

Application No: 11/0627C

Location: Smallwood Storage Ltd, Moss End Farm, Moss End Lane, Smallwood, Sandbach, CW11 2XQ

Proposal: Demolition of Existing Buildings and Erection of 15 Dwellings and Associated Infrastructure Works

Applicant: Smallwood Storage Ltd

Expiry Date: 17-May-2011

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and the prior signing of a S106 Agreement**

### **MAIN ISSUES**

- **Principle of Development**
- **Highway Safety.**
- **Ecology**
- **Trees and Landscape.**
- **Affordable Housing**
- **Contaminated Land**
- **Open Space**
- **Design and Layout**
- **Residential Amenity**
- **Flooding**

### **REFERRAL**

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

### **1. SITE DESCRIPTION**

The site measures approximately 1.79ha and is located off Moss End Lane, which is a narrow single track road, running between the A50 and A534 in Smallwood near Arclid. The site is currently used as a haulage yard with 40,000 sq.ft of modern warehousing for palletized goods and raw materials and a further 50,000sq. ft of external storage. It also includes a 50 tonne weighbridge. The business runs a fleet of HGV's transporting plastics, food products, timber and steel etc.

### **2. DETAILS OF PROPOSAL**

The application is submitted in outline with all matters reserved except for means of access and layout, and proposes the demolition of the exiting warehouse and erection of a residential development of 15 dwellings utilising the existing access. The houses

would be a mix of 4 and 5 bedroomed properties. The proposed dwellings will all be two and two and a half storeys in height. It is intended to utilise the existing vehicular access to the site from Moss End Lane which will be upgraded to adoptable standard, including pedestrian footway.

### **3. RELEVANT PLANNING HISTORY**

The planning history for the site includes a number of applications relating to the existing use as a haulage and storage business. There are no previous applications for residential redevelopment of the nature currently proposed.

### **4. PLANNING POLICIES**

#### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation'  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPS25 Development and Flood Risk

#### **Regional Spatial Strategy**

DP1 – Spatial Principles  
DP4 – Make best use of resources and infrastructure  
DP5 – Managing travel demand  
DP7 – Promote environmental quality  
DP9 – Reduce emissions and adapt to climate change  
RDF1 – Spatial Priorities  
L4 – Regional Housing Provision  
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets  
MCR4 – South Cheshire

#### **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 habitats  
NR5 Habitats  
H2 Provision of New Housing Development

H6 Residential Development in the Open countryside  
H13 affordable Housing and low cost housing  
E10 Re-use and redevelopment of existing employment sites

### **Other Material Considerations**

Strategic Housing Market Assessment 2010  
Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy  
DCLG 'Planning for Growth'

## **4. OBSERVATIONS OF CONSULTTEES**

### **United Utilities**

- No objection to the proposal

### **Public Rights of Way Unit**

- it appears unlikely that the proposal would affect the public right of way

### **Environmental Health**

- This site has a history of industrial and farm use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, this section recommends that the contaminated land conditions, reasons and notes be attached should planning permission be granted:
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

### **Highways**

- No objection

### **Environment Agency**

The proposed development will only be acceptable if the following planning conditions are imposed:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed

development, has been submitted to and approved in writing by the Local Planning Authority.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
- The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

- Smallwood Parish Council wish to advise that they strongly object to this application on the basis of GR1, GR2 and GR5 and also include Smallwood Village design policies L1 and L4 which are landscape guideline policies and SL which is settlement guideline policy also B1 and B2 which are building guideline policies. Please see following to recap.
  - Size and scale of development in open countryside
  - Loss of employment land in rural area
  - Highways - excessive increase in traffic on rural lanes
  - No provision for affordable housing - contrary to policy
  - Intrusion into open countryside where development not normally permitted

## **6. OTHER REPRESENTATIONS**

Representations have been received from Dean House, Moss End Cottage, Day House Green Farm, 3 Moss End Farm Barns and Little Moss End making the following points supporting the application:

