then be carried out and a Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any part of the development hereby approved.

25. No development shall take place until a scheme for the laying out, management and maintenance (including measures associated with the mitigation of ecology issues) of the proposed public open space, areas of wildlife habitat and the recreation area coloured pink on the plan attached to the Section 106 Agreement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site, including the ditches and ponds and shall include, inter alia:

- the detailed extent and type of new planting (NB planting to be of native species),
- details of maintenance regimes,
- details of any new habitat created on the site,
- details of the treatment of buffers around water bodies,
- details of all management responsibilities,
- detailed design and planting specifications for habitat creation, within the open space areas, including the detailed design of the pond,
- a timetable for implementation,
- proposals to safeguard the stream,
- planting to protect the privacy of existing residents,
- no additional planting shall be undertaken along the banks of the stream;

The scheme shall be implemented in its entirety and the open space shall be laid out strictly in accordance with the approved details and in accordance with the approved timetable.

26. No development shall commence until an updated survey to record the presence of any badgers at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person approved by the Local Planning Authority. If any evidence of badgers is found then the report shall include provisions for the timing of the approved development works, measures for the protection of badgers during development and for the retention of existing or provision of alternative habitat.

27. Prior to any commencement of works between 1st March and 31st August

in any year, a detailed survey shall be carried out to check for nesting birds and the results submitted to and approved in writing by the Local Planning Authority. Where nests are found in any, hedgerow, tree or scrub to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

28. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

29. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation on occupation have been carried out. All other measures

contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the

approved scheme of monitoring and review, so long as any part of the development is occupied.

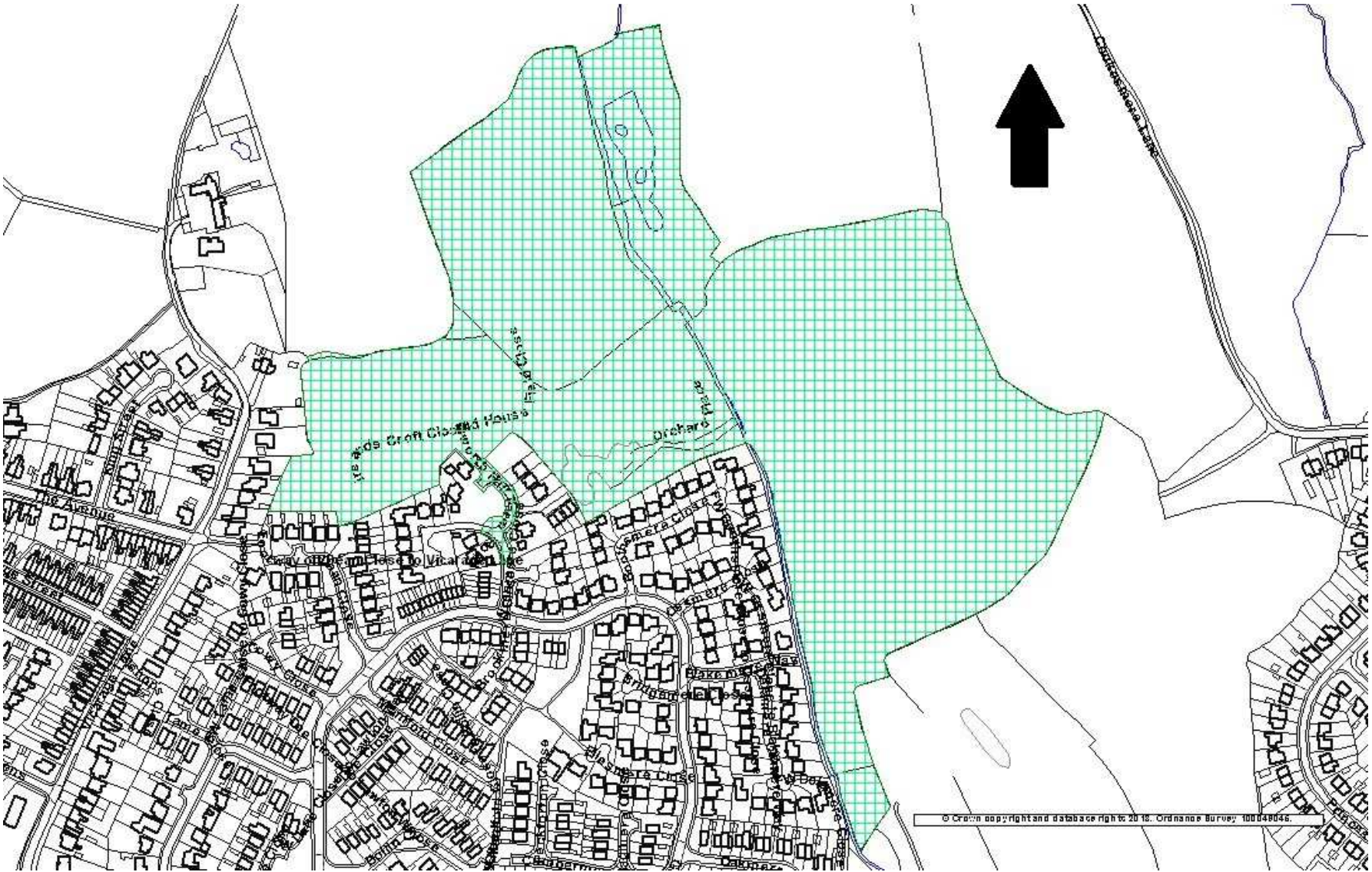
30. No development shall take place until a scheme of sustainable design features to be incorporated into the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the features pertaining to that dwelling have been installed in accordance with the approved scheme.

31. The development hereby permitted shall secure a minimum 10% reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report confirming the achievement of the specified design fabric shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.

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: 15/2776C  
Location: 26, ELTON ROAD, SANDBACH, CW11 3NE  
Proposal: Rear extension and first floor enlargement  
Applicant: Mr & Mrs C & E Shawcross  
Expiry Date: 11-Aug-2015

### CONCLUSION

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.

