

Application No: 12/0763C

Location: Ivanhoe, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access.

Applicant: Bloor Homes (North West) Ltd

Expiry Date: 05-Jun-2012

#### **Summary Recommendation:-**

- **Approve subject to Section 106 Agreement and Conditions**

#### **Main Issues:-**

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

#### **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 broadly rectangular site has an area of 0.465 ha and lies on the south western side of the main A54 Holmes Chapel Road. The site is abutted to the north and south by the modern residential developments of Broomfields and Holly Croft respectively. The site has a wide road frontage of 66 metres which then tapers back to 45 metres along the rear (west) boundary. The site has a depth of 105 metres long the southern boundary adjacent to Hollycroft and a depth of 75 metres along the northern boundary abutting Broomfields.

The current use of the subject site is as an agricultural holding along with the existing dwelling of Ivanhoe positioned in the south eastern corner of the site. The site currently contains a variety of outbuildings and workshops in different states of repair along with a collection of machinery and equipment as is commonly found on such land uses but due to its main road frontage serves to detract from the overall character of the area.

## **2. DETAILS OF PROPOSAL**

Planning permission was granted in 2012 for the demolition of all the existing buildings on the site and the erection of 11 dwellings, including 3 affordable units. This is a revised application for the same number of dwellings, including the same level of affordable housing provision.

The proposed dwellings would be a mixture of two-storey detached and terraced properties. Five of the proposed dwellings, comprising a terrace of three units, and 2 detached properties, would front on to Holmes Chapel Road. Whilst the remainder, which are all detached houses, would be arranged around a either side of an access road / cul-de-sac to the rear.

## **3. RELEVANT PLANNING HISTORY**

11/1498C	2012	Development of 11 dwellings inc. 3 affordable - Approved
36724/1	2004	Residential development – Refused
35428/1	2003	Residential development – Refused
23005/1	1991	One Bungalow Dwelling – Refused
13721/1	1981	One Dwelling – Refused

## **4. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **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**

Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

- No comments received at the time of report preparation

### **Environment Agency**

- No comments received at the time of report preparation

### **Highways**

- This is a small infill, brownfield site which has an old existing use. The existing buildings would be demolished and the proposed development would be for 11 residential units, to include three affordable dwellings.
- The proposed access for this development is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale.
- The developer provided a revised Traffic Statement through their highway consultant which, which provides acceptable technical data and also includes a junction design of a scale and geometry that matches neighbouring and similar development.

- The traffic generation from a site of this small scale is low – even in a rural environment such as this one.
- It is clear that when compared with the adjacent and very similar development of Broomfield that this type of junction in this rural environment does operate safely.
- The revised traffic statement shows that there will only be a limited number of 7 two-way trips in the morning peak flow hour and 8 two-way trips in the evening peak hour.
- Clearly this level of traffic generation will have no material impact on the traffic capacity of the A54 and is acceptable to the Strategic Highways Manager as it is developed from robust trip rates.
- The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development.
- The Strategic Highways Manager finds the development proposal acceptable and recommends that the following conditions and informatives be attached to any permission which may be granted for this development proposal.
  1. Prior to first occupation the developer will construct and complete the proposed junction with the A54 Holmes Chapel Road in accordance with the requirements of the Highway Authority under a Section38 Agreement and in accordance with Savell Bird & Axson Drawing No: N01967/05 Rev A. This will form part of the off-site highway works.

### **Jodrell Bank**

- No comment received at the time of report preparation.

### **Environmental Health**

- The application area is adjacent to a former garage and as such there may have been migration of contamination to the application site from this former land use.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- Standard contaminated land condition recommended
- 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 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs, Saturday 08:30 – 13:00 hrs, Sunday and Public Holidays Nil

### **Greenspaces Officer**

- No comments received at the time of report preparation.

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

### **Somerford Parish Council**

- Somerford Parish Council has no objection

### **Brereton Parish Council**

- Brereton Parish Council strongly object to the application on the grounds of the site not being sustainable in line with the SHLAA. It also does not meet the current Revised Interim Planning Policy on the Release of Housing Land.
- The changes from the original planning application 11/1498c brings the proposed houses very close to the boundary line which in turn will affect the privacy of the Hollycroft residents.
- There is also concern regarding access onto the site, being accessed off the very busy A54 at a point which already has it's problems from both business and residents alike.
- They are also aware that the development may be a springboard for further development as Bloor homes already own a sizeable plot behind this land and this current application provides a road to this greenfield site.
- Whereas in June 2011 they had no comment on application 11/1498c and the use of infill land, this current application does not meet the criteria for those reasons stated above.