- The development is totally out of keeping in a rural area, with three sides of the site abutting agricultural land. It would not benefit the area. Smallwood already has a large proportion of expensive houses.
- The loss of employment from the site in the current economic climate is very worrying. The site must still be economically viable for business use and the outside space is providing valuable storage space for caravans motor homes etc.
- As the site is closed evenings and weekends its current business use is not a problem because prior to being warehousing it was a working farm. The sheds are very similar to modern farm buildings and the traffic to and from the site is probably less due to the restricted working hours.
- The majority of traffic on Moss End Lane is not going to Smallwood Storage, and the vans and trucks that do all travel very slowly because of the single track road and can be seen over the hedges as they approach the blind bends. Cars travel much faster and can't be seen on the bends. The lane is a favourite with walkers, cyclists and most of all horse riders who, I think, will all agree that cars are a bigger problem than warehouse traffic. An estimate of between 200 to 250 vehicle journeys a day, over 7 days a week, will massively increase the vehicles on a lane that has no footpaths, blind bends and in places no verges.
- We feel the quoted price per square foot for the house is very much an under estimation because of the site's location.
- The planning application states that the site cannot be seen from public roads or public footpaths when in fact the site is in an elevated position and the existing warehouses can be seen from at least 5 roads and has a public footpath on its north and west perimeter.
- The proposed development does not stay within the existing footprint of the warehouses so presumably will be more visible.
- It is planned to site the three stage bio disc outside the site on agricultural land.
- Over the last 20 years the number of dwellings with access onto the Moss End Lane within 150 meters has increased from four to fourteen (all created from redundant farm buildings therefore not increasing building footprint) that is 350%. With the new development it would increase to 32 (the coach houses can only be described as separate dwellings) that would be 800%. As the proposed entrance is already shared with 4 houses it is unacceptable to increase this to 22 properties. If the development went ahead it would mean that Moss End, a sub-district of Smallwood, would have more dwellings than the village centre where the local amenities such as primary school, village hall and church are situated.
- Other brown field sites, including two at Arclid, are far more suitable for this size of development particularly with regard to access roads.
- This is not a derelict site and there will be a considerable number of job losses in the present business
- The buildings appear to be fully utilized
- The proposed site is in the centre of agricultural land
- During sowing and harvesting time farmers need to work late into the evening and even through the night to make the best use of weather conditions.

- They also need to spread manure and slurry on the land
- All of the above operations are not always acceptable to people who have not lived in the countryside before and consequently will cause considerable difficulties for the farmers
- There will be extensive noise and dirt pollution whilst the site is developed and also from the demolition of the current buildings and the removal of the concrete yard. The latter will be particularly noisy and dirty and is so thick that it can only be removed with the use of large mechanical pile drivers
- The amount of traffic will be increased considerably during demolition and construction.
- The average number of cars per household has been estimated at 2. In the grounds of the four of the houses there is another 2 bedroom property. This could account for another 8 cars. These very large houses will all have more than 2 occupants. Children will need their own transport when they are old enough to drive, nannies, cleaners and gardeners will be employed and all will need to drive to the site.
- The surrounding lanes are all single track and many have unauthorised lay-bys which have to be used even for two cars to pass, there are many dangerous blind bends and no pavements.
- The access to Little Moss End Farm is particularly dangerous as it is one blind bend. This is a country area and the lanes are used for recreation by dog walkers, horse riders and cyclists and not least by children walking to school. Traffic is likely to increase by 300- 400%. Accidents will happen.
- Section 25 states that there will be no building on Greenfield sites. The plans show all the septic tanks on, what is now, an agricultural field. As the houses are on one side of the public footpath and the tanks are on the opposite side, what will happen to the path? It will certainly have to be destroyed while all the services are put in place for the septic tanks
- Section 30 states that the site cannot be seen. This is untrue; it is hugely visible from all the surrounding areas including A 534, Brookhouse Lane Moss End Lane, New road and the Public footpath.
- The current business does not operate at weekends so traffic and noise is then reduced. However, traffic from the proposed houses will probably be at its height then.
- Residents choose to live in the countryside hoping for peace and quiet. This development will permanently destroy this for all the residents.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Planning Statement
- Transport Statement
- Contaminated Land Survey
- Habitat Survey
- Flood Risk Assessment

- Climate Change Statement
- Design and Access Statement
- Tree Survey

## 8. OFFICER APPRAISAL

### Principle of Development

The site lies within the Open Countryside as defined in the Congleton Borough Local Plan First Review, where, according to Policy PS8 and H6 new residential development will not be permitted, unless it is for one of a number of purposes including, inter alia, the re-use or redevelopment of existing employment sites in accordance with policy E10.

This states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Given that the site remains in active employment use, it is not considered that it is no longer suitable for employment use. However, it is considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the existing haulage and storage use. The major benefit of the proposed development of the site to the local area is the removal of a significant number of HGV movements, which can occur 24 hours a day, over seven days a week, on a narrow, single track lane. This will provide an improvement for the growing residential population in the area with a reduction in noise, vibration and conflict with other road users. It should also be noted that the business is currently operating below the level of intensity which its Goods Vehicle Operator License permits, and that a number of complaints and objections were made by local residents when this license was last renewed.

