



# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday 5th February 2020</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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

### **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 3 - 6)**

To approve the minutes of the meeting held on 8 January 2020.

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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

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/1360N Former Greenkeeper's Shed and Surrounding Service Area, Former Gorstyhill Golf Club, Abbey Park Way, Crewe, Weston: Change of use of greenkeeper's shed to B8 (storage and distribution) with associated landscaping and hardstanding, provision of access from the A531 and closure of vehicular access from Abbey Park Way for Haddon Property Developments Ltd (Pages 7 - 20)**

To consider the above planning application.

6. **19/5010C The Croft, High Street, Sandbach CW11 1AL: Full planning application for the relevant demolition of existing dwelling in a Conservation Area and erection of Class A1, A2, A3 and A5 units and 14 residential units, associated access, car parking and landscaping for Muller Property Group (Pages 21 - 38)**

To consider the above planning application.

7. **19/3533N 127, Crewe Road, Sandbach CW11 4PA: Proposed new dwelling within garden of The Cuillins, 127 Crewe Road, with demolition of outbuilding and concrete panel garage for Mr Stephen Harrison (Pages 39 - 48)**

To consider the above planning application.

8. **19/5613M 12, Welton Drive, Wilmslow SK9 6HF: Proposed two-storey side and rear extension to existing residential property for David Jefferay (Pages 49 - 54)**

To consider the above planning application.

**Membership:** Councillors S Akers Smith (Vice-Chairman), M Benson, J Bratherton, P Butterill, A Critchley, S Davies, K Flavell, A Gage, A Kolker, D Murphy, J Rhodes and J Wray (Chairman)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 8th January, 2020 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, J Bratherton, P Butterill, A Critchley, S Davies,  
K Flavell, A Gage, A Kolker, D Murphy and J Rhodes

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Andrew Goligher (Principal Development Control Officer - Highways)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

There were no apologies for absence.

**42 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness, Councillor J Wray declared that he had an interest in application number 18/2413C. He had previously declared that he had made up his mind with regard to the application, which was in his Ward. He would vacate the Chair in favour of the Vice-Chairman, exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

**43 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 27 November 2019 be approved as a correct record and signed by the Chairman.

**44 19/3551N LAND TO THE NORTH OF SYDNEY ROAD, CREWE:  
ERECTION OF 21 DWELLINGS, ACCESS, CAR PARKING,  
LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS FOR  
MULLER PROPERTY GROUP**

Note: Mr S Bourne attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, authority be DELEGATED to the Head of Planning to APPROVE the application, following consultation with the Chairman of Southern Planning Committee and Councillor J Bratherton, Ward Member, subject to:

- comments from the Education Department and the addition of any necessary education contribution within the S106 Agreement.
- the provision of an amended plan to relocate the car parking spaces for plot 1 to the front of the dwelling
- the completion of a Section 106 Agreement to secure the following:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision in each phase.
<b>Ecology</b>	Off set payment of £11,498.50	Upon commencement of development
<b>Public Open Space</b>	Off site contribution of £48,000 which will be used to enhance Lansdowne Road POS space	Upon commencement of development
<b>Education</b>	TBC and included if sought by the Education Department	

- the following conditions:
  1. Standard 3 year time period
  2. Approved plans
  3. Materials
  4. Implementation of landscaping
  5. Tree protection
  6. Hedgehog precautionary measures and gaps in fences
  7. Bird nesting season
  8. Submission of measures to provide features for priority bird species
  9. Lighting
  10. Ecological enhancement measures
  11. Separate systems for drainage
  12. Surface water drainage scheme to be approved
  13. Submission of a sustainable drainage management and maintenance plan.
  14. Submission of a Travel Information Pack
  15. Required installation of Electric Vehicle Infrastructure
  16. Ultra Low Emmission Boilers

17. Phase II ground investigation and risk assessment
18. Verification report
19. Soils testing
20. Measures to deal with unexpected contamination
21. Submission of a detailed drainage strategy

Informatives:

- NPPF
  - Construction hours of operation
  - Environmental Protection Act
  - Pile Foundations
  - Dust management plan
  - Drainage Act 1991
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management be granted delegated authority to do so following consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision in each phase.
<b>Ecology</b>	Off set payment of £11,498.50	Upon commencement of development
<b>Public Open Space</b>	Off site contribution of £48,000 which will be used to enhance Lansdowne Road POS space	Upon commencement of development
<b>Education</b>	TBC and included if sought by the Education Department	

**45 REPORT RELATING TO A LODGED APPEAL AGAINST THE REFUSAL OF APPLICATION 18/2413C - LAND ADJOINING MEADOWVIEW PARK, DRAGONS LANE, MOSTON - CHANGE OF USE OF LAND**

Note: Having made a declaration, Councillor J Wray vacated the Chair in favour of the Vice-Chairman.

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

Note: Parish Councillor D Nixon attended the meeting and addressed the Committee on behalf of Moston Parish Council.

The Committee considered a report and a written update regarding planning application 18/2413C, which had been refused by the Southern Planning Committee on 29 May 2019.

Refusal had been based solely on advice from the National Grid. Following determination of the application, the National Grid had formally withdrawn its objection to the application.

RESOLVED – That the reason for refusal be not contested at the forthcoming appeal.

**46 PLANNING APPEALS**

The Committee considered a report regarding the outcome of Planning Appeals decided between 1 January 2019 and 30 September 2019.

RESOLVED – That the report be noted.

The meeting commenced at 10.00 am and concluded at 11.15 am

Councillor J Wray (Chairman)

Application No: 19/1360N

Location: Former greenkeeper's shed and surrounding service area, Former Gorsthill Golf Club, Abbey Park Way, Crewe, Weston

Proposal: Change of use of greenkeeper's shed to B8 (storage and distribution) with associated landscaping and hardstanding, provision of access from the A531 and closure of vehicular access from Abbey Park Way.

Applicant: Sarah c/o Agent, Haddon Property Developments Ltd

Expiry Date: 29-Feb-2020

### **SUMMARY**

The application site is a former greenkeeper's shed used for the former Gorsty Hill Golf Course. The golf club closed several years ago and the building is currently vacant.

Policy PG.6 allows for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension. However, there needs to be a consideration of the design and landscape character of the development. Further to this, there should not be any conflict with other relevant Development Plan Policies.

With the above in mind, the proposal will not see any alterations or extensions to the existing building.

The proposed access will not raise any highway safety concerns.

Overall, the proposal development meets the criteria of Policies PG.6 and will not lead to any visual harm to the character of the surrounding open countryside.

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

## REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee by Cllr Janet Clowes for the following reasons:

*I have been asked to call-in this application by Weston & Basford Parish Council and have submitted their own detailed report which examines their material planning concerns and justifications for requesting that this application is REFUSED.*

The call-in can be viewed in full on the Councils website but concludes as follows;

*'The site and proposed use are clearly unsustainable. The applicants who own the building are seeking to use it in connection with one of their existing businesses, for the storage and distribution of metal cladding and roofing products totally unrelated to the local area and contrary to the open countryside policies within the Local Plan. The proposal is unsustainable and fails to satisfy any of the criteria set out in the NPPF and there is a supply of strategic employment land in close proximity to the application site with access onto the motorway network. The proposal is also contrary to the Cheshire East Local Plan Strategy and the emerging proposals in the SADPD.*

*The change of use proposed will be alien and obtrusive within the Wychwood area introducing a commercial B8 use, additional cars and HGVs into a rural area and creating a large access for commercial vehicles onto the A531 in close proximity to the single access point serving both Wychwood Village and Wychwood Park. It will also produce a highway safety hazard for both children and residents.*

*The proposal will be prejudicial and conflict with the unique design concept of both Wychwood Village and Wychwood Park given that the proposed site is at the front door to both developments. We would therefore ask that this application is refused for the reasons set out in this objection and should be grateful if you could notify us of any proposed amendments made to the application and the likely decision date.'*

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a steel portal frame building, at a height of 6 metres with a floor area of approximately 403m<sup>2</sup>, an area of surrounding area of hardstanding with a landscaped area beyond this.

This site and building was used to store the greenkeepers equipment for the maintenance of the associated golf course.

To the south of the site is a hedgerow with the A531 running past and the Wychwood Park development beyond. To the east of the site is the roundabout that serves both the Wychwood Village and Park developments. To the north and west of the site lies Gorsty Hill Golf Course which is currently in an overgrown state.



## **DETAILS OF PROPOSAL**

This application seeks approval for a change of use of the building to a Use Class B8 (storage and distribution) with access taken from the A531, closure of the vehicular access from Abbey Park Way and associated landscaping. This will involve the building being used for the storage and distribution of roofing materials.

There is no further building as part of the proposal and no changes to the appearance of the existing building.

Following discussions with the Council's Highways Officer a turning circle for HGVs has been provided within the confines of the site.

## **RELEVANT HISTORY**

16/3092N - Variation of s106 agreement - refused

14/5671N - Housing development - not determined (dismissed at appeal)

P06/0780 - Variation of Condition 2 attached to Permission P02/1079 to Extend the Time Period for the Submission of Reserved Matters - approved with conditions 2006

P05/0274 - Temporary Clubhouse and Changing Facility - approved with conditions 2005

P05/0141 - Green Keepers Accommodation - approved with conditions 2005

P03/1351 - Landscaping of the Country Park, North Course - approved with conditions 2004

P03/0587 - Laying out of North Golf Course - approved with conditions 2003

P02/0991 - Variation of Clause 2.6(d) of Legal Agreement to allow 100 Commencements of Dwellings on the North Course prior to the Completion of The Club Golf Course - approved with conditions 2002

P02/1079 - Application for Outline Permission for a Maximum of 315 Dwellings and the Formation of a Country Park, Golf Course and Means of Access - approved with conditions 2003

P02/0991 - Variation of Legal Agreement to allow the commencement of 100 dwellings on the north course prior to the completion of the Club Golf course - approved with conditions 2002

P99/0775 - Variation of condition 2 of O/P 7/16321 to permit extended period for submission of reserved matters - approved with conditions 1999

P94/0950 - 18 hole golf course, practice ground, clubhouse and maintenance depot - approved with conditions 1994

P94/0463 - Variation of condition 1 on outline planning permission 7/16321 - approved with conditions 1995

P94/0952 - Roads and drainage - approved with conditions 1995

P93/0812 - Variation of outline submission of reserved matters within 7 years - approved with conditions 1993

7/20030 - Golf course landscaping details Phase 2 (Reserved Matters) - approved with conditions 1991

7/20011 - Landscaping proposals (Reserved Matters) Phase 1 - approved with conditions 1991

7/18543 - Construction of roundabout on A531 in assoc. with European golf institute - approved with conditions 1990

7/17120 - Temporary access to south course - approved with conditions 1990

7/19025 - Layout of south champion ship golf course incl. earth moving works and phase 1 Estate Road (Reserved Matters) - approved with conditions 1990

7/16321 - Outline application for golf course and assoc. buildings hotel, shops, leisure facilities, school and housing - approved with conditions 1990

## **POLICIES**

### **Neighbourhood Plan**

#### Weston and Basford Neighbourhood Plan (made plan)

H4 – Settlement Boundary

LC1 – Local Open Space within the Neighbourhood Plan Area

LC2 - Landscape Quality, Countryside and Open Views

LC3 – Woodland, Trees, Hedgerows and Walls

E1 – New Business

E3 – Use of Rural Buildings

D1 - Existing buildings in the open countryside

D3 - Employment Development

T8 – Creation of new accesses

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

PG.6 - Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG.1 - Economic Prosperity

EG.2 - Rural Economy

EG.4 - Tourism

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

Crewe & Nantwich Borough Council Local Plan Policy

NE.13 - Rural Diversification

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Extensions and Alterations to Existing Dwellings

**Other material policy considerations**

National Planning Policy Framework (NPPF)

**CONSULTATIONS (External to Planning)**

**Highways** - No objection

**Environmental Health** – No objection

**Parish Council**

Weston and Basford Parish Council

Weston and Parish Council strongly objects to this application and has nothing to add to the reasons requesting the call-in for consideration by the Planning Committee

Hough and Chorlton Parish Council

At its meeting held on 01 April 2019, the Parish Council resolved to object to this application and request that the Borough Cllr for Wybunbury ward ‘calls it in’ for Committee determination.