## **6. OTHER REPRESENTATIONS**

Objections have been received from 14 addresses making the following comments:

### **Development as shown on Planning Application**

- 11 houses is excessive for the size of plot
- Neighbouring developments of 'Hollycroft' and 'Broomfield' have between 5 and 7 dwellings on a similar site area.
- The resulting layout and density is not in keeping with neighbouring developments and will give the appearance of being 'shoe horned' between them.
- Proposed dwelling on Plot 1 will be only 2 metres from neighbouring garden boundaries. All of the other proposed houses will have gardens which back on to the existing gardens.
- If the houses stay in their current positions, the occupants of 8 and 10 Hollycroft will look onto a 2 storey brick wall, from all of their back windows
- The proposal will result in the loss of the screen of trees and shrubs on the southern boundary
- The application indicates that the existing hedging will be thinned, further reducing the limited privacy offered by the current hedgerow.
- These trees and shrubs are well established and 15-20 feet high.

- Neighbours require confirmation that the current screening of Privet and Hawthorn Trees (approx 15-20 feet high) will remain and not be destroyed
- If the development does go ahead and any of the trees are damaged or removed, they would want re-assurance that new planting will take place to the same height as is currently there,
- This area is also home to numerous birds and other wildlife and of course should not be destroyed.
- The lack of symmetry of the proposed development is clearly unfair, with 6 of the proposed houses overlooking Hollycroft and only 2 overlooking 'Broomfield'. How has this been decided as it seems very one sided?
- One of the proposed new houses is 3 storeys high, another 'eye-sore' like a tower above the roof-tops which will invade privacy.
- Neighbours will lose a serious amount of value from their property and may struggle to sell in the future.
- There would be disruption, noise and subsequent lower quality of living,
- Neighbours require a minimum payment of between £150,000 and £200,000 as compensation for the above issues, in particular with regards to the loss in value attributable to lack of privacy.
- Residents have total privacy from every aspect in their back gardens, and will lose this if the proposed development goes ahead and this will affect their current quality of living
- Residents selected their properties because they were not overlooked and an ideal spot to bring up a young family.
- The layout and density will provide limited parking and restrict service & delivery vehicles particularly as tandem rather than parallel parking is proposed for the driveways of Plot 6-9.
- No Visitor Parking Bays are provided adding further congestion at evenings & weekends.
- There is no objection to the removal of the large Sycamore tree sited on the boundary line at the rear of Hollycroft, in fact residents would welcome its removal as it is in an unsuitable position and is an unsightly tree which would also be detrimental to plot 1.
- Bloor Homes looked in to the feasibility to have mains gas piped to the development as opposed to the expensive LPG option as installed at the neighbouring Hollycroft and Broomfield sites. Residents would pay a contribution charge to have mains gas installed to the Brereton Heath area as an alternative to LPG.
- The immediate area already has a number of houses but there are no community facilities in the area. There are no shops and no community areas close by other than Davenport Church. The area lacks basic services. There is no gas supply, the electricity supply fails regularly and the telephone quality and bandwidth is appalling for this day and age. The very busy narrow A54 through the area restricts children being able to play and use bikes to visit friends. The Brereton Nature reserve is too far away and the road to it too narrow and heavily used to be considered to be a substitute for facilities near this site.
- Bearing in mind that there is a proposal in preparation, no doubt, for the agricultural field opposite Rose Cottages nearby, the area is in great danger of becoming overdeveloped for this quite rural setting.
- Residents have read the traffic safety report from the Strategic Highways function of Cheshire East Council. However, as regular users of the Broomfields junction with the

A54 they can not agree that this is a safe situation. It is very dangerous when moving out of Broomfields onto the A54 and the traffic generated by 11 more houses will make this even worse. Do we have to wait for someone to be killed before this issue is taken seriously?

- If development were to proceed at Ivanhoe then the noise restrictions proposed are inadequate. The area is a quiet rural one with many children and families wishing to exercise quiet enjoyment of their gardens. Both piling and construction should not be allowed on Saturdays as well as Sundays and Bank Holidays.