### SUMMARY RECOMMENDATION

Approve subject to conditions

### REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Wait for the following reasons:

*'Loss of privacy, sunlight and daylight, visual intrusion. GR6 of the Congleton Borough Local Plan 2005'*

### DETAILS OF PROPOSAL

This application seeks householder planning permission for the erection of two storey rear extension and first floor enlargement / raising of existing building to be finished with cream render with white uPVC windows under a tiled roof.

The proposal would raise the existing dwelling by 0.8 – 2 metres to form a second storey with a maximum ridge height of 7.8m and maximum eaves height of 4.6 metres. In addition to the first floor extensions the proposal incorporates both front and rear two-storey extensions to the original floor plan and a front porch. The rear extension would project approximately 3.3 metres, measure 7.6 metres in width and would be tied in with the first floor extension. The front extension would project approximately 1.7 metres, measure 3.3 metres in width and would be tied in with the first floor extension with front facing dormer window.

## **SITE DESCRIPTION**

The application unit is a single-storey, detached dwelling, situated on Elton Road, within the Sandbach Settlement Zone Line.

The property has a brick finish, a dual-pitched tiled roof and white uPVC fenestration.

The site is not located within a Conservation Area and is not a Listed Building.

## **RELEVANT HISTORY**

None Relevant

## **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) and 56-68 (Good design).

### **Development Plan**

The Development Plan for this area is the Congleton Borough Local Plan 2005.  
The relevant Saved Policies are:

PS4 Towns  
GR6 (Amenity)  
GR1 (New Development)  
GR2 (Design)  
GR9 (Access and 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)

## **CONSULTATIONS**

**Brine board:** No objection subject to the inclusion of informative

## **VIEWS OF THE TOWN COUNCIL:**

**Sandbach Town Council:** No Objection

## **OTHER REPRESENTATIONS**

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

Neighbour comments have been received raising objection to the proposal on the grounds of the following reasons:

- Loss of residential amenity
- Loss of privacy
- Loss of natural daylight.
- Design
- Inaccuracies in plans and statement

(A full record of received comments can be found on the Cheshire East Borough Council web site)

## **APPRAISAL**

The key issues are:

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

## **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**

### **Design**

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Whilst the overall footprint of the dwelling would not be greatly increased in area the proposed development would significantly increase the volume. Therefore the scale and height of the dwelling would change from a modest single storey bungalow to a four bed two storey dwelling with an overall height of 7.4 metres to the proposed highest part of the roof line.

The proposed extensions would create a dwelling of a scale and form not dissimilar to nearby properties. In addition it is considered that the design and form of the proposals with lower height facing gables to the front elevation which would sit approximately 1.3 metres below the main ridge line and a lower eaves height of 3.2 metres, would help reduce the impact of the scale and massing of the proposed extensions when viewed from the street scene.

It is advised within the planning statement that the proposed extensions would be finished with cream render walls, a pitched tiled roof and uPVC fenestration. There is a variety of building forms and finishes within the vicinity including the use of render finish, it is considered that the proposed choice of materials and external design features would not appear in discord to the locality, it is therefore considered that the proposed choice of materials would be acceptable.

As a result of the above, it is considered that the proposed extensions would be sympathetic to the form of the site and surrounding area and would adhere with Policy GR2 of the Local Plan, and that the proposed development would be considered to be environmentally sustainable.

## **Economic Role**

It is accepted that the construction of an extension would bring the usual but limited economic benefit to the closest shops in nearby Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

### **Social Role**

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light or visual intrusion.

The Location of the proposed extensions would mean that both neighbouring properties no. 24 and no. 28 Elton Road have the potential to be impacted.

Representations have been received raising concerns over loss of privacy and daylight to neighbouring properties and inaccuracies in the plan with relation to the rear elevation of no. 28 Elton Road.

Neighbouring property no. 24 Elton Road is significantly set forward from the front elevation of no. 26 Elton Road and nearest side elevation is located approximately 7.5 metres from the NW elevation of no. 24 Elton Road, and is separated in part by a detached garage to the rear. The proposal would include two first floor side elevation windows facing no. 24 Elton Road, it is considered that should approval be granted any overlooking impacts from these windows would be mitigated by the attachment of a condition for obscure glazing to be used on all first storey side elevation windows. With regards the potential loss of light and outlook it is considered that the orientation of no. 24 Elton Road and separation distances would mitigate any significant loss of residential amenity.

Neighbouring property no. 28 Elton Road has a side elevation approximately 4.3 metres from the eastern side elevation of no. 26 Elton Road, and is separated by 1.8 metre close board fence. Concern has been raised regarding the loss of outlook and light and that the plans do not accurately show the rear elevation of no. 28 Elton Road. Following a site visit the case officer is satisfied that the proposed rear extension would not project so far as to cause significant loss (not cut within 45 degrees of the south facing window) of light and outlook to neighbouring property no. 28 Elton Road. With regards side facing windows of no. 28 Elton Road it is noted that they only serve non principle rooms and therefore would not be considered to be adversely impacted.

Concern has ben received relating to loss of privacy from overlooking into rear gardens by the inclusion of two Juliette balconies on the first floor rear elevation. It is considered that as the proposed openings would cause no more significant impact than normal full height windows and therefore is considered acceptable.

As a result of the above reasons, it is considered that the development adheres with Policy GR6 (Amenity and Health) of the Local Plan as such it is considered that the development would be socially sustainable.

### **Planning Balance**

The site lies within the Sandbach Settlement Zone Line where there is a general presumption in favour of development. As such, the principle of single and two storey rear extensions is

considered acceptable subject to compliance with other relevant development plan policies which in this case, relate to design and residential amenity.

The NPPF largely supports the above Local Plan policies that apply in this case.

From an economic sustainability perspective, the scheme will assist in the local building business.

From an environmental and social perspective the proposal would be of an acceptable design that would have a minimal impact upon the amenities. As such, the proposal would adhere to Policies GR6 (Amenity), GR1 (Design Standards) of the Congleton Borough local Plan 2005. The proposal would also accord with the NPPF.