The access site is wholly unsuitable for this proposal. It is currently an emergency entrance to the maintenance site. The actual access to the maintenance shed is via Abbey Park Way and this proposal would provide an unnecessary access into this site.

There is still the requirement for a maintenance shed on the site, therefore, if this proposal was approved, then another shed would require erecting on the site

The site is in open countryside and is thus unsuitable for B8 use. The proliferation of HGV traffic on this narrow road is a concern regarding road safety.

The access is close to two bus stops, often used by schoolchildren. There is no dedicated crossing and the proliferation of HGVs in the vicinity manoeuvring on and off the site will be detrimental to highways and pedestrian safety.

The road is subject to national speed limit and thus not suitable for HGV access and egress onto the site.

The Cheshire East Local Plan identifies appropriate employment sites across Cheshire East and these are not in open countryside

The Parish Council urges the planning authority to refuse this application on the grounds as set out above

### **OTHER REPRESENTATIONS:**

There have been in excess of 1000 letters of representation which object to the proposed development for the following reasons:

- Highway safety – bus stops, increased traffic, children, pedestrians, cyclists, obscured access
- New access in contravention of S106
- Pollution – noise, dust, light, health
- Damage to environment and wildlife
- Industrial development elsewhere that could be used
- Pedestrian safety
- Increase in HGV traffic
- Application site is in a residential area
- Site not allocated in Local Plan for an industrial use
- Golf course site has become a wildlife haven
- No 'hours of opening' stated
- S106 cannot be varied
- Bus stops near access point – school buses
- Access already formed
- Close to residential properties
- Traffic survey is biased towards applicant
- Application is a smoke screen for further development
- S106 prevents any further development
- No development for 80 years from 2002
- Inappropriate location
- Visual impact
- Infrastructure not suitable for HGVs
- Trees have already been cut down
- Site is a 'green field' site
- Against the original design concept
- Impact on landscape
- Proposed access not suitable for HGVs
- Existing access
- Devaluation of houses
- Loss of outlook/view

Further to the above the Wychwood Community Group has already submitted several representations which also object to the proposal for the reasons below:

- S106 prevents any new access from the A531
- Stepping stone for future development

- False information submitted on application form
- Conditions from 2003 permission stop any access from A531
- Removal of trees and hedgerow prior to application

## OFFICER APPRAISAL

### Principle of Development

The application site lies within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Location Plan 2011.

Policy PG.6 (Open Countryside) allows for development that is *'for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension'*.

The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

Following on from the above paragraph 80 of the NPPF states that *'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.

Paragraph 83 of the NPPF then goes on to state that planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

The application building was originally approved in 2005 (P05/0141) and was used as accommodation for the greenkeeper's equipment for the adjacent Gorsty Hill Golf Course. This golf course has since closed and is currently in an overgrown state.

The applicant has stated that the building is now empty following the closure of the golf course.

The proposed change of use will not lead to any external changes to the existing building such as extensions or any built form. The existing building is permanent and substantial and would not require extensive alterations or rebuilding to facilitate the proposed use. Therefore, the re-use of the application building is considered to be compliant with Local Plan Policy PG6 and paragraph 83 of the NPPF.

In terms of sustainability the building, by virtue of its open countryside location, could be considered as unsustainable. However this is the re-use of an existing building which is supported in principle as stated above. The proposed development would also comply with the settlement hierarchy Policy PG2 of the CELPS which identifies the following in the 'other settlements and rural areas';

*'In the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement'*

With this in mind, the application site is approximately 3.8 miles from junction 16 of the M6 motorway. Given the nature of the proposed use this is considered to be a reasonable distance to the motorway network which will be utilised by the end user.

Policy E.1 (New Business) of the Weston and Basford Neighbourhood Plan (WBNP) allows for:

- Proposals which extend existing, or promote new, small scale employment and tourism opportunities within the plan area will be supported where it can be demonstrated that the development will positively benefit the local economy and provides the opportunity for local employment and training.

Any proposal should not have an adverse impact upon the character and appearance of the locality or the amenity of adjoining properties.

Policy E.3 (Use of Rural Buildings) of the WBNP permits the re-use, conversion and adaptation of permanent, structurally sound, rural buildings of substantial construction for small business, farm diversification, recreation or tourism will be supported subject to:

- a) The proposed use being appropriate to a rural location.
- b) The conversion and/or adaptation works proposed respecting the local character of the surrounding buildings and local area.
- c) The local highway network being capable of accommodating the traffic generated by the proposed new use and adequate car parking being provided within the site.
- d) Compliance with other relevant policies in the plan.

Details of the exact employment make up of the end user have not been provided, therefore it is difficult to assess the benefits to the local economy and opportunities for employment and training.

With Policy E.3 in mind, the proposed development will not involve any external alterations to the application building and as such the development will respect the local character of the site. Furthermore, the application site is acceptable in terms of the strategic highways network and will not raise any highway safety concerns.

With the above in mind it is considered that the proposed change of use is in accordance with Policies E.1 and E.3 of the Weston and Basford Neighbourhood Plan, Policies PG.3, PG.6 and EG.2 of the Cheshire East Local Plan as well as the NPPF.

## **Section 106 Agreements**

The overall Wychwood development is covered by three Section 106 Agreements dated 1990, 2003 and a variation in 2011.

With regards to the Section 106 Agreements that relate to the Wychwood Village development the Council has obtained independent Counsel advice to clarify matters raised by the resident's group (Wychwood Community Group) and is summarised as follows;

*a) Do the provisions of the Section 106 agreements still apply and would the applicant need a variation of the agreements in respect of the proposed development?*

The S106 Agreements do not apply to the application site, as such there is no requirement for a variation of the agreements should permission be granted. The controls afforded by the S106 agreements do not extend beyond specific requirements which include the total number of houses across the Wychwood development, the use and maintenance of the country park and the provision of the Community Hall as well as the provision of public open space/affordable housing within the nearby village of Weston.

*b) Are the residents of Wychwood Village and Park “interested parties” to the Section 106 agreements, and can they prevent the development proposed by the application as a result?*

As stated above the S106 Agreements do not constrain the redevelopment of the current application building and do not therefore require any variation. In any event if a variation was required it would be considered to be highly unlikely that the residents of the Wychwood development would need to be a party to any such variation of the existing agreements as their interests would be too far removed from the original purpose of the agreements and due to the fragmentation of land interests over the years.

*c) Has the original 1990 Section 106 Agreement been superseded by the 2003 Section 106 Agreement?*

Some parts of the 1990 S106 Agreement have been superseded by the 2003 Agreement. However the 1990 Agreement remains extant. Nevertheless, this does not alter the fact that any variation is required as set out in (a) above.

*d) Do the Section 106 agreements prevent any further development of any type?*

The 2003 S106 Agreement prevents development on land within the Country Park and prevents its use as anything other than a Country Park. This Agreement also requires that a parcel of land off Mere Road in Weston is retained as public open space and a parcel of land off East Avenue, Weston being developed for affordable housing.

Both the 2003 Agreement and the 1990 Agreement controls the number of dwellings that can be built across the site as a whole.

Beyond the constraints described above it is not considered that there are any further preclusions of development contained within the S106 Agreements. As a result any proposed development that falls outside of the express constraints identified will need to be determined on their own particular merits.

The points raised by the Resident group concerning a clause preventing any development for a period of 80 years from 2002 does not originate from any of the S106 Agreements. This may be contained within conveyance documents and, therefore, not be relevant to the determination of this planning application.

In summary Counsel does not consider that there are constraints within the existing Section 106 Agreements that would prevent the redevelopment of the current application site or building (greenkeeper's shed). Therefore, the current planning application should be determined in the context of the Development Plan and all relevant material considerations, without the need to reference or consideration being given to the various Section 106 Agreements.

## **Design and Open Countryside**

The application building was approved in 2005 and has stood since around this time. The proposed change of use will not involve any external changes to the existing building. Therefore, in terms of design, there will be no change to the current situation; as such it is not considered that there will be any visual harm or impact on the open countryside either around the site or in the wider context.

Following on from the above, the applicant's agent has confirmed that there will be no external storage of materials on the area around the building. A condition to this effect can be attached to any permission.

Since the initial submission a revised plan has been submitted which provide a landscape planting to the northern edge of the site. This will reduce any visual impact caused by the activities on the site when viewed from the residential development or the wider open countryside.

Overall, it is considered that the proposed development will not lead to any significant visual impact on either, the open countryside or the streetscene. The development complies with Policies D3, E1 and E3 of the WBNP and SE1 and PG6 of the CELPS and the NPPF.

### **Amenity**

There has not been any objection raised by the Council's Environmental Health Officer regarding potential negative impacts of the proposal in terms of noise, dust or other types of pollution.

Saved Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 allows for new development provided that the following criteria are met:

- they are compatible with surrounding land uses
- do not prejudice the amenity of future occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.
- do not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses; and
- do not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other uses of land

There are two neighbouring housing developments one to the north and one to the south of the application site. The closest dwelling is approximately 183 metres away to the south (Wychwood Park) and forms part of a small cluster of other properties. These dwellings sit on the opposite side of the A531 to the application site. Given this distance, the existing highway and the intervening belt of trees it is not considered that the proposed change of use will lead to a significant impact on the amenity of dwellings to the south.

To the north the closest residential dwelling lies approximately 325 metres away. As with the properties to the south, given the distance involved it is not considered that the proposal will have a significant impact on the amenity from this perspective.

It is proposed that the application site will be accessed from the A531 which will remove the need for any associated traffic to enter the Wychwood Village development to the north. There will not be any impact on amenity caused by traffic entering or leaving the site. Further to this, the application has been assessed by the Council's Highways Officer who has concluded that the number of vehicle movements generated will be minimal and will have a negligible impact on the local highway network.