### **Potential Further Development on Adjoining Land**

- Neither Bloor Homes nor the Council has informed residents of the full extent of the planning application.
- Concern that this development will lead to a domino effect of further development in the area to the North of this site (ie "behind" the site and next to the Brereton Heath Lane houses. What assurances can be given that this will not be allowed happen?
- Residents in Brereton Heath Lane were not informed of the development but are affected.
- Had residents on Brereton Heath Lane been informed, they would have had the opportunity to object to the Bloor Homes proposals given that they live to the west of the proposed development, their property backing onto the proposed extension of the current planned site.
- They do not feel that this matter has been handled in the appropriate manner by either the Council or by Bloor Homes and are disappointed not to have been given the opportunity to comment earlier in this process.
- The land around the area is a conservation site and the current planning application, if granted, will seriously affect the rural feel of the area and disrupt the natural wildlife which is abundant.
- Bloor Homes have purchased a significantly larger tract of land than suggested by the current planning application.
- The current application makes no reference to the extent of the land purchased by Bloor Homes, except in a single attached report (the Ecological Scoping Survey) which clearly shows a significantly larger site than is currently being sought to develop, which Bloor Homes obviously has in mind. If the potential for extended development to the west of the current application had been made clear, it would have been evident that many more properties in the vicinity stand to be affected if application 12/0763C is approved.
- In view of this residents along Brereton Heath Lane adjacent to the additionally purchased land should have been notified of the planning application, as in its current form, it will certainly pave the way for future development on land owned by the applicant, once the precedent has been set for access off the main road, and ease of extending this to the west.
- In-fill (even in its current limited form) would seriously diminish the rural feel of this area, and further over-burden local infrastructure. But the potential opened up for a much larger development than the 11 houses now proposed raises the real possibility of substantially greater damage to the neighbourhood.

- It is assumed that the applicants have not referred to their ownership of the adjacent land, in the hope of getting an incremental approach to substantial development of this rural area under the radar of proper planning scrutiny.
- The earlier application differs from that of Bloor Homes in one significant and important respect: the previous applicant's site layout terminated in gated access to the garage of a property, not in a dead end of a new road as now applied for, which would give direct access onto the open land to the west of the development.
- There has been considerable activity on the site already with huge bonfires directly behind the fence.
- The access on to the main road is at an already dangerous point. The amount of traffic would exacerbate this problem.
- Infrastructure in the surrounding area is not equipped to take a development: Brereton Heath Lane is a single track road for part of its length; school buses are full; there are few local facilities for families.
- Whilst it is understood that there is a need for low-cost housing to allow people to buy their own homes: this site is unsuitable as travel is a requirement for all facilities eg work, school, nurseries etc adding significantly to living costs. Costs which most families try to reduce when starting out.
- As it seems clear that Bloor Homes wants to ride rough shod over local opinion by failing to notify those who are directly affected
- The actions of Bloor Homes are in flagrant breach of the Town and Country Planning Act 1990 and the Council should not allow the planning application to proceed in its current format.
- More people will be affected by the building of more properties deeper into the development particularly those on Brereton Heath Lane
- Residents are requesting for the original plans to be re-instated that Cranfield Estates submitted in 2011. Whilst Cranfield Estates layout was better, as there were no 3 storey houses they still want planning permission to be refused, as the residents of Hollycroft would be the most affected by the development of the 11 houses than anywhere else. If more houses are built deeper into the development, more problems for all residents are going to arise as follows:-
  - Traffic Safety Concerns on the A54 due to more traffic turning onto this road
  - No Mains Gas
  - Broadband is already very poor
  - Further loss of value to houses, as the semi-rural feel will vanish as the area will turn into a housing development site
  - Loss of privacy
  - Noise and pollution
- All the houses at the back of the development would have an unrestricted view into gardens on Brereton Heath Lane. We would expect a developer to work with the current incumbents to minimise disruption during all parts of the planning and building of the properties.
- The wildlife will be affected. There are numerous badgers that come through the field where the building will take place. There is a pair of Buzzards that regularly use copse in the adjacent field for hunting. In addition there is a rabbit warren in the bottom of the field in which building is being planned. There is no mention in any of plans for any of these animals or any of the documents available to view.