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

## **RECOMMENDATION**

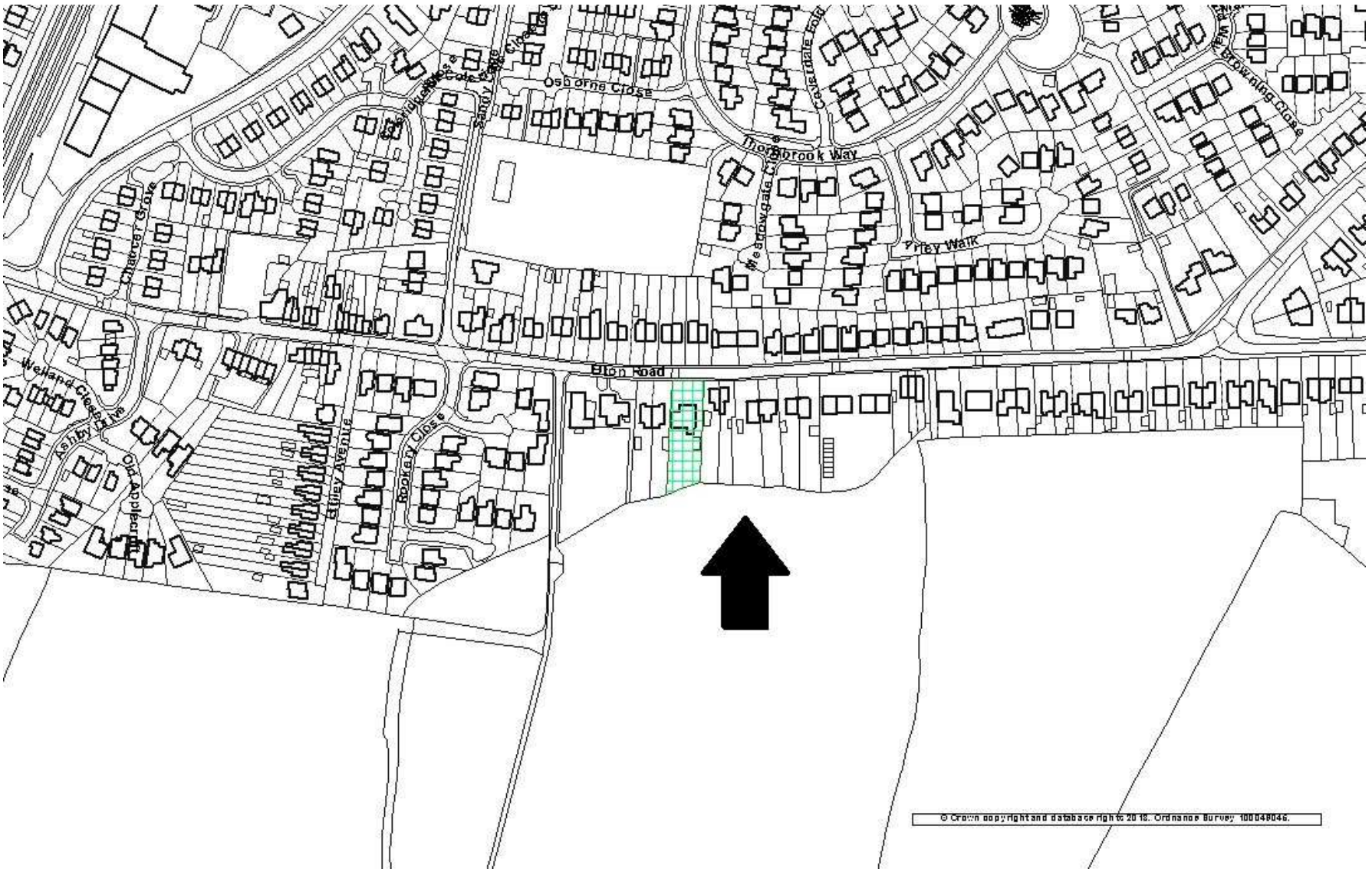
**APPROVE subject to conditions;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Obscure Glazing – First Floor windows to the side elevation facing No 24 Elton Road**

**Informatives:**

- 1. NPPF**
- 2. Brine Board recommendations**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), 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: 15/2609C

Location: PLOT 74, Midpoint 18, ERF WAY, MIDDLEWICH

Proposal: Proposed BI office/B2/B8 warehouse and yard facility for Scottish Power

Applicant: Mr Bob Nicholson, Pochin Property Ltd

Expiry Date: 26-Aug-2015

**SUMMARY:**

This proposal would bring economic benefits through the delivery of 67 full time jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality. Subject to update, the impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Suitable alternative provision would be made for the existing Middlewich Footpath no. FP19 through diversion. Subject to confirmation from the Council's Nature Conservation Officer that the submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy. The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION:**

**APPROVE with conditions**

**PROPOSAL:**

This application seeks full planning permission for the erection of a B1 office / B2 / B8 warehouse measuring 1337 square metres floor-space with an associated yard facility and parking. It is indicated that the end user of the building would be Scottish Power and would bring with it 67 full time jobs.

**SITE DESCRIPTION:**

The application site is located on the northern side of ERF Way, within the Middlewich settlement boundary. The site presently comprises of scrubland but is situated on and

established commercial / industrial trading estate at Midpoint 18 Industrial Park. The site is flanked to the north, south and west by other industrial premises, whilst on the remaining side to the east is more scrubland. Middlewich Public Footpath no. FP19 passes through the site.

#### **RELEVANT HISTORY:**

N/A

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

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

Of particular relevance are paragraphs 17 and 28.

##### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the Middlewich Settlement Zone Line under Policy PS4.

The relevant Saved Policies are: -

PS4 Towns  
GR1 New Development  
GR2 Design  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
NR1 Trees  
NR3 Habitats  
E3 Employment Development in Towns

#### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

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

#### **CONSULTATIONS:**

##### **Highways:**

No comments received.

**Public Rights of Way Unit:**

No objection subject to conditions / informatives.