Thirdly the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms*

*of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- ensure that they do not impose unnecessary burdens on development”*

The proposal at the Smallwood Storage site will enable an existing local business to relocate to new premises and to expand, generating jobs and economic benefits. However, it is necessary to achieve residential land values from the site to enable this to happen. Furthermore, the proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment. It is therefore considered that these issues are important material considerations which add to the material planning benefits of the proposal.

Consequently, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and economic growth and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

### **Highway Safety.**

The applicant has submitted a detailed transport assessment with the application which concludes that the replacement of the B8 storage and distribution use without houses would generate broadly similar overall traffic flows when compared to the current site operations, although it should be noted that the main business on the site is currently operating at a significantly lower rate than the operators license allows. If the existing business was operating at full capacity there could be three times as vehicle movements from the site including HGV traffic.

Ample on-site parking would be provided for in excess of 2 vehicles per household plus visitor parking space, and the existing access would be utilised. This is located on the outside of a sharp bend and therefore benefits from good visibility in both directions. The roads within the site would be brought up to adoptable standard.

With regard to sustainable transport issues, although the site has a relatively low accessibility by other modes of transport to the car, the proposals represent a more desirable use of a Brownfield site and the level of accessibility remains largely the same whether the site is used for commercial or residential purposes. The removal of HGV's from the networks may even encourage other residents to cycle the short



distance to Sandbach or Congleton both approximately 5km from the site. There is regular bus service available from the A534 Spark Lane to Crewe, Macclesfield Sandbach and Congleton.

The Highways Engineer has examined the report and concurs with its conclusions. Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Highways Engineer, and in view of the existing use of the site it is not considered that a refusal on highway safety grounds could be sustained.

## **Ecology**

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy [insert policy number and summary of content as appropriate]

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, the Council’s Ecologist has examined the application and is satisfied that the proposal will not adversely impact on designated wildlife sites.

Without appropriate mitigation the development could adversely impact on legally protected species, namely bats and great crested newt. Satisfactory outline mitigation proposals have been submitted in support of the application to protect and enhance protected species. Conditions are required to cover implementation of detailed mitigation proposals.

These should require the submission of detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and a detailed method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report. A condition is also required to prevent any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August unless a detailed survey is required to check for nesting birds.

### **Trees and Landscape.**

Most of the site area is covered by existing buildings and hard standing. There is a line of well established trees running along the north and part of the western boundary. There are also some younger trees planted on the bund which extends along the north western boundary. The submission includes a tree survey and a plan indicating recommended tree root protection areas.

The existing large storage buildings, caravans and vehicles are all visible from viewpoints on the local road network and from the public footpath but existing vegetation provides a degree of screening from roadside views.

The Senior Landscape Officer has examined the proposals and commented that with a sensitive layout, together with a comprehensive package of tree protection measures and landscape proposals, it should be possible to accommodate the development proposed without significant visual impact in the wider landscape. Careful consideration would also need to be given to accommodation of the public footpath in any future detailed layout design.

Therefore, in the event of approval conditions are recommended to cover, submission and approval of an Arboricultural Method Statement, a scheme of tree protection measures, a landscape scheme, boundary treatment details and accommodation of the public footpath.

### **Affordable Housing**

There is a need for affordable housing in the Smallwood Parish. The site lies in the area known as Congleton Rural for the purposes of the Cheshire East Council Strategic Housing Market Assessment 2010 (SHMA). The results of the SHMA

show that the Congleton Rural area has an annual shortfall of 10 new affordable homes per year between 2009/10 and 2013/14. The existing social rented stock in the area is owned by Plus Dane and consists of 14 houses in Smallwood parish and a small number of units in neighbouring parishes. There is a very low turnover of these units.

According to the Council's "Interim Planning Statement: Affordable Housing", there may be physical or other circumstances where an on-site provision would not be practical or desirable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

In this case, the Applicant has submitted a Viability Appraisal and Affordable Housing statement as part of this application. The Viability Appraisal explains that the existing use value of the subject site is in the region of £1.3m but with general professional, relocation, disturbance costs etc. a minimum land value in the region of £1.5m would be required for the residential redevelopment of the site to be considered viable.

It was initially proposed to redevelop the site for a 30 unit scheme comprising a mix of house types, typical of many suburban housing estates in a cul-de-sac layout. The proposal would have included, inter alia, 3 storey townhouses and Mews properties. This would have included the full 30% of affordable housing as on-site provision. At the pre-application stage officers expressed the opinion that this would be inappropriate as it would represent an excessive bulk of built development in the open countryside both in terms of height and massing, and would be out of keeping with the low density character of surrounding development.