- In addition the land adjacent to the site was refused planning permission due to the presence of a Great Crested Newt. Although the report suggests that the newts are present, it should be written in as a requisite of granting the planning permission, where the development is allowed to go to and what Bloor has to do to ensure that the newts are not disturbed.
- In the environmental and scoping survey, the land highlighted as owned by Bloor homes includes a large part of a neighbours back garden.
- As a responsible developer, Bloor should confirm their plans for the lands behind the development as well as the land they are expecting to develop. Residents would like to see a firm undertaking that there will be no extension of the current plans and commit to a plan for the open land that will be behind the development. They would be happy to work with Bloor to ensure that the wildlife is preserved and the open space is kept in keeping with the rural landscape, which will appeal to potential purchasers of the new development.
- In the light of the above there should be the following:
  - An extension of the current consultation period, with notification given to those properties that are adjacent to the additional purchased land.
  - Re-submission by Bloor Homes of plans that clearly show the extent of this purchased land.
  - A re-designed site layout of the current development to terminate in either a private house, or privately owned driveway that will not open up the site to extension of the development in future- i.e. to exactly match the previously approved site layout (11/1498C) which terminated in a private driveway to a garage.
  - A restriction on any approval given, making clear that further development to the west of the current site will not be approved to prevent future encroachment onto land which supports a huge variety of wildlife.

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

- Design and Access Statement
- Transport Statement
- Great Crested Newt Survey
- Ecological Scoping Report

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Infill Boundary Line for the settlement of Brereton Heath, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The previous planning permission has established the acceptability in principle of residential development for 11 dwellings on this site. Given that the previous permission remains

capable of implementation, this application does not present an opportunity to re-examine that principle.

The main issues in the consideration of this application are therefore, the acceptability of the revised proposals in terms of their impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, Affordable Housing, Design and Layout and Open Space

### **Jodrell Bank**

No comment had been received from the University of Manchester at the time of report preparation. However, they examined the previous proposals and raised no objection. Given that this proposal involves an identical number of dwellings, arranged in a similar layout; it is not considered that a refusal on the grounds of impact on Jodrell Bank could be sustained.

### **Residential Amenity**

The surrounding development comprises modern residential cul-de-sac development to the north and south sides, and open countryside to the rear. On the opposite side of the road lie open fields, that are currently utilised for equestrian purposes. 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.

Distances in excess of those recommended in the SPG will be achieved between plots 1, 3, 4, 5 and 6 and the adjoining dwellings in Hollycroft to the South. The proposed dwellings are also located immediate to the north of the houses at Hollycroft, which will further reduce the potential for any impact on amenity resulting from loss of sunlight. The flank elevation to Plot 1 includes a first floor en-suite bathroom window and a ground floor utility room door. Appropriate boundary treatment, which can be secured by condition, will ensure that there is no overlooking of neighbouring dwellings from the proposed ground floor windows, whilst an obscured glazing condition will be sufficient to avoid any loss of privacy from the first floor window.

To turn to the relationship with the properties at Broomfield, the dwelling on plot 7 is orientated so that the principal windows overlook the open countryside to the west of the site, and the flank elevation faces towards the existing properties in Broomfield. Plot 7 does include 3 ground floor secondary windows, and a door and a single first floor secondary window in the flank elevation. However any overlooking of Broomfield from these windows could be avoided through appropriate boundary treatment and obscured glazing conditions respectively. Distances in excess of 21.3m will be achieved between the principal windows in the rear elevation of Plot 8 and the existing houses in Broomfield. The dwelling on plot 11 would be orientated with its gable elevation, facing the flank elevation of the adjoining property at no.1 Broomfield. The Supplementary Planning Guidance does not include a minimum distance standard between 2 flank elevations, but given that no windows are proposed in the side elevation of plot 11, no privacy issues will be raised. There is a ground floor secondary window in the gable elevation of no.1 Broomfield, but given that the proposed dwellings on plots 9 to 11, are in an identical position to those shown on the approved scheme, it is not considered that any greater loss of light to this window would result.