**Environmental Protection:**

No comments received.

**Natural England:**

No objection

**TOWN COUNCIL:**

No comments received

**REPRESENTATIONS:**

None

**APPRAISAL:**

**Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary. The site is not allocated for any purpose in the Local Plan. Local Plan Policy E3 allows for the redevelopment of sites for employment purposes providing that the development is appropriate to the local character in terms of its use, intensity, scale and appearance and complies with all other relevant local plan policies. The proposal is for 1337 square metres floor-space of B1 / B2 and B8 employment uses within an existing employment commitment in the adopted local plan. The site would sit amongst other commercial and industrial uses and therefore would conform to the surrounding land uses.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, this view is further supported in the Council's emerging Local Plan Strategy Submission Version, namely Policy EG1. The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

**Design**

Policy GR2 (Design) states that proposals should not adversely affect the street-scene and where possible, should enhance the environment. The design, scale and layout of the building is typical of modern industrial units with shallow pitched roofs and profile sheet cladding. The floor-space will be distributed across 2 floors and the building will measure 10.6 metres high to the ridge of the apex roof.

The proposed building would be well set back into the site with the foreground given over to parking for vehicles. It must be acknowledged that the character of the street is one of

industrial premises with similar arrangements and similarly designed frontages. The buildings are uniform and utilitarian in appearance and are designed for functionality rather than form. The building is similar in design and size to other units in the vicinity and it is considered that it will not appear as an alien or incongruous feature within the street-scene. The proposal complies with policy GR2 (Design).

### **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, it is not considered that a refusal could be sustained on grounds of incompatibility with neighbouring uses or impact on neighbouring residential amenity.

The Council's Environmental Protection Unit has yet to comment on the application. Any comments received will be reported by way of an update. Subject to this, proposal is considered to be appropriate and as such the proposal is in accordance with policy GR6 (Amenity and Health).

### **Highways**

The site fronts directly onto ERF Way, which is an internal road serving this part of the industrial estate. The proposal is small in terms of size and scale relative to the existing vehicle movements generated by the existing businesses on the industrial park. Consequently, it is considered that the proposed access arrangements and the associated vehicle movements would not result in 'severe harm' to the local highway network.

With respect to the proposed use, it is considered that the site is located in a sustainable location and can be reached by a variety of modes of transport. Therefore, it is considered that the proposed car parking spaces are sufficient to cater for the demand. There is sufficient space within the site for vehicles to enter and leave in a forward gear. The proposal is therefore considered to be acceptable in terms of highways and parking.

### **Public Right of Way**

Middlewich Public Footpath FP19 crosses directly through the site. However, the applicant has been in discussions with the Council's Public Rights of Way Unit (PROW) to arrange a diversion of the existing footpath. They have confirmed that subject to diversion, the proposal would be acceptable and would provide suitable alternative for the dedicated public right of way.

### **Ecology**

The application is supported by an extended Phase 1 habitat survey. There is a pond nearby which does support Great Crested Newts (GCN). Accordingly, there is a mitigation strategy and

suite of 'reasonable avoidance measures' (RAMs). The Council's Nature Conservation Officer (NCO) has not yet commented on the submitted mitigation. This will be reported to Members by way of an update.

## **PLANNING BALANCE & CONCLUSIONS**

This proposal would bring economic benefits through the delivery of 67 full time jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality. Subject to update, the impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Suitable alternative provision would be made for the existing Middlewich Footpath no. FP19 through diversion. Subject to confirmation from the Council's Nature Conservation Officer that the submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy. The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Standard time limit (3 years)**
- 2. Accordance with plans**
- 3. Accordance with submitted materials**
- 4. Parking provided prior to first use**
- 5. Access constructed in accordance with submitted details prior to first use**
- 6. Development to be carried out in strict accordance with Ecological mitigation**
- 7. Survey for nesting birds**
- 8. Details of foul water drainage to be submitted**
- 9. Surface water drainage strategy to be submitted**
- 10. Landscape in accordance with submitted scheme**
- 11. Landscape implementation**

**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 Planning (Regulation), 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 Head of Planning (Regulation) 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.**



Application No: 15/1315N  
Location: IMPERIAL COURT, NANTWICH  
Proposal: Reserved Matters (Residential Development) Erection of 41 Dwellings  
Applicant: CASTLEGATE HOMES  
Expiry Date: 18-Jun-2015

**CONCLUSION:**

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and involves the same number of dwellings and overall layout. The main differences relate to elevational treatment and the addition of conservatories to the rear of the dwellings. The proposal is acceptable in terms of design, amenity, access and parking and subject to appropriate conditions the proposal is considered to be economically, environmentally and socially sustainable.

**RECOMMENDATION: APPROVE subject to Conditions.**

**REFERRAL**

The application has been referred to Southern Planning Committee because it is a major development.

**PROPOSAL:**

Outline planning permission was first granted in 1998 (P98/0170) with reserved matters approval being given in 2004 for Erection of 41 three storey dwellings. (P04/0725 refers).

The application relates to a variation of the approved plans condition to refer to revised drawings as follows:-

1. Elevations - revised from the approved drawing to include boarding/render finish to front of all plots & gable to Plot 20....all to match existing built form. (previous separate Approval) together with porches, also matching properties opposite.
2. Layout - drive layouts/blocks revised to provide additional parking areas indicating block paviors/Cheshire railings/planting to frontages - all in a similar manner to the existing properties on Imperial Court.
3. Addition of conservatories to rear elevations.

## **SITE DESCRIPTION:**

The application relates to a partially completed housing development on a brownfield site (the former Lewing Factory) off Millstone Lane in Nantwich.

## **RELEVANT HISTORY:**

Outline planning permission was granted under planning permissions P98/0170, P01/0394 and P04/0488. The reserved matters application was P04/0725.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

NE.21 (Land Fill Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

## **CONSULTATIONS:**

**United Utilities** - no objection to the proposal provided that the following conditions are attached to any approval: -

- This site must be drained on a total separate system

**Nantwich Town Council** - No objection subject to adherence to spacing distances to the houses in Broadway. There is concern as the terraces are 3 storey.