It is not considered that the proposed change of use will have a significant highways impact sufficient enough to either justify or sustain a refusal in terms of the amenity of neighbouring residential properties.

The proposed change of use will not lead to any significant impact on residential amenity in terms of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, levels of traffic generated or air, noise or water pollution. The proposal is in accordance with saved Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 and E1 of the WBNP.

### **Highways, Access and Parking**

The proposed change of use will be accessed from the A531 and will utilise an existing access point that was approved for use of the greenkeepers shed in 2005 (P05/0141). This permission was implemented and commenced therefore the access as approved could still be implemented in line with the original permission.

It has been argued, through representations received, that the access point to be used off the A531 is not an existing or an historic access point and was formed when the golf course was constructed and is therefore unlawful (in any event given that more than 4 years have passed it would now be lawful). It makes no difference to the determination of this application whether the access is new or existing as the issue is whether or not it will be acceptable in terms of highway safety. As stated above an access point in this location has already been approved in 2005 and contrary to what has been claimed the S106 agreement does not prevent this.

It has also been claimed by some of the letters of objection received that the subsequent permission for a temporary golf club house (P05/0274) superseded the previous application for the greenkeeper's shed (P05/0141) and the access taken from the A531 was then for a temporary period of 5 years only. This is not the case as the permission actually allowed for the use of the access point for the greenkeeper's shed to be used to serve the temporary clubhouse while it was in situ. In any event, this permission was never implemented as the club decided to use the community hall instead until a permanent club house was built further along Abbey Park Way.

The Council's Highways Officer has assessed the proposal in terms of potential impact, on highway safety and the local road network.

The existing access off Newcastle Road (A531) will be upgraded and formalised and the geometry of it is acceptable to serve the proposal. Widening of the access and increasing of the radii were proposed to ensure that HGVs weren't required to cross over into opposing traffic lanes when entering and exiting the site.

The existing vehicle access off Abbey Park Way will be amended to be a pedestrian access only.

Since the initial submission a revised plan has been submitted following discussions with the Highways Officer which now provides a pedestrian footpath from the existing bus stop on the A531 to the pedestrian access.

The parking provision is to CEC standards and following amendments to the layout there is sufficient turning area for HGVs to allow them to enter and exit the site in a forward gear.

Visibility splays of at least 160m in either direction will be available and are acceptable.

The number of vehicles that will be generated from this site will be minimal and will have a negligible impact upon the local highway network.

It is accepted that there are two bus stops on the A531, however this is an existing situation which and HGVs already use this route. Therefore, there will this not be significantly altered by HGVs accessing the application site.

To promote sustainable travel a condition is recommended to ensure that the development provides adequate cycle storage.

The proposed development is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and E3 of the WBNP.

### **Trees**

There is an Oak tree protected by a Tree Preservation Order within the existing hedgerow approximately 25 metres to the east of the proposed access onto the A531.

The Council's Arboricultural Officer is satisfied that the visibility splays required by the Highways Officer can be achieved without causing harm to the protected tree.

A section of the proposed granite setts pathway will extend slightly into the Root Protection Area (RPA) of this protected tree.

The Council's Arboricultural Officer is satisfied that the provisions of BS5837:2012, which makes provisions and design recommendations for incursions into RPAs, have been addressed within the submitted Arboricultural Report. The incursions within the RPA of the Oak tree are relatively minor and taking into account the species characteristics, age and vitality of this tree, the Arboricultural Officer is satisfied that the tree will remain viable in the long term subject to recommended conditions.

Some vegetation and trees have been removed in and around the site, however these were not protected and could be removed at any time.

### **Other Matters**

The issues raised regarding loss of house value and loss of outlook/view are not material planning considerations.

It is accepted that there are other industrial and commercial units available within the local area, however the applicant has applied for planning permission on a building that they already own. Consequently it has been necessary to consider the application on its own individual merits.

### **Summary**

Whilst a large number of objections have been received from local residents these have been considered and addressed within the report above, and as a result the proposals are considered to be acceptable in land use and planning principle terms. In addition the scheme is of an acceptable design and would not result in any further built form; therefore there will not be any greater impact on the openness or the character and appearance of the open countryside. Furthermore, there will be no impact on residential amenity or highway safety in terms of access and vehicle movements associated with the development.

The associated S106 Agreements do not prevent the proposed development from being approved and implemented. In particular, as set out above, no variation of these agreements is required.

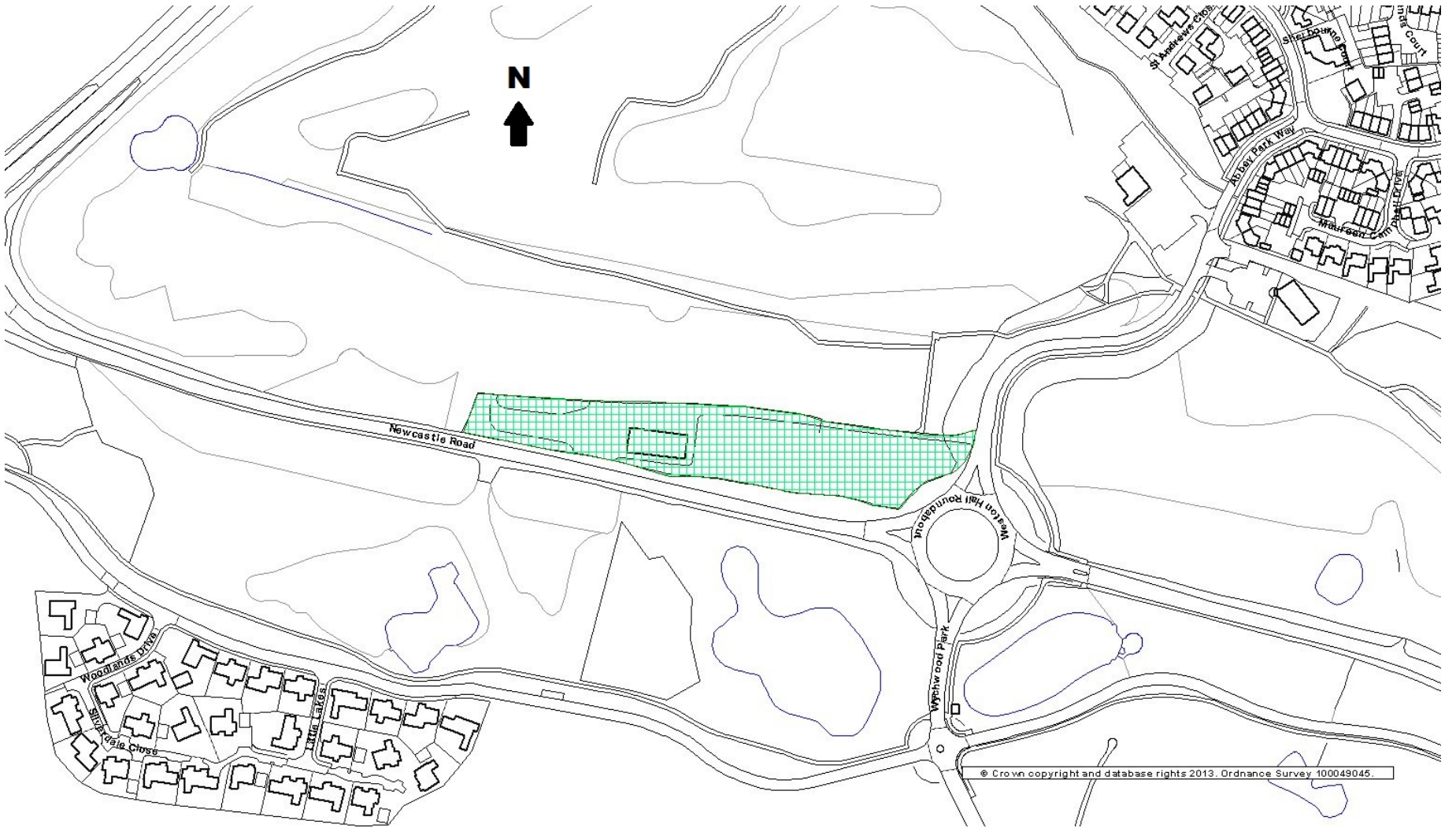
The development, has therefore, been considered against the relevant policies contained within the Development Plan and in respect of all other material considerations and there is no justifiable basis for planning permission to be withheld.

**RECOMMENDATION:**

**APPROVE subject to the following conditions;**

- 1.Approved Plans**
- 2.Materials as per application**
- 3.Boundary treatments to be submitted and approved by the LPA**
- 4.Construction Management Plan**
- 5.Visibility Splays of 160 metres to be kept clear**
- 6.Tree Protection**
- 7.Aboricultural Method Statement/Construction Specification**
- 8.Scheme of Landscaping to be planted prior to commencement of use**
- 9.Cycle storage – submission and implementation of a scheme**

**In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.**



Application No: 19/5010C

Location: THE CROFT, HIGH STREET, SANDBACH, CW11 1AL

Proposal: Full planning application for the relevant demolition of existing dwelling in a Conservation Area and erection of Class A1, A2, A3 and A5 units and 14 residential units, associated access, car parking and landscaping

Applicant: Muller Property Group

Expiry Date: 06-Feb-2020

### Summary

The application site is within the Settlement Zone Line. The proposed development is allocated for retail development under policy DP4 of the CBLP and is supported by Policy HC2 of the SNP. The principle of the residential element of the scheme also complies with Policies PG2, EG5 and SE2 of the CELPS and HC2, PC3 and H1 of the SNP

The highways implications of the development are considered to be acceptable. The proposed development would comply with Policies SD1, SD2, CO1 (subject to additional cycle parking provision) and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE12 of the CELPS. On balance it is not considered that the harm caused to the first floor flat at 43 High Street could be sustained as a reason for refusal.

There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity. Given the site allocation of the site it is accepted that there will be tree losses as part of the proposed development.

The impact upon protected species and ecology is considered to be acceptable. However it is acknowledged that the development would not provide a biodiversity net gain in accordance with policy SE3 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would not impact upon the adjacent PROW which would be retained. The development would comply with Policies CO1 of the CELPS, Policy GR16 of the CBLP, Policies PC5 and JLE1 of the SNP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight.

The proposed development fails to take the opportunities available for improving the character and quality of the area. The development would result in less than substantial harm (at the higher end) to the heritage assets and fails to have special regard to preserving or enhancing the Conservation Area and Listed Buildings. The benefits do not outweigh this harm and the application is contrary to Policies SE1, SE2, and SE7 of the CELPS, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.