To turn to the levels of residential amenity to be provided within the development, distances of 21.3m would not be achieved between the front of Plot 8 and Plots 4 & 3. The same problem occurs between the bedroom windows over the garage on Plot 7 and the front of Plot 5. These concerns have been raised with the developer and an amended plan has been requested. A response was awaited at the time of report preparation and a further update on this issue will be provided to Members prior to their meeting.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 3 terraced houses on the frontage, which will each benefit from a rear garden area of between 36 and 45sqm. They will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be exceeded in respect of distances to existing properties and, although they would not be achieved within the site, it is considered that this could be addressed through the submission of amended plans. As a result, it is not considered that a refusal on amenity 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 commented that Great Crested Newts have been recorded breeding at a pond approximately 130m from the proposed development. The population appears small and it appears likely that the poor quality of the pond is the limiting factor for the population rather than the availability of terrestrial habitat. The proposed development will result in the loss of approximately 0.59ha of terrestrial habitat and would also pose the risk of killing any newts present on site when the works were undertaken. Considering the extensive terrestrial habitat available and the small size of the newt population present the proposed development is likely to have a low impact on great crested newts.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case the need to provide a 5 year supply of housing land is considered to be of overriding public interest and taking into account the available alternative sites, the Council will still fail to meet this requirement. Furthermore, this is one of a small number of locations where housing supply can be provided for within an infill boundary of an existing settlement and on a previously developed site.

To mitigate the potential risks of newts being killed or injured during the construction works the applicant has proposed the trapping and exclusion of newts from the footprint of the development. Additionally to compensate for the loss of habitat to the proposed development the creation of an artificial hibernacula and the provision of 300 square meters of rough grassland habitat is proposed. The Council's ecologist has advised that the proposed mitigation/compensation is proportional to the impacts of the proposed development.

If planning consent is granted he recommends that a condition requiring the proposed development to proceed in accordance with the recommendation made in the submitted 'Evaluation of impacts arising from site development and mitigation in relation to Great Crested Newt' document dated 29<sup>th</sup> July 2011 be imposed. Also conditions should secure a 10 year management plan for the Great Crested Newt mitigation area is to be submitted and agreed with the LPA. The management plan is to clearly show the boundary of the mitigation area to be fenced and include proposals for the maintenance and management of the mitigation area.

Given that the proposed mitigation area is outside the application site boundary these requirements will need to be secured via a section 106 agreement rather than a condition. Subject to these recommendations being carried out the favorable conservation status of the species will be maintained.

Conditions are also required to ensure that breeding bird surveys are carried out prior to any work taking place during bird nesting season, submission, approval and implementation of details of proposals for the incorporation of features into the scheme suitable for use by breeding birds should also be conditioned.

Other protected species are known to occur on this site however there is no evidence of them being present on site currently. Therefore the Council's ecologist is satisfied that the proposed development is unlikely to have an adverse impact upon them. However, the circumstances on site can change rapidly and, if planning consent is granted it is recommended that a condition is attached requiring a further survey to be undertaken prior to the commencement of development. This is simply a precautionary measure in case any species move on to the site between the granting of consent and the commencement of development.

### **Contaminated Land**

The proposed end use of the site is considered to be a "sensitive" use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

### **Trees and Landscape.**

The Senior Landscape Officer has examined the proposals and commented that there is existing vegetation on this site although nothing of significant public amenity value. Taking into account the proposals deemed acceptable under application 11/1498C, she has no

objection in principle to the current proposals. She comments that boundary treatment will need further consideration, including, for example the side boundary of plot 9 facing the access should be a wall. The existing hedgerow on the southern boundary is shown for retention and therefore tree protection and boundary treatment conditions should be imposed in the event of an approval. In addition conditions requiring the submission, approval implementation and maintenance of a scheme of proposed landscaping for the site will be required. The scheme of landscaping should also make provision for the gapping up with native species of the hedge on the southern boundary..

### **Access and Highway Safety.**

The Council's Highways Engineer has examined the application and commented that the proposed access for this development is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale. The development of Broomfield has demonstrated that this type of junction in this rural environment does operate safely.

The developer provided a revised Traffic Statement through their highway consultant which, which provides acceptable technical data and concludes that traffic generation from the site will be low, even when taking into account its rural location,. Traffic generation will equate a limited number of 7 two-way trips in the morning peak flow hour and 8 two-way trips in the evening peak hour. Clearly this level of traffic generation will have no material impact on the traffic capacity of the A54 and is acceptable to the Strategic Highways Manager as it is developed from robust trip rates.

The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development. There is a minimum off-road parking provision of 2 spaces per dwelling, with most plots benefiting from 4 spaces. In the light of the above, and in the absence of any objection from the Strategic Highways Manager the development is considered to be acceptable in highways terms, subject to the imposition of a condition, requiring the junction and parking provision to be constructed in accordance with the approved details prior to occupation of the site.