## **OTHER REPRESENTATIONS**

Representations have been received making the following points:

### **Amenity**

- There will be an adverse impact on amenity outlook, quality of life and value for neighbours
- Dwellings will be as close as 4m from the boundary of 46 The Broadway



- The close proximity of the proposed houses will cause some loss of daylight to neighbouring property.
- The open outlook which residents have enjoyed for over 40 years will be destroyed.
- The peace and privacy which their rear gardens afforded will be lost as they will be overlooked
- The proposed development will impact and devalue property
- Concern about the density of the site.
- With the building of plots 40 and 41 close to property there will be a loss of daylight particularly in the evening
- During the day properties will be in shade caused by these buildings. If these properties are built there will be a loss of privacy
- From enjoying relative peace in the rear garden, as they overlook an open field, residents would have the disturbance of noise associated with a housing estate and all the accompanying traffic.

### **Trees & Wildlife**

- The submitted plans do not show a number of mature trees on the site
- The original application stated that no trees will be removed as part of the proposal.
- It will be impossible to construct without tree removal especially plot 41
- Trees are a haven for wildlife
- When permission was granted for this development some years ago residents affected were able to ensure that mature trees onsite were to remain.
- Removal of trees would change the character of the environment
- Suggest that the planners and the council give serious consideration to the impact that this development will have on wildlife and surrounding habitat .
- Established, mature trees border all the gardens from plot 30 along to the corner plots 40 and 41 and continue to the rear of 44, 46, 48 The Broadway and beyond.
- This is a wildlife corridor and a safe haven which encourages a wide variety of birdlife to visit.
- The trees particularly those in the corner by plot 41 need to be retained. Not only do they provide privacy but supply food, shelter and homes for the birds and the loss would be great were this to be interrupted.
- Request that plot 41 be removed from the proposed plans.
- The current habitat is the home to a variety of wildlife including an amazing variety of bird life
- The trees are vital to their well-being
- Surely planning has to take notice and act upon the requirements of the wildlife.
- Residents have requested a tree preservation order be placed on a silver birch, apple tree and larch trees.

### **Highways**

- Imperial Court traffic entering Millstone Lane will cause even more congestion on an already very busy highway especially at the key times of each day. The additional possibly 80 cars will impact everyone who travels from the surrounding area.
- Millstone Lane is usually busy particularly in the early morning and school leaving times. At the moment when residents take their children / grandchildren to town in prams it can be hazardous especially as there is no crossing close to the exit of Turner Street

- The new development opens out onto Millstone lane, a roadway which is busy and congested already by volume of traffic and a senseless parking regime. Cars from the new dwellings, say with two cars per dwelling will mean that another 82 cars or so will try and enter what is already a congested road. A Recipe for Chaos and Danger

## **OFFICER APPRAISAL**

### **Main Issues**

The site lies within the settlement boundary for Nantwich where there is a general presumption in favour of new residential development. Furthermore, the granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission is being, and can continue to be, implemented, this application does not present an opportunity to re-examine those issues.

The proposal does not involve any increase in the number of dwellings, or significant change to their overall siting and layout. The main changes relate to the elevational design.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are acceptability and sustainability of the proposed amendments in terms of economic, social and environmental factors.

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply and Affordable Housing**

No amendment is proposed to the number of dwellings on the site and therefore there will be no changes to the contribution which this site will make to meeting overall housing land supply requirements. Matters of affordable housing were addressed at the time of the original application, and given that there is no increase in numbers on the site proposed, there are no additional affordable housing requirements.

### **Amenity**

The site is bounded on all sides by existing residential development. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties, notwithstanding the addition of the proposed conservatories, the recommended minimum distances will be achieved in all cases, with the exception of plot 20, where the distance between the proposed conservatory and the dwelling to the rear would be only 18m. However, the required minimum would be achieved to the main rear elevation of the new dwelling. Given that the conservatory would be single storey, located to the north and of light weight construction, any overlooking could be avoided through the use of appropriate boundary treatment and no loss of sunlight would be likely to occur.

The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. As approved, a number of plots failed to achieve this standard, the most significant shortfall being the case of plot 20 which has 43sqm of private garden area. The

addition of the conservatories will further reduce the private garden areas to these properties, to for example in the case of Plot 20, 25sqm. However, the minimum garden areas advocated in the SPD have been devised with the intention of allowing householders to exercise their permitted development rights to add conservatories, small extensions, outbuildings etc. in their rear garden areas.

Nevertheless, given the now reduced garden areas, it is considered to be prudent to remove permitted development rights to ensure that the Council has control over any further additions.

With regard to noise pollution, air pollution and light pollution caused by the development, the Environmental Health Department, have raised no objection. As a result, it is not considered that these issues would warrant the refusal of this application. No conditions with regard to these matters were imposed at the time of the original consent in 1998 and it is therefore considered to be unreasonable to add further restrictions at this stage.

### **Open space**

Matters relating to public open space were dealt with at the time of the previous approval by way of a Section 106 Agreement requiring a commuted sum payment in lieu of onsite provision. Given that no additional dwellings are proposed, no additional open space requirement is generated.

### **Infrastructure**

These issues were also addressed at the time of the original application and given that there is no increase proposed in the number of dwellings, this application does not present an opportunity to re-open them.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Ecology**

The site is a brownfield site, and given that permission has already been granted for its redevelopment no new ecological issues are raised.

### **Landscape & Trees**

As part of the current planning application consultations with adjoining neighbours the department has received objections to the current building works taking place on site on the grounds of tree removal. However, this work is being carried out under the extant Planning Approval and none of the trees concerned are the subject of Tree Preservation Orders, or shown for retention on the approved plans.

The current application relates only to amended elevation treatment, revised parking spaces, landscaping etc. not to the principle of development. However, following discussions with Planning Officers, the applicants have confirmed they are willing to plant 4no. new trees (species to be agreed) within the development site along the southern boundary to the Authority's approval and an amended plan has been provided to this effect.