## **RECOMMENDATION**

**REFUSE**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Benson for the following reason;

*‘This proposal if granted would have a significant impact on Sandbach Town Centre as it lies within the Sandbach Conservation Area. I request that this matter be determined by the Southern Planning Committee to enable full and detailed consideration of all relevant policies of the Sandbach Neighbourhood Development Plan. In particular, Policies HC1 (Historic Environment) and HC2 (Protection and Enhancement of the Town Centre). In relation to the proposal to erect 14 residential units, the Planning Committee will be aware that Cheshire East has a housing supply of 7.5 years and this should also be considered’*

## **PROPOSAL**

This is a full planning application for the demolition of an existing dwelling known as ‘The Croft’ and the erection of a mixed-use scheme. The mixed-use scheme would consist of a three storey building containing six ground floor commercial units (Classes A1, A2, A3 and A5) with 14 two bedroom apartments above. Access and servicing would be taken from Brookhouse Road. The development includes the provision of 14 car parking spaces.

## **SITE DESCRIPTION**

The application site extends to 2,024sqm. The site located within the Sandbach Settlement Boundary, the Sandbach Conservation Area and the Sandbach Area of Archaeological Potential and as defined by the Congleton Borough Local Plan.

To the north of the site are numerous listed buildings which front High Street. The majority are Grade II but St Mary's Church is Grade II\* and the Old Hall Hotel is Grade I.

The majority of the site forms part of allocation DP4(S1) of the Congleton Local Plan.

The site comprises 'The Croft', its residential curtilage and adjacent land including a number of trees. To the south of the site is the Waitrose Supermarket and its associated car park.

PROW Sandbach FP43 runs along the Brookhouse Road frontage of the site.

### **RELEVANT HISTORY**

The site has no planning history.

### **POLICIES**

#### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

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 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 12 – Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

IN1 – Infrastructure

IN2 – Developer Contributions

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 – Sustainable Travel and transport

CO2 – Enabling Growth Through transport Infrastructure

CO4 – Travel Plans and Transport Assessments

#### **Congleton Borough Local Plan**

DP4(S1) – Retail Sites

PS4 – Towns

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

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  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Non-statutory sites  
BH4-BH5 – Listed Buildings  
BH8-BH10 – Conservation Areas

### **Sandbach Neighbourhood Plan (SNP)**

The Sandbach Neighbourhood Plan was made on 12<sup>th</sup> April 2016.

PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
HC1 – Historic Environment  
HC2 – Protection and Enhancement of the Town Centre  
H1 – Housing Growth  
H2 – Housing Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
JLE1 – Future Employment and Retail Provision  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CC1 – Adapting to Climate Change

### **National Policy:**

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

50. Wide choice of quality homes

85-90 Ensuring the vitality of town centres

102-107 Promoting sustainable transport

124-132 Requiring good design

184-202 Conserving and enhancing the historic environment

### **CONSULTATIONS:**

**Cheshire Archaeology:** Condition suggested.

**United Utilities:** A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer



which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

No objection condition suggested.

**CEC Education:** A contribution of £32,685 is required towards secondary education. There is no requirement for contributions towards primary education or SEN.

**CEC Housing:** This is a proposed development of 14 Residential dwellings with a site size of 0.2 Hectares. Therefore the triggers to provide Affordable Housing have not been met. No objection.

**Cadent Gas:** No comments received.

**Cheshire Police:** Raise the following concerns;

- Low walled planters and front boundary wall will encourage informal seating and potentially create anti-social behaviour
- The parking is located away from residential entrances. There is no detail concerning lighting and CCTV. There will need to be measures to prohibit non-residents parking.
- Concern over the width of the fire access
- Concerns over the location of the bin store
- Concern over delivery vehicle provision and the safety of pedestrians
- Concern over the access to retail unit 3 which encourages access to the rear of High Street which has no lighting and poor surfacing
- The main residential access should be via video controlled intercom
- Cycle storage should be covered and overlooked. There are few active windows facing the cycle store

**Historic England:** No objection to the application on heritage grounds.

However Historic England do state that *'The High Street's character is derived from the variation in building type, form, scale and rich roofscape. We consider that any potential impact upon the character of the conservation area could be further mitigated through design amendments to complement this historic character'* and that the issues raised in their consultation response need to be addressed in order for the application to meet the requirements on the NPPF.

**CEC Environmental Health:** Conditions suggested in relation to ventilation and extraction equipment, lighting, travel plan, electric vehicle charging, low emissions boilers and contaminated land. Informatives also suggested.

**CEC PROW:** Informatives suggested.

**CEC Head of Strategic Infrastructure:** No objection. Condition suggested.

**CEC Flood Risk Manager:** Condition and an informative are suggested.

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

**Sandbach Town Council:** The Town Council object to this application for the following reasons;

- There is no urgent requirement for more Town Centre apartments with several other similar developments underway in the Town Centre. Sandbach has already identified more than its required allocation of residential development for the period of the Local Plan. Furthermore, the design of this application means the massing of buildings will cut off existing views of St Mary's church. This will not contribute towards the Heritage and Character or the Conservation area of Sandbach.
- There is also no need for additional shops units. There are currently existing vacant shop units in the Town Centre, with nothing to suggest that there is a demand for more. Furthermore, there doesn't appear to be adequate parking for customers or shop staff within this development, as well as only limited parking for potentially 54 residents and their visitors.
- This application has the potential to have a significant negative impact on Sandbach.
- As a result of the above, this application is in contravention of Planning Policies HC1, H2 and H3 of the Sandbach Neighbourhood Development Plan.

## **REPRESENTATIONS:**

Letters of objection have been received from 4 local households which raise the following points;

- The impact of this high density scheme upon the Sandbach Conservation Area
- Noise caused during the construction period
- Impact upon wildlife
- Increase in traffic during the construction period
- Increase in traffic from the proposed development
- Sandbach is well served by retail outlets and there are vacancies in the town centre
- Increased strain on parking and congestion caused by vehicles passing through the town centre
- The development will detract from the Conservation Area
- The existing retail units offer excellent shopping
- Increased vehicle movements will cause pollution
- Danger caused by increased traffic to pedestrians and people using mobility scooters
- Problems in Sandbach when there is an accident on the M6
- Lack of parking in Sandbach
- Impact upon protected species
- Concern over the pollution of a nearby watercourse
- Concern over the height and mass of the development
- The height of the development will dominate local views –including of the Church from the Waitrose car park
- Loss of 4 parking spaces as vehicles can parallel park along Brookhouse Road
- The development does not create a new link to the town centre
- The development is too tall and intensive
- Increased traffic and congestion on Brookhouse Road
- Safety of pedestrians using the pedestrian crossing from the Waitrose to the Post Office

A representation has been received from Cycling UK which makes the following points;

- It is suggested that developer contributions should be sought to convert the signalised crossing at Old Mill Road with Flat Lane into a Toucan crossing
- Investigate whether it is possible to remove the staggered barriers at Flat Lane and what sections of FP21 can be converted to a cycleway
- The pedestrian access to High Street should be upgraded to a cycle access

- There should be provision of 14 cycle spaces and they should be the Sheffield-type racks. This should be at ground floor and under cover.
- The proposed cycle parking is too tight and should be reoriented
- Additional cycle parking should be provided to confirm 14 cycle parking spaces

## **APPRAISAL**

### **Principle of Development**

#### Retail

The majority of the site forms part is allocated as part of Policy DP4(S1) of the Congleton Local Plan (a small part of the access onto High Street is outside the allocation). Policy DP4 states that the site is suitable for the development of retail uses. The principle of the proposed A1, A2, A3 and A5 at ground floor level is considered to be acceptable.

The site adjoins Principal Shopping Area as defined by Policy S4 of the Congleton Local Plan.

Policy EG5 of the CELPS identifies that the in the Key Service Centres, there will be a focus on the improvement of the convenience and comparison retail offer, with the potential to strengthen and enhance the retail offer, where suitable, as well as diversification to other uses such as offices, services, leisure, cultural and residential, as appropriate.

In terms of the Sandbach Neighbourhood Plan (SNP) the site falls outside the Principal Shopping Area but within the Town Centre Boundary. Policy HC2 identifies that proposals for commercial, office, tourism, cultural, residential and retail (including A5 hot food takeaway) uses will be supported within the Town Centre.

As the site is in accordance with an up-to-date planning policy then there is no requirement for a sequential test or an impact assessment (required by the NPPF).

The principle of retail development on this site complies with the NPPF and Local and Neighbourhood Policies.

#### Housing

The site is located within the settlement boundary for Sandbach (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

As a windfall site Policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’*.

Policy EG5 states that *‘the use of upper floors in town and other centres for non-retail uses will be supported, where appropriate’*. This is then repeated in Policy HC2 of the SNP which states that the use of upper floors for residential use will be permitted in the Town Centre where appropriate.

In addition to the above Policy PC3 of the SNP states that new development involving housing development will be supported in principle within the policy boundary for Sandbach. Policy H1 states that future housing growth will be delivered through existing commitments, sites identified in the CELPS and windfalls.

The principle of the residential element of the scheme complies with National, Local and Neighbourhood Policies.

### **Employment Generation**

Policy SD1 of the CELPS states that development should wherever possible create a *‘strong, responsive and competitive economy for Cheshire East’* and *‘prioritise investment and growth within Principal Towns and Key Service Centres’*.

The application forms identify that the proposed development would create 40 full-time and 30 part-time employees. This needs to be weighed in the planning balance.

### **Highways Implications**

The site is accessed from Brookhouse Road and there is a separate service delivery area and residential car park access proposed alongside the site. Brookhouse Road provides access to the Waitrose car park and Sandbach post office, it has an existing footway on the development side of Brookhouse Road.

The applicant has submitted trip generations for the level of peak hour flows arising from both the commercial and residential elements of the scheme. The levels of traffic generation from the scheme are low in the peak hours and although there is traffic congestion at the nearby A533/A534 roundabout the actual impact from these proposals will be very small and cannot be deemed a severe impact. Additionally, a high percentage of the trips associated with the retail element are trips that are already using the local road network and thereby reducing the impact further.

The 14 residential car parking spaces provided are slightly below CEC standards that require two spaces per apartment. However this is a town centre location and there are existing parking restrictions along the entire length of Brookhouse Road the level of parking. As a result the level of car parking is considered to be acceptable.

The submitted plans show that there will be a frontage footpath provided. The Highways Officer has requested that this should be upgraded to a wider 3m path. In this case the proposed footpath

would be the same width as that existing and there would be no benefit to increasing the width to the frontage of the development only.

The proposed development will not have a material impact on the local road network and no objections are raised. The proposal is deemed to adhere with Policy GR9 of the CBLP, Policy SD1 of the CELPS and Policy IFT1 of the SNP with regards to highways matters.

### Cycle Provision

The proposed plans show that the development would have cycle storage provision for the residential part of the scheme. However this provision is below the standards contained within the CELPS which requires 1 space per apartment.

The comments from Cycling UK are noted and a condition could be imposed to secure an acceptable cycle parking provision to serve both the residential and retail elements of the scheme.

The comment made in relation to the upgrade of the pedestrian crossing at Flag Lane/Old Mill Road to a Toucan Crossing is noted. However as there is no cycle route in this area there is no need for this upgrade.