The scheme has therefore been redesigned to include a smaller number of much more exclusive large detached houses. However, as a result of this change it is no longer possible or viable to provide on-site affordable housing this is for a number of reasons. Firstly, the need to minimise the bulk of development on the site, has considerably reduced the profitability of the development, and if 30% (5 units) were given over to affordable housing it would become unviable. Secondly, the houses as now proposed, are much larger than would normally be considered by a housing association for affordable housing. Whilst it is acknowledged the some of the large units could be split to provide smaller, affordable units, this would be problematic, because the overall number of units on the site would increase and therefore a greater number of affordable units would then be required to achieve the 30% policy requirement and the problem would be replicated. Thirdly, the presence of on-site affordable housing would reduce the exclusivity of the development, and with it the potential property values and accordingly, the already marginal viability would be adversely affected.

For these reasons it is considered that the constraints of the site prevent the provision of the size and type of affordable housing required in the area. The Interim Statement goes on to say that in such exceptional cases and entirely at the Council's discretion, developers may, in lieu of such provision, provide off-site affordable housing, or offer financial or other contributions towards the provision of affordable housing on an alternative site.

The viability of individual schemes is a material consideration in deciding planning applications, and as stated above, both the interim statement and local plan policy allow economics of provision arguments to be advanced. Since 2008 there has been significant downturn in the housing market and particularly on brownfield sites where costs of redevelopment are proportionally higher than greenfield sites. Developers have sought and continue to seek to negotiate a lower provision of affordable housing on the basis that the Council's normal requirements would render redevelopment unviable.

Furthermore, this stance has been upheld by Inspectors on a number of occasions at Appeal, who have determined that the regenerative benefits of bringing brownfield sites back into beneficial use, and the contribution to housing land supply, outweigh the need to provide the full policy requirement in respect of affordable housing.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

The viability appraisal indicates that a financial contribution of £239,400 towards affordable housing provision elsewhere in the area can be achieved from the development. At the time of report preparation, Housing officers were examining whether the level of commuted sum offered, fulfil this requirement and a further update on this matter will be provided to Members prior to committee. The developer has suggested that the money should be spent in the first instance in Smallwood, but in the event that this is not possible, a cascade mechanism should be applied which would allow it to be spent firstly in adjoining Parishes followed by the Borough as a whole. This is considered to be an acceptable solution.

Given the particular circumstances of this case at this time it is considered that seeking a commuted sum in lieu of affordable housing provision is acceptable and complies with the planning policy framework and all material considerations which require the Local Planning Authority to consider viability as part of the consideration of the application.

## **Contaminated Land**

The supporting documentation submitted with the application suggests that there is not a significant risk of ground contamination on the site. However, it is recommended that prior to redevelopment of the site the developer undertakes an intrusive investigation to target the risks to the proposed development as identified in

the conceptual site model. The Council's Contaminated Land Officer has examined the contents of the report and the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

## **Open Space**

The Planning Statement prepared by the applicant states that *'Policy GR22 deals with the provision of open space. It refers to the Council's Supplementary Planning Guidance. (SPG) In this case the number of dwellings is below the threshold for the provision of public open space in the Supplementary Planning Guidance and there is therefore no requirement for on site provision'*. This is incorrect as the SPG requires Public Open Space for schemes over 7 dwellings. Furthermore it appears that the integral document 'Interim Policy Note For POS: Provision Of POS For New Residential Developments' adopted Sept'08, which may require equipped play facilities, has not been considered. Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

## **Design and Layout**

As stated above, considerable pre-application discussions have taken place between officers and the developer in order to secure a layout which is in keeping with the character of the surrounding development. The layout, for which approval is sought at this stage, comprises 3 very large detached dwellings, each with a detached annex building, which will create the appearance of a series of large farmhouses, with associated stables / outbuildings. To the rear of each of the large properties is a series of other smaller detached and linked-detached properties arranged around communal courtyards, which will create the appearance of ranges of traditional agricultural buildings or barns that would have been associated with the large farmhouses. This is reminiscent of the traditional farmsteads within the area, such as the one that stands on the opposite side of Moss End Lane close to the site access. The layout is therefore considered to be appropriate in design terms and in keeping with the character and appearance of the open countryside.

To turn to the elevational detail of the scheme, whilst the design of the individual properties, is reserved for subsequent approval, indicative street scene elevations have been submitted, which show how the proposed dwellings may appear. The "farmhouses" are large double fronted properties incorporating features such as half timber detailing to the gables, arched window heads and small pitched roofed dormer windows which are typical of some of the grander farmhouses to be found in this part of Cheshire. The "barn style" dwellings incorporate features much as "pitching eyes", large "cart entrances" and "threshing barn door" features as well as brick vent details typical of traditional Cheshire brick barns. Many of these features can be found on the farmhouse and converted barns opposite the site entrance.