This has been examined by the Landscape Officer who has commented that the proposed trees are only 3 to 4 metres from the new property. If they are necessary to provide screening for the neighbours, she suggests they should be moved closer to the fence line and that small species with a narrow form should be specified.

The developer has responded by commenting that the foundations to these plots (now constructed) already take account of the existing trees in that the footings have been taken down to an increased depth of approx. 2.5m which has been approved by Cheshire East Building Control. The planting of new trees will not affect these foundations but they have agreed to move the new trees nearer to the boundary in accordance with the Landscape Officer's preference. An amended landscaping plan can be secured by condition.

The revised scheme will not involve any buildings (including the new conservatories) being constructed inside the root protection areas for the trees shown for retention on the originally approved plans. Some areas of parking and pathways are proposed within root protection areas, but these are as per the original approval. Conditions can be imposed to ensure that these are built using special construction techniques to minimise damage to tree roots. Conditions can also be imposed requiring compliance with other tree protection measures.

### **Drainage and Flooding**

United Utilities and the Environment Agency have raised no objection to the proposed modifications.

### **Design**

No change is proposed to the overall layout of the development or the siting of the dwellings, although the drive layouts/blocks have been revised to provide additional parking areas. The plans have also been amended to indicate block paviors/Cheshire railings/planting to frontages - all in a similar manner to the existing properties on Imperial Court.

The proposals mean an increase in frontage parking which could, if not handled carefully, result in car dominated frontages. However, the developer proposes to address this through tree and box hedge planting within these areas. This can be secured as part of a condition requiring a revised scheme of landscaping to be submitted and approved.

The elevations have been revised from the approved drawing to include boarding/render finish to front of all plots & gable to Plot 20, all to match the existing built form within the site. (Previous separate approval).

Porches are now proposed also matching the newly constructed properties opposite. In addition, conservatories have been added to the rear of the dwellings.

All of these amendments are considered to be relatively minor and in keeping with the character of the other completed properties within the development and the surrounding area generally. As such the proposal complies with policy BE2 (design) of the adopted local plan and relevant design advice within the NPPF.

## **Ground Conditions**

Matters of contaminated land were also addressed as part of the previous permission, and the conditions attached thereto, and consequently, there are no objections subject to previous conditions being transferred onto any new consent.

## **ECONOMIC SUSTAINABILITY**

### **Loss of Agricultural Land**

The site is a brownfield former factory site and will not result in the loss of any best and most versatile agricultural land.

### **Highway Safety and Traffic Generation**

The Strategic Highways Manager had not commented on the application at the time of report preparation. However, given that no change is proposed to the overall number of dwellings on the site or the proposed access arrangements, it is not considered that a refusal on the grounds of, highway access or impact on congestion or safety of the wider network could be sustained, notwithstanding the concerns which have been raised by residents. Furthermore the revised plans provide for more parking per dwelling than under the approved scheme.

### **Section 106 / CIL issues**

A section 106 agreement was attached to the original consent. Given that there is no increase in the number of dwellings proposed, no new Section 106 requirements are generated. All of the obligations under the original section 106 have been complied with and discharged and payments made. Therefore, there is no Deed of Variation required to reference this new consent.

## **CONCLUSIONS AND PLANNING BALANCE**

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and involves the same number of dwellings and overall layout. The main differences relate to elevational treatment and the addition of conservatories to the rear of the dwellings. The proposal is acceptable in terms of design, amenity, access and parking and subject to appropriate conditions the proposal is considered to be economically, environmentally and socially sustainable.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Time Limit
2. Plans
3. Remove permitted development rights
4. Construction of access / parking

5. Tree protection
6. Implementation of Tree protection
7. Scheme of arboricultural management works.
8. Boundary treatments
9. Revised scheme of landscaping (to include box hedging and trees to parking areas & additional tree plating on the boundary adjacent to gable of plot 41)
10. Implementation of the landscaping
11. Materials

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 Planning (Regulation), 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: 15/2154C

Location: Former Fisons Site, LONDON ROAD, HOLMES CHAPEL

Proposal: Variation of Condition 13 with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

Applicant: Bellway Homes Limited

Expiry Date: 12-Aug-2015

**SUMMARY**

The proposal will allow the continued development of the site in a timely manner whilst allowing the required contaminated land remediation to be carried out. The variation of the condition will not affect the neighbouring amenity, trees, ecology, highways or heritage over and above the existing permission on the site and the proposed development is therefore considered to be sustainable development.

**RECOMMENDATION**

Approve subject to conditions

**PROPOSAL**

This application seeks permission for the Variation of Condition 13 (contaminated land) with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

**SITE DESCRIPTION**

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

The site is adjoined to the west by London Road and the Manchester to Crewe railway line, recreational facilities to the north, Marsh Lane to the north east, and open countryside to the south east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and occupies an area of approximately 12ha. The topography is generally flat. However, the site rises towards the north-eastern boundary, sloping gently towards the southwest.

## **RELEVANT HISTORY**

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Coprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved with conditions 9<sup>th</sup> December 2011

12/3148D - DISCHARGE OF CONDITIONS 4, 21, 38 AND 39 ON APPLICATION 11/1682C – approved 6<sup>th</sup> August 2012

12/2217C - Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel – Approved with conditions 3<sup>rd</sup> April 2013

13/4317C - Non-material amendment to application 12/2217C to change the affordable unit from plot 28 to plot 27 – Approved 10<sup>th</sup> 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  
56-68. Requiring good design

### **Development Plan**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan

PS3 Settlement Hierarchy  
PS5 Villages Inset in The Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 and GR7 Amenity and Health

GR9 and GR10 Accessibility, servicing and provision of parking  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
GR19 Infrastructure  
GR20 Public Utilities  
GR21 Flood Prevention  
GR22 Open Space Provision  
GR23 Provision of Services and Facilities  
BH4 Listed Buildings Effect of Proposals  
NR1 Trees and Woodland  
NR2 Statutory Sites  
NR3 Habitats  
NR5 Habitats  
H5 Residential Development in Villages  
H13 Affordable Housing and Low-cost 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  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management

### **CONSULTATIONS**

**CEC Highways:** No comments received at time of writing this report.

**CEC Strategic Housing Manager:** This does not relate to the affordable housing insofar as it does not change the amount, tenure or type.