Cycling UK have also requested that the staggered barriers on FP21 (Flag Lane) be removed. In response the Highways Officer has stated that these were added for safety purposes to stop cyclists/pedestrians running out onto Old Mill Road. As a result these staggered barriers should be retained.

### **Amenity**

The site is located within the Sandbach Town Centre and is largely surrounded by commercial premises. The nearest residential properties affected by this development are as follows;

- First floor flat at 43 High Street
- Bungalow at the rear of 49-51 High Street

All other properties affected by the development are in commercial use.

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

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The first floor flat at 43 High Street has one window to its rear elevation facing the site. The property also has two windows to its side elevation and one window to the front elevation (all of which would be unaffected). It has not been possible to identify the internal layout of this flat but it

is likely to be a principal window. The proposed development would have a separation distance of 16.7m from the rear window of this flat. The proposed development would have seven windows at first floor and seven windows at second floor (3 x living rooms and 4 x bedrooms on each floor). It should be noted that some of the proposed windows would be set at an angle and would be obscured by the existing rear extension at 43 High Street. It is acknowledged that there would be some impact upon this first floor flat due to the proximity of this development and the resultant over-bearing and privacy impacts. However given the existing tight urban grain in the centre of Sandbach it is not considered that this harm could be used as a reason for refusal.

The bungalow at the rear of 49-51 High Street has a rear elevation with four windows facing the site. The small private amenity space to this bungalow is located to the north and would not be affected. The proposed development would have a separation distance of 28m to the bungalow and the relationship is considered to be acceptable.

### Noise

The Environmental Health Officer has raised commented that due to the scale of the development there is a particular concern if any of the commercial premises require any air conditioning units. A scheme for acoustic enclosures of any fans and details of any ventilation and extraction equipment are submitted to the LPA for approval in writing.

In terms of the external seating areas proposed there are similar seating areas at the rear of 45 High Street and The George Hotel (39 High Street). The Environmental Health Officer has confirmed that she has no objection these subject to the imposition of a planning condition to state that they should not be used any later than 21:00.

### Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

This proposed development is of a small scale, and as such would not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments within Sandbach. In particular, the impact of transport related emissions on local air quality.

Sandbach has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

In order to mitigate this proposed development conditions could be imposed in relation to a Travel plan, electric vehicle charging points and low emission boilers.

### Contaminated Land

The application includes a Phase 1 Contaminated Land Report. This report does not recommend the submission of a Phase 2 report but does recommend a number of measures to protect future site users and other receptors. At the request of the Councils Contaminated Land Officer conditions could be imposed to mitigate the impact from contaminated land.

### Lighting

Light spill from the development has the potential to impact upon the existing and proposed dwellings. The matter of lighting within the site could be controlled via the imposition of a planning condition.

### **Design/Built Heritage**

The site is located within the Sandbach Conservation Area; to the north of the site are numerous listed buildings which front High Street. The majority are Grade II but St Mary's Church is Grade II\* and the Old Hall Hotel is Grade I.

The Conservation Area was reviewed in the 2015/16 Character Appraisal and Management Plan, which highlighted the importance of the longer view into the Conservation Area from the south-west across the Waitrose car park towards St Mary's Church.

The Croft is a recent building which has seen a number of extensions within a partly sylvan plot. The character of Brookhouse Road is eroded by the present frontage for part of the site boundary comprising dwarf wall, timber fencing and sporadic landscaping. The Croft has no individual conservation value although the site does contribute to the partial sylvan character on Brookhouse Road.

The Sandbach Conservation Area Character Appraisal identifies this area as a potential regeneration area and therefore the principle of regenerating it is an opportunity for enhancement of the Conservation Area. However, in order to achieve this, the development needs to be of a responsive quality that helps to preserve or enhance the character and appearance of the Conservation Area and the setting of the group of listed buildings which line the High Street; and also Grade II\* listed St Mary's Church.

Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

This proposed development would be overly dominant and uncharacteristic in this historic context. Both the scale and the architectural design of the new development will adversely impact upon the character and appearance of the Conservation Area and the setting of the Listed Buildings within the vicinity of the site, especially the view into the Conservation Area from the west focused upon one of the principal heritage assets - St Mary's Church. Similar issues were raised in the consultation response from Historic England.

Due to the separation distances involved, intervening landscaping and buildings it is not considered that the development would have caused harm to the setting of The Old Hall a Grade I Listed Building

The proposed ground floor units could be occupied by A3 or A5 units. However no details of any extraction systems that may be required have been provided.

The rear of the building will also be visible from High Street via the lane between 43 and 45 High Street. Both the scale and articulation of the proposed development would create a visually discordant element when viewed in the context of the group of small scale, vernacular listed buildings on the High Street.

The grain of the proposed development, comprising a large footprint building, with two larger, subdivided development floorplates with a central linking section is also at odds with the finer grain, more organic character within this part of the Conservation Area. It also prevents any potential to link between Brookhouse Road and High Street.

Proposal 11 of the Conservation Area management proposals seeks to enhance the quality of design for new development in the conservation area, whilst Proposal 12 seeks to protect and enhance views within, out and into the Conservation Area. In respect to both of these management proposals, this scheme fails to deliver the quality of development necessary to achieve these objectives.

The proposed development would result in less than substantial harm (at the higher end) to the heritage assets and the NPPF (para 196) identifies that;

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*

This is consistent with Policy SE7 of the CELPS which requires development proposals that cause harm to a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported. The Policy also allows a consideration of the level of harm in relation to the public benefits that may be gained by the proposal.

Furthermore Policy HC1 of the SNP states that *'all developments, projects and activities will be expected to protect and where possible enhance designated heritage assets and their settings, maintain local distinctiveness and the character of identified features. Development should respect the historic landscape character and contribute to its conservation, enhancement or the creation of appropriate new features'*.

The development would result in less than substantial harm (at the higher end) and this should be weighed against the public benefits of the development.

Re-development of this site presents an opportunity to positively plan for pedestrian connectivity between Brookhouse Road and High Street and provide secondary frontage within the site. This feels like a missed opportunity, as does the associated potential to create a more diverse range of unit sizes within the scheme. This could have been achieved by seeking to incorporate additional land or by reducing the footprint of the building and enabling more direct through access. What is being proposed is rather tokenistic in creating positive activity within the body of the site.

The quality of the public realm on the Brookhouse Road is quite severely impacted upon by the provision of the servicing facility at the centre of the frontage and will also be affected by the off-street parking outside the site boundary.



It is unclear what the treatment of the space to the north of the site is towards the entry point on High Street as this remains undetailed on the site layout drawing.

The proposed development is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

### **Archaeology**

The application site is located within the Sandbach Area of Archaeological Importance. Previous investigations in the town have not revealed complex or deeply-stratified remains but early ditches, rubbish pits and property boundaries have all been recorded. It is entirely possible that similar remains would be revealed and destroyed during the proposed building works.

The loss of the archaeological deposits within the proposed development area may be mitigated by way of a programme of archaeological observation in order to identify and record any remains archaeological materials on the site. The programme of archaeological mitigation can be controlled through the imposition of a planning condition.

### **Public Rights of Way**

PROW Sandbach 43 runs along the pavement to Brookhouse Road. This would be retained and an informative could be attached to safeguard the PROW. The proposed development is considered to be acceptable in terms of its PROW impacts.

### **Landscape**

The existing landscape assets have not been assessed or incorporated into the proposed development. The loss of existing soft ground and vegetation is a negative landscape impact which should be avoided. There are important roadside trees providing green infrastructure for the locality now, and there are young trees near the Post Office which do not seem to be recorded in the Applicant's Arboricultural assessment but which have potential to be important landscape assets for the future.

The visual representations submitted show the development will be over-dominant in this location and will have an adverse effect on views towards St Mary's Church. Looking back towards the site from the porch of St Mary's Church, the site's trees and neighbouring site's trees are currently visible from the church and do form a backdrop to views south from the church. This does not seem to have been considered.

The concerns raised about the loss of landscaping on the site raised by the Councils Landscape Officer are noted. However given the site allocation and the policy support for the proposed development it is not considered that the landscape impact could form a reason for refusal. The impact upon built heritage is considered above.

### **Trees**

Policy SE5 of the CELPS states that developments which result in the loss of trees that provide a significant contribution to amenity, landscape character or historic character will only be allowed

where there are clear overriding reasons for allowing the development. Where the impacts are unavoidable then development should provide a net environmental gain by mitigation, compensation or offsetting.

The site is located within the Sandbach Town Centre Conservation Area. There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity.

The submission is supported by an Arboricultural Implications Assessment and an Arboricultural Method Statement. The AIA indicates that two individual trees and two groups of trees would be removed to accommodate the development and that one further tree would be removed due to condition. The result being that all the trees within the boundary of the development site would be removed. In this prominent location, the loss of healthy trees would be regrettable - in particular two early mature Oak trees close to the southern boundary which the tree survey affords Grade B with an 80+ year estimated remaining life expectancy. The proposals would only afford limited space for replacement tree planting with the submitted landscape proposals showing 5 ornamental trees.

## **Ecology**

### Bats

The trees and buildings on site have some limited potential to support roosting bats. Based on the submitted survey the Councils Ecologist advises that roosting bats are not reasonably likely to be present or affected by the proposed development.

### Badgers, Common Toad, Great Crested Newts

These protected/priority species are not reasonable likely to be present or affected by the proposed development.

### Hedgehog

This priority species has been recorded in the broad location of the application site and so may occur on the application site at least on a transitory basis. The proposed development would have a minor localised adverse impact on this species if it was present on site.

### Nesting Bird

The application site is likely to support low levels of breeding bird activity potentially including more widespread priority species such as House Sparrow. If planning consent is granted conditions could be imposed to safeguard protected species.

### Knotweed

Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese Knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new

growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative can be imposed in relation to this issue.

#### Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. Whilst the application site supports habitats of relatively limited value, the proposed development would result in a minor net loss of biodiversity. In order to comply with the Policy SE 3 (5) additional habitat creation proposals either on or off site. In this case no such measures have been provided and this is a weakness in this proposed development.

#### **Flood Risk/Drainage**

The application site is located within Flood Zone 1 (low probability of flooding). In this case the Councils Flood Risk Manager and United utilities have all been consulted as part of this application and have raised no objection to the proposed development in relation to flood risk/drainage subject to the imposition on planning conditions.

As a result the development is considered to be acceptable in terms of its drainage and flood risk implications.

#### **Education**

A development of 14 dwellings is expected to generate 3 primary aged children, 2 secondary aged children and no SEN children.

The education department have confirmed that there is capacity within local primary schools to serve this proposed development.

There will be a shortfall within the local secondary schools and on this basis a contribution of £32,685.00 will be required to mitigate the impact of this development upon local secondary provision.

#### **Affordable Housing**

This is a proposed development of 14 dwellings within a Key Service Centre and Policy SC5 does not require the provision of affordable housing.