It is therefore, considered on the basis of the information that has been submitted that a design for the proposed dwellings could be achieved which would be appropriate for the site and in keeping with the character of the surroundings.

## **Residential Amenity**

The surrounding development comprises Moss End House, a bungalow located to the east of the site, Little Moss End house, a substantial detached property located to the south of the site and an outbuilding within the grounds of Little Moss End House which has been converted to a separate dwelling.

The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

A distance in excess of 25m will be maintained between the flank elevation of the dwelling on plot 5 and the principal elevation of the bungalow. A very limited separation of 3m will exist between the flank elevation of the bungalow and the dwelling on plot 1. However, the SPG does not make any provision for minimum separation distances between 2 flank elevations. A distance of approximately 21m will be achieved between Little Moss End House and the nearest proposed dwelling, which will be plot 1. The existing dwelling contained within the converted outbuilding will be located immediately on the boundary with Plot 1. However, given that the 2 properties are orientated at 90 degrees to each other it is not considered that any loss of privacy between habitable rooms would occur. Any overlooking that would occur is considered to be no greater than that which could be expected in many comparable suburban situations.

Excluding the properties referred to above, the nearest neighbouring dwellings are the farmhouse and barn conversions on the opposite side of Little Moss End Lane to the south east. These are located over 150m from the site and therefore do not raise any concerns in terms of residential amenity.

To turn to amenity standards within the site, the proposed layout provides for the minimum separation distances set out the Councils SPG and each dwelling would benefit from a minimum of 65sq.m. of private amenity space which also accords with the provisions of the Councils guidance.

On this basis it is considered that in amenity terms the proposal complies with Policies GR1, GR2 and GR6 of the local plan and the advice contained within the adopted SPG.

## **Flooding**

The developer has submitted a Flood Risk Assessment with the application which concludes that the site is in flood zone 1 above the river Croco risk levels. Surface water will drain to the pond in the northern field which is in the ownership of Smallwood Storage, foul sewage will be treated in a stage 3 sewage treatment plant followed by tertiary polishing treatment in a wetland to provide an acceptable effluent water quality. United Utilities and the Environment Agency have examined the application and raised no objection subject to the imposition of suitable conditions. It is therefore considered that a refusal on flooding grounds could not be sustained.

## **9. CONCLUSION**

In summary, the proposal is considered to be acceptable in principle, as involves the redevelopment of an existing employment site in the open countryside and the applicant has demonstrated that there would be substantial planning benefits in permitting an alternative use.

In this case, for viability reasons, and given the constraints of the site it is considered to be appropriate to accept a commuted sum in lieu of on-site provision of affordable housing. Therefore, subject to the Housing Officer confirming that the level of contribution is acceptable, it is considered that the proposal complies with the requirements of both PPS3 and the Councils interim policy in respect of affordable housing.

The proposal is considered to be acceptable in terms of highway safety, ecology, trees and landscape, contaminated land, design and layout, and residential amenity. Consequently, it complies with the relevant local plan policies and accordingly subject to confirmation that the Greenspaces Officer and the Environment Agency have no objection, it is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE subject to**

- **No objection being raised by the Housing Officer to the level of the proposed Section 106 contribution.**
- **No objection from the Greenspaces Officer**

**The prior signing of a Section 106 Agreement to secure:**

- **£239,400 towards affordable housing provision elsewhere in the area**

**And subject to the following conditions:**

- 1. Standard time limit**
- 2. Reserved Matters time limit**
- 3. Reserved Matters (scale, appearance, landscaping)**
- 4. Plans (& Scale Parameters)**
- 5. Materials**
- 6. Landscaping**
- 7. Implementation of Landscaping**
- 8. Boundary Treatment**
- 9. Tree Protection Measures & Arboricultural Method Statement.**
- 10. Implementation of Tree Protection**
- 11. Removal of Permitted Development Rights**
- 12. Contaminated Land Condition**
- 13. Construction of Access.**
- 14. Provision of parking**

15. Development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. Details of piling to be submitted
16. Timing of works to avoid bird nesting season
17. Provision of bat roost
18. method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report
19. Accommodation of the public footpath.
20. Submission of scheme to limit the surface water run-off generated by the proposed development,
21. The discharge of surface water from the proposed development to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
22. Provision of SUDS
23. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
24. site layout is to be designed to contain any such flooding within the site,
25. Submission of a scheme to treat and remove suspended solids from surface water run-off during construction works
26. Submission of a scheme to dispose of foul drainage