**CEC Environmental Health:** The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The applicant and his consultants have been working closely with this Section throughout the remedial works at this site and have discussed their proposals with us at length. We are fully supportive of the proposal to divide Plot B into Plot B1 and B2 and recommend the variation in condition as requested:

**CONDITION:**

Prior to any phase of the development commencing on Plot B (as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C):

(a) Supplementary Phase II investigations for that phase shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

(b) If the Phase II investigations indicate that remediation is necessary for that phase, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out for that phase.

(c) If remediation is required for the relevant phase, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the relevant phase of the development hereby approved.

An informative is also suggested.

**Environment Agency** - No objections to the proposed variation of conditions or the wording which has been suggested.

**Natural England** – No comment

**Historic England** – No comment

**PARISH/TOWN COUNCIL**

Brereton Parish Council - No comment

**REPRESENTATIONS** – None received at time of writing this report.

**APPRAISAL**

The key issues are:

- Impact of varying condition 13 (Contaminated Land)

**Principle of Development**

The principle of development has been established by the granting of outline planning 11/1682C and the reserved matters application 12/2217C. Therefore this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates solely to the variation of condition 13 (Contaminated Land).

**Impact of varying condition 13**

Condition 13 of Planning permission 12/2217C required that prior to development commencing on Plot B of the site as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C a number of site investigations/remediation of any potential contamination of the site are required to be carried out prior to the commencement of development. Investigations and remediation of the site are being carried out as required by condition 13.

However the remediation and ground water is taking longer than initially anticipated and it is affecting the viability of the site. Therefore to ensure that the development does not stop, and to ensure the continued construction of affordable and market housing on the site, the applicant is seeking to divide the plot into two sections; Plot B1 and Plot B2; to allow part of the site (B1) to be developed out whilst the required remediation is being carried out on the other plot (B2).

The Environmental Health Officer has commented on the application and is satisfied that the variation of the condition is acceptable and would still meet the requirements of the original condition as varied.

## **CONCLUSIONS**

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

The proposed variation of condition would not raise any amenity, design, highways, tree or ecology issues and therefore is considered to be acceptable.

## **RECOMMENDATIONS**

That the application be approved subject to the outstanding conditions on 11/1682C and 12/2217C with the amended condition 13.

**Approve subject to the following conditions;**

1. **Standard**
2. **Approval for reserved matters relates only to Plots A & B (residential element of outline approval 11/1682C)**
3. **Approved / Amended Plans & Schemes**
4. **Landscaping to be submitted**
5. **Landscaping Implementation**
6. **Retention of trees and hedgerows**
7. **Submission of Arboricultural Impact Assessment**
8. **Submission of Arboricultural Method Statement**
9. **Submission of Comprehensive tree protection measures**
10. **Materials to be submitted including hard-landscaping and surfacing**
11. **Recommendations and mitigation within submitted Protected Species survey to be carried out**
12. **Breeding birds survey**
13. ***Prior to any phase of the development commencing on Plot B (as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C):***
  - (a) Supplementary Phase II investigations for that phase shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).***

*(b) If the Phase II investigations indicate that remediation is necessary for that phase, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out for that phase.*

*(c) If remediation is required for the relevant phase, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the relevant phase of the development hereby approved.*

14. Detailed design and construction drawings for the proposed access junction, related carriageway widening and footway provision and mini roundabout. Delivered prior to first occupation

15. Submission of Environmental Management Plan

16. Submission of existing and proposed levels survey

17. Removal of Permitted Development Rights Classes A-E on selected plots

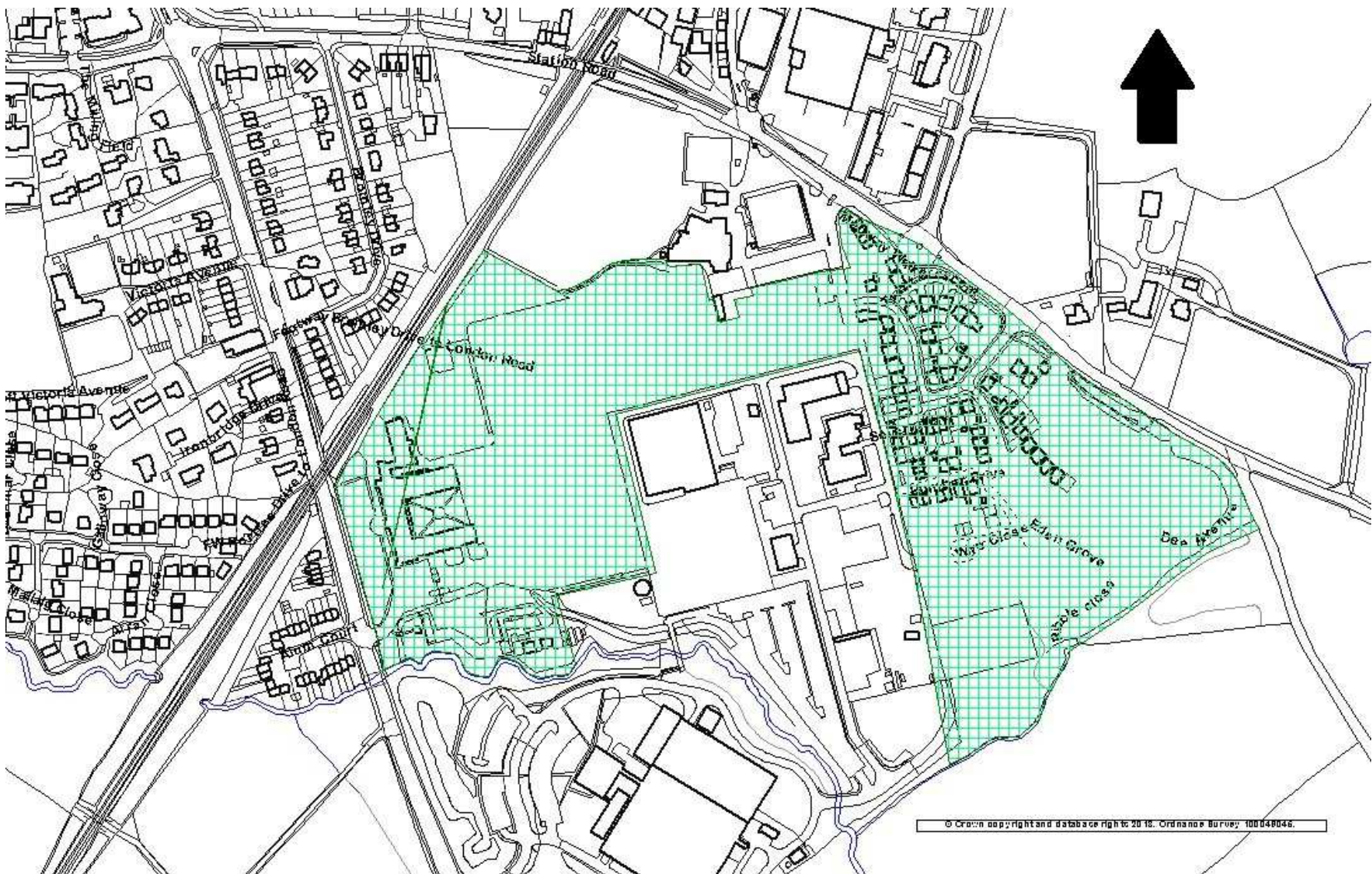
18. Removal of Permitted Development Rights for openings including obscured glazing requirement