#### **Infrastructure**

As a development of 14 residential units the site falls below the threshold for open space and health provision.

## **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The development would result in increased demand for education provision in Sandbach where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

## **CONCLUSION**

The application site is within the Settlement Zone Line. The proposed development is allocated for retail development under policy DP4 of the CBLP and is supported by Policy HC2 of the SNP. The principle of the residential element of the scheme also complies with Policies PG2, EG5 and SE2 of the CELPS and HC2, PC3 and H1 of the SNP

The highways implications of the development are considered to be acceptable. The proposed development would comply with Policies SD1, SD2, CO1 (subject to additional cycle parking provision) and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the CLP and Policies H5 and JLE1 of the SNP.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE12 of the CELPS. On balance it is not considered that the harm caused to the first floor flat at 43 High Street could be sustained as a reason for refusal.

There are existing trees within the vicinity of the proposed development. Trees on the periphery of the site are visible to the public and make a contribution to visual amenity. Given the site allocation of the site it is accepted that there will be tree losses as part of the proposed development although there is some harm which weighs against the proposal.

The impact upon protected species and ecology is considered to be acceptable. However it is acknowledged that the development would not provide a biodiversity net gain in accordance with policy SE3 of the CELPS.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would not impact upon the adjacent PROW which would be retained. The development would comply with Policies CO1 of the CELPS, Policy GR16 of the CBLP, Policies PC5 and JLE1 of the SNP.

The impact of the development upon archaeology, infrastructure (education and health) and the affordable housing provision is acceptable.

Finally the development of the site would have some employment benefits as identified above and this does attract some weight.

The proposed development fails to take the opportunities available for improving the character and quality of the area. The development would result in less than substantial harm (at the higher end) to the heritage assets and fails to have special regard to preserving or enhancing the Conservation Area and Listed Buildings. The benefits do not outweigh this harm and the application is contrary to Policies SE1, SE2 and SE7 of the CELPS, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.

# **RECOMMENDATION:**

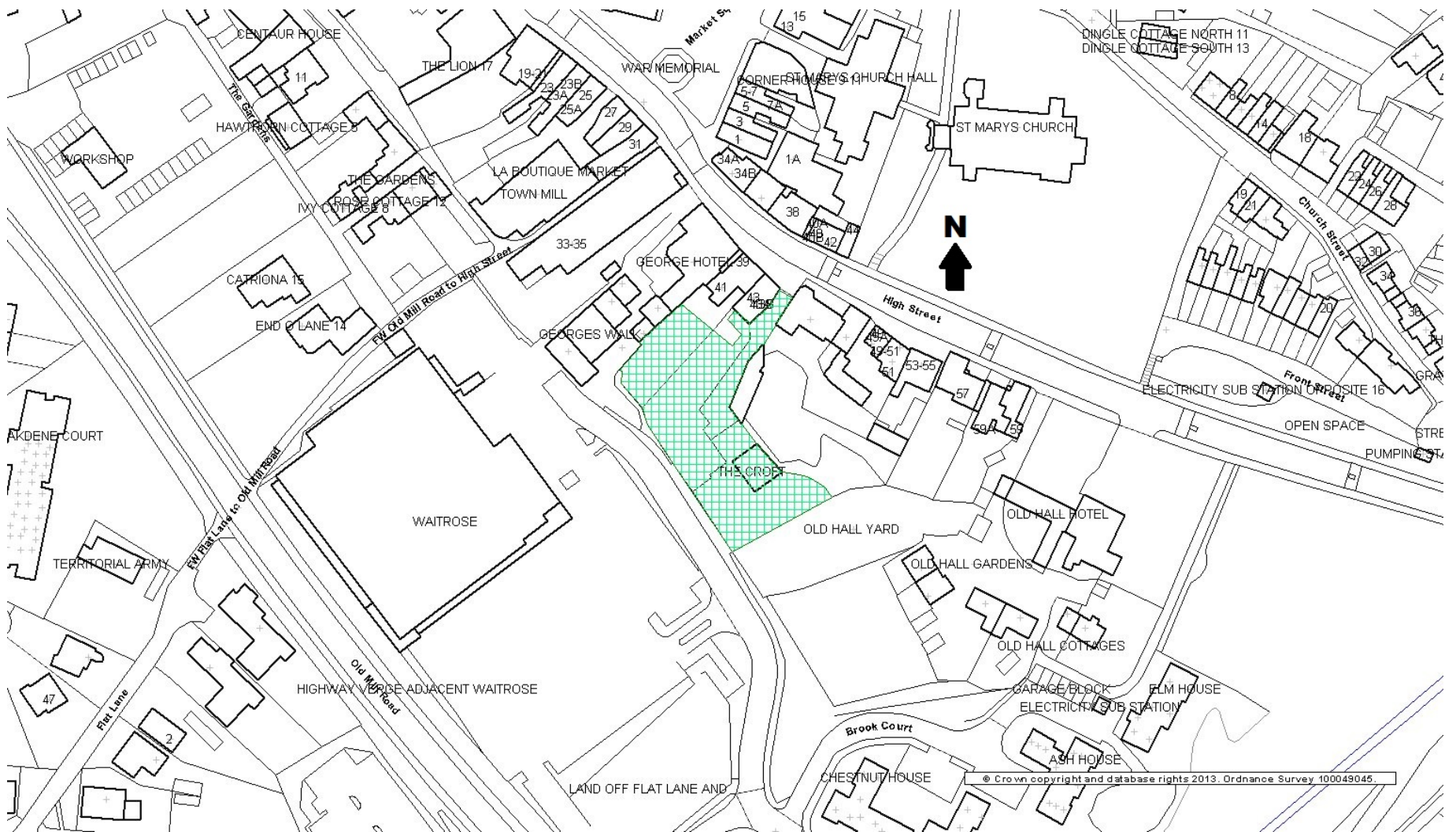
## **REFUSE for the following reasons;**

- 1. The proposed development would be at the higher end of less than substantial harm and fails to conserve or enhance the Conservation Area or surrounding Listed Buildings. The benefits of this scheme would not outweigh the identified harm. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SD1, SD2, SE1, SE2 and SE7 of the CELPS, Policies BH4 and BH9 of the Congleton Borough Local Plan, Policies H2 and HC1 of the SNP and guidance contained within the NPPF.**

**In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.**

**If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Education</b>	Secondary education contribution: £32,685.	Full amount prior to first occupation of any of the residential units.



Application No: 19/3533N

Location: 127, CREWE ROAD, SANDBACH, CW11 4PA

Proposal: Proposed new dwelling within garden of The Cuillins, 127 Crewe Road, with demolition of outbuilding and concrete panel garage.

Applicant: Mr Stephen Harrison

Expiry Date: 07-Feb-2020

**Summary**

This is a full planning application for the demolition of existing outbuildings and constriction of a two-storey residential dwelling within the garden of 127 Crewe Road, Sandbach. The site is located in a residential area, within the settlement zone.

It is considered that the proposals are acceptable in terms of design and relationship to the character of the wider area, and would not lead to an unacceptable loss of amenity to nearby residential properties. The proposals would create an acceptable point of access, and protection for trees of high amenity value. The application is therefore in accordance with adopted planning policy and is recommended for approval.

**RECOMMENDATION:**

**APPROVE subject to conditions**

**Reason for Referral**

The application is to Southern Planning Committee at the request of Cllr Corcoran for the following reasons;

*'The development is out of keeping with the surroundings (it is a 3 storey dwelling and is overdevelopment of the site)*

*I support the concerns of 125 Crewe Road over loss of light*

*I also have concerns about overlooking*

*The foul sewage disposal is marked on the application form as UNKNOWN!'*

**Site Description and Context**

The site consists of a two-storey detached residential dwelling, located on Crewe Road, Sandbach.

The existing dwelling is situated in large plot, set back from the road, with a group of outbuildings on the north side of the site. The boundary treatments are mostly in the form of tall hedges, particularly on the side boundaries. There is a mature sycamore tree on the grass verge in front of the application site.

The street-scene along this section of Crewe Road is mixed with detached and terraced dwellings. The heights vary from bungalows to two-storey housing.

### **Details of Proposal**

The proposed development relates to a new dwelling within garden of The Cullins, 127 Crewe Road, with demolition of outbuilding and concrete panel garage.

The proposed dwelling would be two-stories in height and contain four bedrooms.

### **Relevant Planning History**

08/0132/FUL Proposed extensions to detached dwelling house. Approved with conditions 25-Apr-2008.

29420/3 TO ERECT TIMBER LOG LEISURE BUILDING TO ACCOMMODATE SWIMMING POOL. Approved with conditions 10-Oct-1997.

18778/1 DWELLING HOUSE. Approved with conditions 14-Jul-1987.

### **Consultations**

**Highways** – No Objection

**United Utilities** – Drainage conditions suggested.

**Environmental Health** – The following conditions are suggested;

- Electric vehicle condition
- Ultra low emission boiler condition
- Construction noise informative
- Contaminated land informative

### **Views of the Town Council**

**Sandbach Town Council** – Object to the development;

- Design isn't in keeping with the Street scene – over intensive development of the site
- Note the removal of balcony and 3 stories from the application – however still not considered acceptable design
- Application is contravention of Sandbach Neighbourhood Plan policy H2

### **Representations**



Objections were received from 7 nearby residential properties. The main points are outlined below:

- Loss of privacy – includes balcony and large window on second floor overlooking properties behind
- Overdevelopment of site
- Design out of character (3 storeys, modern design)
- Destruction of mature tree on grass verge
- Crammed into narrow plot
- Proposed driveway in close proximity to neighbours
- Loss of daylight/sunlight and outlook in kitchen
- Incremental loss of outlook
- Overlooking from side bathroom window
- Increased number of vehicles – potential obstructions on Crewe Road
- High density development
- Use of render and materials not in keeping – predominantly brick built
- Inaccuracy of plans referring to boundary wall
- Inaccuracy with levels – not clear that survey has been correctly undertaken
- Right to light
- Two-storey house or bungalow would be preferred

## **POLICIES**

### **Cheshire East Local Plan Strategy 2017**

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

SD1 (Sustainable development in Cheshire East)

SD2 (Sustainable development principles)

SC4 (Residential Mix)

SE1 (Design)

SE2 (Efficient Use of Land)

SE3 (Biodiversity and Geodiversity)

SE4 (The Landscape)

SE5 (Trees, Hedgerows and Woodland)

SE13 (Flood Risk and Water Management)

### **Congleton Borough Local Plan – saved policies**

PS4 (Towns)

GR6 (Amenity and Health)

GR10 (Accessibility, Servicing and Parking Provision)

Supplementary Planning Guidance Note

### **Sandbach Neighbourhood Plan**

PC3 (Policy Boundary for Sandbach)

H2 (Design & Layout)

H3 (Housing Mix & Type)

H5 (Preferred Locations)

### **Other Material Considerations**

National Planning Policy Framework

## National Planning Practice Guidance

### **Officer Appraisal**

#### ***Principle of Development***

The site is located within the settlement boundary for Sandbach (a Key Service Centre). Policy PG2 states that in the key service centres *‘development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability’*.

As a windfall site Policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’*.

Policy PC3 of the SNP states that new development involving housing development will be supported in principle within the policy boundary for Sandbach. Policy H1 states that future housing growth will be delivered through existing commitments, sites identified in the CELPS and windfalls.

The principle of the residential element of the scheme complies with National, Local and Neighbourhood Policies.

#### ***Design***

Policy SD2 of the CELPS states that all development will be expected to contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, and external design features. It is also necessary to consider the relationship to neighbouring properties, the street scene and wider neighbourhood.

Policy H2 of the SNP states that all new developments will be expected to contribute positively to local distinctiveness, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features

Firstly consideration is given to the design and layout of the proposed dwelling and its plot in relation to the form and pattern of the wider development in the area. On Crewe Road, and Fields Drive to the rear of the site, there are mixtures of house types. Most plots close to the application site on Crewe Road are relatively narrow, with 127 Crewe being the exception. Fields Drive to the

rear of the site in particular consists of predominantly detached dwellings, with little separation distance between side elevations of dwellings. As such, the plot width of the proposed dwelling and proximity to the site boundaries does not appear noticeably out of character in relation to the wider pattern of development, nor constitute overdevelopment of the plot. The density of the dwelling and its plot would be consistent with properties in the local area. In addition, the amount of external amenity space would be commensurate to the size of the dwelling, and greater than many nearby properties. The front garden in particular is of generous proportions, and in keeping with the street scene.

In terms of the local architectural style, again there is a mixture of house types, but with some common design features. The buildings closest to the application site mostly contain hipped roofs, with front gable projections and bay window features. Elevations are predominantly brick built but some have a render finish.

The scale and design of the proposed dwelling is considered in keeping with the character of the area. Firstly the scale has been reduced from three storeys to two storeys. The design has also been modified to a more traditional design, taking visual cues from the local vernacular. The roof design has been amended from a pitched roof with two side gables, to a hipped roof. As well as reducing the bulk of the proposed dwelling, this would better reflect the roof design of the adjoining properties on Crewe Road which are hipped.

The height of the proposed dwelling, while taller than the adjoining bungalow which is at a slightly higher level, is consistent with nearby properties on Crewe Road, and at a reduced height to the existing dwelling at number 127. The submitted section drawings show the height of the proposed dwelling to sit in between either adjoining property. The proposed two storey gable feature on the front elevation would be in keeping with the area, and in a similar design to dwellings further along Crewe Road, but of a more contemporary style. The use of mostly render on the elevations would also be considered acceptable in the street scene, with examples of render in the immediate area, including the adjoining neighbour to the north. Further details of proposed materials will be required by condition.

A key characteristic of the area is that houses in this part of Crewe Road are set back from the front boundaries, behind prominent grass verges. The proposed dwelling would continue the building line of nearby properties, being clearly set back from the highway. This, in combination with screening on the front boundary which would largely be retained or replaced, would mean the proposed dwelling would not be highly visible or prominent in the street scene.

For the above reasons, the proposed dwelling is not considered to be out of character for the area, or detract from the street scene, and would comply with Policies SE1, SD2 (CELPS) and H2 (SNP).

### ***Impact on residential amenity***

Policies GR6 (CBLP) states that planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to:

- I) Loss of privacy;
- II) Loss of sunlight and daylight;
- III) Visual intrusion;

- IV) Environmental disturbance or pollution;
- V) Traffic generation, access and parking

Policy H2 (Sandbach Neighbourhood Plan) states that development should not cause unacceptable visual intrusion, overlooking, shading, noise, air pollution, light pollution or other adverse impact on local character and amenities.

The Congleton Borough Local Plan Supplementary Guidance Note provides guidance for separation distances between new developments, to maintain an acceptable level of residential amenity for existing and future residential occupiers, in terms of privacy and overlooking. The recommended separation distance between the rear elevations of dwellings is 21.3m. The distance between the rear elevation of the proposed dwelling, and the nearest property on Fields Drive would be approximately 24m. As such this separation distance would be acceptable. This distance is also consistent with the relationships of other nearby properties on Crewe Road, and those on Fields Drive. It is also noted that the balcony included in the initial proposals has since been removed. The separation distance from the front elevation to those on the opposite side of Crewe Road would also be acceptable, and in keeping with other properties in the street.

There is an adjoining side neighbour to consider in terms of impacts on light. Firstly the proposed dwelling would not project forward of the existing building line, but would project slightly further back. In assessing the impact of this on the nearest habitable window on the rear elevation of the adjoining neighbour (125 Crewe Road), this projection would not be in excess of 45 degrees as measured from the centre of the principal kitchen window. The 45 degree line is a general rule in assessing the impact of development on light entering habitable rooms, which the proposals would comply with.

There are also two side facing ground floor windows at 125 Crewe Road which would be impacted by the proposed development. The primary kitchen window to number 125 is positioned on the rear elevation of the neighbouring dwelling and would not be significantly affected by the proposals. The identified side kitchen window is a secondary window, and any minor reduction in light to this room would be compensated by the primary rear window. This would maintain an acceptable level of amenity.

The other side facing window would not serve a primary habitable room, and so there are no significant concerns about the impact of the proposals, in terms of loss of light, to the windows on this side elevation. In addition, the identified side windows at 125 Crewe Road are adjacent to a tall boundary hedge, which would limit the amount of light entering these windows currently. While the proposed dwelling would be of a greater height than this, the detrimental impacts on light would not be considered significantly greater than the existing situation.

The comments regarding a loss of outlook are noted. In this case there is limited outlook from the side window currently. The proposed dwelling would not be considered overly visually intrusive, particularly when viewed from neighbour's primary windows to the front and rear elevations.

Two side facing windows are shown on the first floor of the proposed dwelling. These windows would serve bathrooms, and be obscure-glazed, and so would not cause any overlooking of adjoining neighbours. The requirement to maintain obscure-glazed windows would be secured by condition.

The comments regarding noise and odours from the bathrooms/kitchens of the adjoining dwelling are noted. The quantity of such emissions from a single residential dwelling would not be so significant to refuse an application on this basis.

Therefore while the proposals would cause some impact to nearby residential dwellings and the comments are acknowledged, they would not be considered to significantly impact on light to habitable rooms of nearby residential dwellings. The separation distance between dwellings to the front and rear are above the recommended distances, and the amount of overlooking would not be unacceptable.

The proposals are therefore considered to comply with Policy GR6 (CBLP) and H2 (SNP).

### ***Parking and Access***

The Council's Highways department were consulted and did not object to the creation of an additional access onto Crewe Road.

The access was repositioned to the other side of the plot next to 127 Crewe Road, in order to avoid excavation in the root protection area of the frontage tree. It is also considered that the tree would not adversely impact on visibility or highway safety.

The proposals show space for parking 3 vehicles within the curtilage of the dwelling, which is in line with Cheshire East parking standards.

The addition of a single dwelling would not have a materially greater impact on traffic or the wider highways network.

Therefore there are no significant highways and access concerns with the proposals, which would comply with Policy GR10 (CBLP).

### ***Impact on trees & landscape***

The comments regarding the destruction of the mature tree on the grass verge is noted. The application has confirmed that this tree would be retained. In addition, the access has been revised so that no excavation would be required in the tree's root protection area.

The Council's Arboricultural Officer was consulted on the proposals. It was commented that the revised layout would impact on several grade C trees on the front boundary of the site. These trees are not of high value and if removed replacement planting could be sought by a landscape condition.

The revised access would avoid impacts on the prominent roadside tree, which is of a high amenity value. A condition for tree protection will be required to protect the roadside tree.

The comments regarding levels are noted. The applicants have provided plans showing spot heights of levels across the site in addition to section drawings which are considered to be acceptable.

Further details of hard and soft landscaping and boundary treatment will be required by condition.

The proposals would therefore be considered to comply with Policies SE4 and SE5 (CELPS), subject to appropriate planning conditions.

### ***Other considerations***

The comments regarding the potential negative impacts arising during the construction process are noted. Such issues could be controlled with via environmental health should any issues arise. Any potential requirement to access neighbouring land would be a civil matter.

The comment regarding the description of the site boundary is noted. The submitted site plans show the site boundary treatment in more detail.

### ***Conclusion***

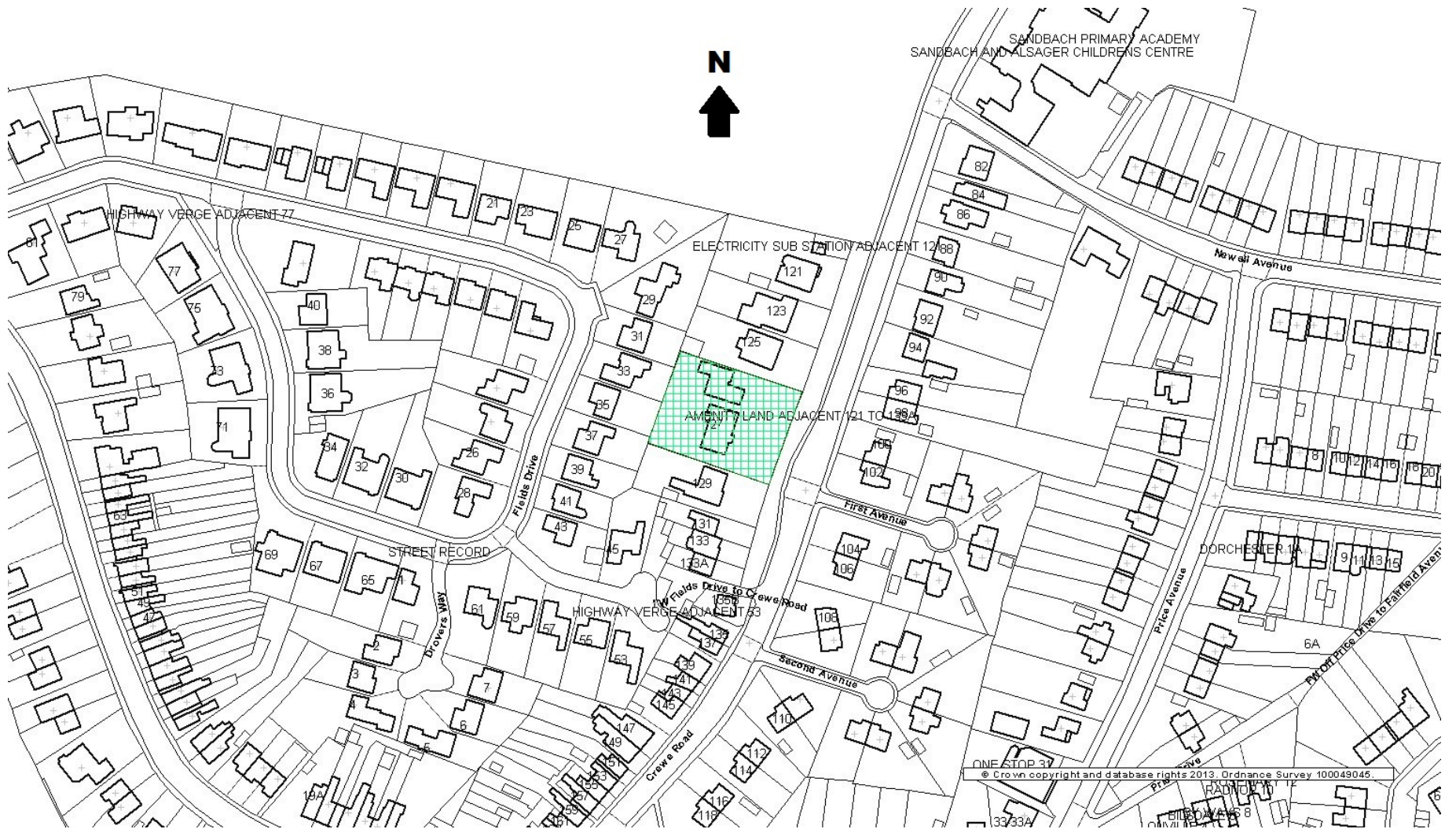
The proposals are considered to be acceptable in terms of design, impact on residential amenity, impact on trees and highways safety. The development complies with the relevant policies contained within it is therefore within the Development Plan and is recommended the application be approved subject to conditions.