19. A scheme for the storage of refuse bins to be submitted

20. No Ash trees to be planted on the mounding close to Marsh Lane

21. No construction parking to take place on Marsh Lane

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Officer (Regulation), 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: 14/5719C

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

Proposal: Reserved matters application for approval of access, appearance, layout and scale following outline approval 14/3538C - Replacement covered riding arena

Applicant: Mr Simon King

Expiry Date: 23-Mar-2015

**SUMMARY:**

The principle of the proposed development has already been accepted. This reserved matters application would not have a harmful impact upon the character of the existing countryside and landscape and therefore accords with Local Plan Policies PS8, GR1, GR2, GR4, E5, RC5 and PG5 of the development plan as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF. The proposed development is likely to have a minimal impact upon matters relating to highway safety, residential amenity or ecology and therefore the scheme is found to be acceptable.

**RECOMMENDATION:****APPROVE****PROPOSAL:**

Outline planning permission (with details of landscaping) was approved under planning ref; 14/3538C for the erection of a replacement covered riding arena at Somerford Park Farm. This application seeks approval of the outstanding reserved matters which include, access, layout, scale and appearance.

**SITE DESCRIPTION:**

This application relates to the existing, large equestrian facility, situated on the north eastern side of Holmes Chapel Road, Somerford. The land is designated in the local plan as being within the Open Countryside. There are residential properties to the west and open

countryside to all other directions. This is an extensive equestrian facility that attracts many visitors to the area.

#### **RELEVANT HISTORY:**

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

14/4518C - Retrospective application for retention of a new stable building with ancillary groom's accommodation – Refused 18-Dec-2014 – Appeal in progress

14/3538C - Outline Application for a replacement covered riding arena – Approved 22-Oct-2014

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

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

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

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

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

Of particular relevance are paragraphs 17 and 28.

##### **Development Plan:**

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

The relevant Saved Policies are: -

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

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

### **CONSULTATIONS:**

#### **Highways:**

No objection

#### **Environmental Protection:**

No objection subject to an informative relating to contaminated land.

### **PARISH COUNCIL:**

No comments received

### **REPRESENTATIONS:**

None

### **APPRAISAL:**

#### **Principle of Development**

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport, recreation are acceptable in principle provided that they preserve the openness of the countryside. The principle of the proposed development has already been established and accepted both by the existing riding arena and the grant of the outline consent. The key issues to consider relate to the details of access, layout, scale and appearance.

#### **Access**

The proposed development would make use of the existing access and parking arrangements at the site. It is not considered that the proposed development represents a significant change to access demand than that of the extant use and the parking provision is adequate to

accommodate associated additional vehicles. As a result, the Head of Strategic Infrastructure has offered no objection and on this basis, the access is considered to be acceptable.

### **Layout, Scale and Appearance**

The proposed building would take the form of a large apex agricultural style portal framed building. It would be positioned towards the rear of the site towards the far perimeter. The building would reflect the style and appearance of the other equestrian buildings in terms of design and materials and would be well grouped with the existing development at the site. Owing to its location towards the rear of the site, the scale of the building would not be overly prominent from main vantage points and as such, it is considered that the proposed scale and appearance is acceptable in the position indicated on the layout plan. The proposal is acceptable in terms of its impact on the character and appearance of the site and area.

### **Amenity**

The proposed riding arena would be in excess of 280 metres distance away from the nearest residential property. Further, the enclosure of the riding arena would provide an envelope for the proposed riding activities and would minimise the noise that an open riding arena would provide. The Council's Environmental Protection department has assessed the application and has offered no objection to the proposal. As such, it is not considered that there would be any adverse impacts on residential amenity.

### **Planning Balance**

The principle of the proposed development has already been accepted. This reserved matters application would not have a harmful impact upon the character of the existing countryside and landscape and therefore accords with Local Plan Policies PS8, GR1, GR2, GR4, E5, RC5 and PG5 of the development plan as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF. The proposed development is likely to have a minimal impact upon matters relating to highway safety, residential amenity or ecology and therefore the scheme is found to be acceptable. It is considered that any social, economic and environmental components derived from this proposal are acceptable and comprise sustainable development. The scheme is recommended accordingly.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

#### **1. Accordance with plans**

\* \* \* \* \*

**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.**