### ***Recommendation***

**APPROVE** subject to the following conditions;

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission and approval of materials
4. Electric vehicle infrastructure to be submitted and approved
5. Remove PD rights
6. Drainage details to be submitted and approved
7. Landscape to be submitted and approved
8. Landscape implementation
9. Tree Protection measures to be submitted and approved
10. Breeding birds measures to be submitted and approved
11. Obscure glazing side windows
12. Roof of flat roofed rear extension not to be used as balcony or roof terrace

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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Application No: 19/5613M

Location: 12, WELTON DRIVE, WILMSLOW, SK9 6HF

Proposal: Proposed two-storey side and rear extension to existing residential property

Applicant: David Jefferay

Expiry Date: 10-Feb-2020

**SUMMARY RECOMMENDATION:  
APPROVAL**

*MAIN ISSUES:*

- *Effects on residential amenity*
- *Design*
- *Effect on character and appearance of the area*

**Reason for referral**

This planning application has been submitted by an elected ward councillor on Cheshire East Council for a ward in the north of the Borough. The application is therefore on the Southern Planning Committee agenda for the purposes of transparency.

**Site and Context**

The application site relates to a two storey red brick hipped roof detached dwelling in a 'predominantly residential' designated area of Wilmslow. There is a large rear garden bordering the neighbouring western dwelling's larger 'L' shaped rear garden. There is an existing single storey rear and side addition approved under 06/3110P. There is also planning permission (19/1020M) for a two storey side and rear extension which is extant but has not been implemented.

**Details of Proposal**

The proposal seeks to add a further storey above and within the footprint of the existing side and rear addition it would reach 6.8m to the roof ridge and 5.6m to the eaves height, being set back significantly from the principal elevation by 3.6m at first floor level. There would be an additional addition at ground floor level at the side elevation aligning with the existing front elevation wall. The join at the roof with the main dwellinghouse would be at 6.8m in total

height; 0.8m below the highest point of the main dwelling and therefore subservient in scale (all figures approximate).

This proposal is almost identical to what has already been approved under 19/1020M. The only change between this application and the proposed development in this application is the widening of the ground floor rear glazing element and the introduction of two velux rooflights at the side elevation – similar to what could be constructed under the Permitted Development regime.

### **Constraints**

Predominantly Residential

### **Relevant Planning History**

19/1020M Proposed two storey side and rear extension to existing residential property  
Approved with conditions 17/04/2019 N.B. Not implemented

06/3110P Single storey side/rear extension Approved with conditions 05/02/2007

### **Consultee Responses**

Wilmslow Town Council - no objection

### **Representations**

No letters from neighbours or members of the public received.

### **Planning Policy**

National Planning Policy Framework (NPPF) (2018 update)  
National Planning Practice Guidance (as updated online)

Cheshire East Local Plan Strategy (2010-2030)  
Policies SD2 (Sustainability), SE1 (Character and Design)

Macclesfield Borough Local Plan (MBLP) (2004) – saved policies  
DC2 (Design), DC3 (Amenity), DC38 (Distances), DC43 (Side Extensions)

Cheshire East Borough Design Guide 2017

Wilmslow Neighbourhood Plan  
H2 (Design)

### **Officer Appraisal**

### **Principle of Development**

The proposed development is an extension to a dwelling in a settlement. This type of application is generally considered to be acceptable subject to the satisfactory taking into account of material considerations

### **Design issues and effect on the character of the area**

Policy DC2 of the Macclesfield Borough Local Plan (2004) states that proposals to alter or extend buildings should respect the existing architectural features of the building. The proposal would have a hipped roof, referencing the existing main dwelling, would be in keeping terms of the brickwork, uPVC and roof tiles materials, and would be subservient in scale. Therefore policy DC2 is complied with.

Policy SE1 on design in the CELPS 2017 states that development proposals should ensure a retained sense of place and management of design quality. The streetscene would not be negatively impacted by the proposal and the extension would be clearly secondary to the main dwelling, including when viewed from the rear and from the neighbouring dwelling to the west/NW.

There would not be a terracing effect given the significant set back from the principal elevation of the proposed extension. The buildings here would continue to read as visually distinct and spaces between dwellings would be retained in terms of the appearance from the public highway.

Policies SD2 and SE1 of the CELPS are considered to be complied with.

The proposal is considered to provide for a density and massing accordant with the surrounding townscape in this area of Wilmslow. To this end the proposed development complies with policy H2 of the adopted Wilmslow Neighbourhood Plan.

### **Effect on residential amenity**

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property. There would be no windows proposed at either side elevation of the first floor addition apart from the rooflights. The proposed first floor window serving the bedroom would be approx. 50m from the nearest opposite property to the south/SW and is not considered to present any privacy implications. It is acknowledged that there would be an increase in massing apparent when viewed from the neighbouring rear garden at no.10; and some, moderate, loss of light. However the position of the rear garden facing SW largely negates any particular daylight/sunlight concerns. Moreover, the angle from the centre of the habitable room window at the rear of no. 10 would be within the 45 degree rule from the corner of the first floor addition (as with the single storey addition which currently exists) at 45 degrees (approx.). The ground floor uPVC bi-fold doors do not present negative privacy implications over and above either what the property already has permission for, or the existing arrangement of fenestration.

### **Other matters**

In spite of the increase of massing at the principal elevation (the single storey element) sufficient space would be retained for 2 cars, as per Appendix C on parking standards for Key Service Centres such as Wilmslow.

### **Summary**

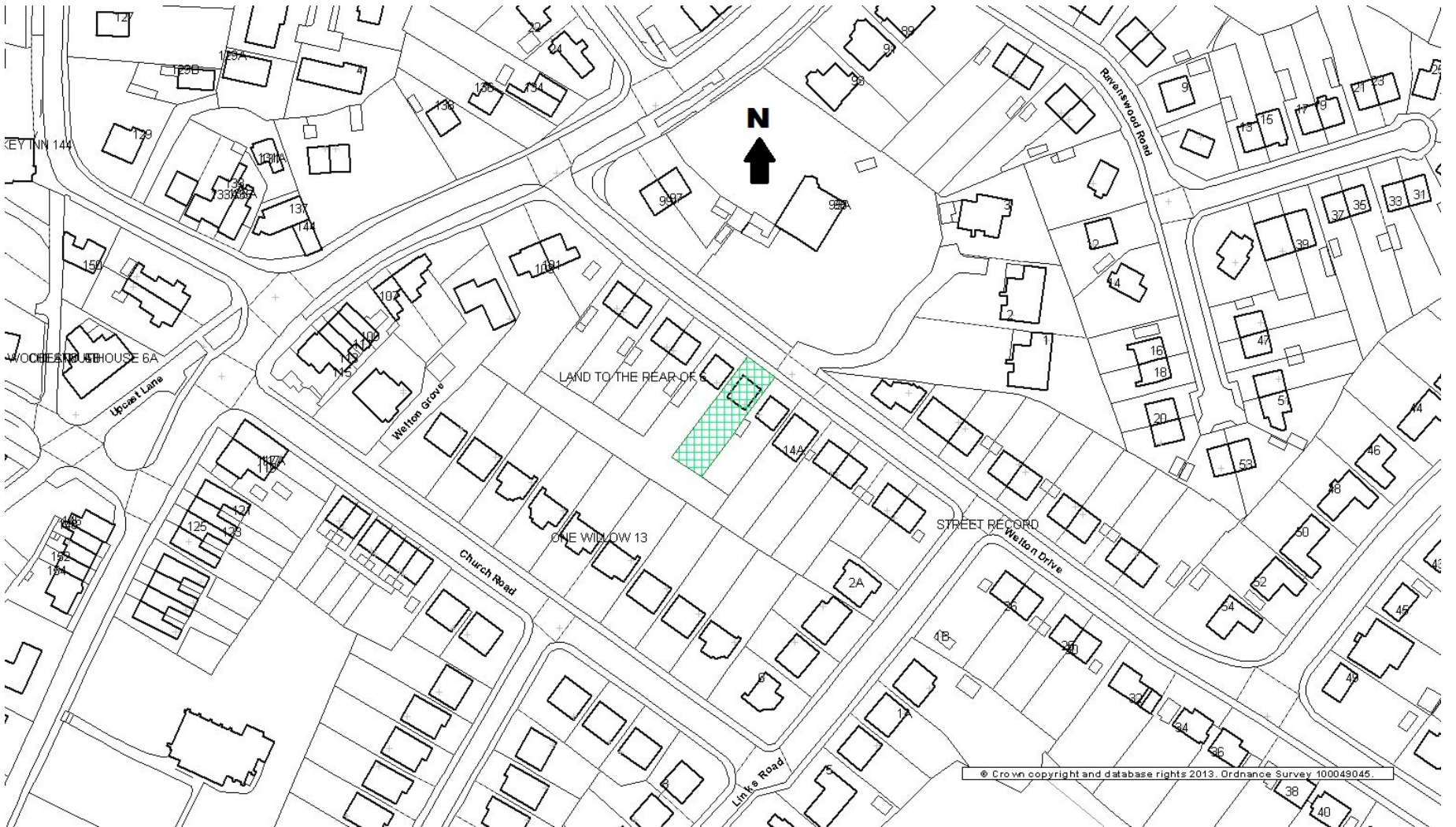
The differences between this development proposal and what the application site has extant planning permission before are arguably non-material in nature. The introduction of rooflights and enlarged ground floor fenestration presents no additional material amenity or design considerations such that a recommendation of approval would not still be justified

Application for Householder

**RECOMMENDATION:** Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. NPPF informative

**In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.**



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