### **Affordable Housing**

This application proposes the same number of dwellings overall, including the same number of affordable dwellings as the previous application for this site (11/1498C). In respect of the previous application it was concluded that, although the proposal was for 11 units and consequently, there would not normally be any affordable housing requirement it is a rural windfall site in Brereton, where there is a population of less than 3,000.

According to the Affordable Housing Interim Planning Statement, monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision

will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The site is located in Brereton which is in the Sandbach Rural sub-area. However it also borders Somerford which is in the Congleton Rural sub-area so the affordable housing would serve the affordable housing need for both areas. The Strategic Housing Market Assessment (SHMA) 2010 identifies that the combined annual affordable housing need for the Sandbach Rural and Congleton Rural sub-areas is 11 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units

The SHMA carried out in 2010 also stated that targets need to support a better mix of housing types in all locations and that in Cheshire East the largest proportion of additional affordable units are needed as social rent.

Therefore, the affordable housing requirements secured through the Section 106 Agreement attached to the previous consent were that 3 of the units must be provided as affordable housing, with a tenure mix of 2 social rented units and 1 intermediate tenure unit. It is considered that these requirements should also apply to this application and that the affordable housing should be provided no later than occupation of 50% of the market units. This should also be secured through the Section 106 Agreement as per the previous permission.

## **Design and Layout**

The dwellings on plots 1, 2, 9, 10 and 11, provide an active frontage to Holmes Chapel Road, with pedestrian access out onto the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominated frontage. The corner property on plot 2 also includes a bay window to the side elevation to create a dual aspect, to break up the mass of the gable and “turn the corner” into the proposed development.

The dwellings to the rear are laid out in two rows, facing each other across a central, parking and turning area. This cul-de-sac layout is typical of other recent developments in the locality and layout helps to create a sense of enclosure and community as well as natural surveillance of the parking and turning areas. This sense of enclosure is enhanced by the fact that a gateway feature is to be constructed between plots 3 and 8 which will create sense of transition between the frontage development and the courtyard to the rear, which make up the two parts of the site and have differing and distinct characters.

The proposed dwellings are predominantly 2 stories in height which reflects the surrounding developments to either side, although the proposed Rangemore house type on plot 4 includes accommodation within the roof space. This has resulted in an overall ridge height of 10m, which is over 1m taller than other proposed dwellings within the development and significantly higher than other properties on adjoining developments. This aspect is not considered to be acceptable in street scene terms and an amended plan showing a reduction in the ridge height of this dwelling has been requested from the

developer. A response was awaited at the time of report preparation so a further update on this issue will be provided to Members prior to the meeting.

Overall, however, the proposed development will help to knit together the two recent developments at Broomfield and Hollycroft, to create a continuous frontage to Holmes Chapel road and to help to consolidate the nucleus of the settlement which has developed over recent years around the junction of Brereton Heath Lane and Holmes Chapel Road.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Hollycroft and Broomfield and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

### **Open Space**

The previously approved scheme did not make any provision for on-site public open space. Instead, the Section 106 Agreement, attached to the approval, secured a financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath. In lieu of the children and young person's provision, a sum of £14,822.66 was secured towards the improvement of an existing community area at School Lane, Brereton.

Although the Greenspaces Officer had not commented at the time of report preparation, given that the site area, and the number of dwellings are identical to the previously approved scheme, it is considered to be reasonable to require the same contributions in respect of this revised scheme.

### **Other Matters**

A number of other matters have been raised by local residents. They comment that the developer has acquired further land adjoining the application site to the west, implying further development is proposed on that land. They also comment that the application as now proposed differs from the approved layout in that previously the development terminated in gated access to the garage of a property, and not a cul-de-sac head, adjoining a field boundary which would give direct access onto the open land to the west of the development. Residents believe that this is designed to increase the potential for development on farm land beyond the application site

This application does not seek approval for further development on the adjoining farm land. It is not considered that the changes, for which this application seeks consent, will facilitate that development. The only exception to this point is the omission of the private drive referred to above, shown on the approved drawings. However, even under the approved scheme, there would be nothing to prevent a future developer of land beyond from retaining a right of access over that drive or applying to modify this arrangement as part of a proposal to develop further land to the west. Even if the proposed changes were to open up access to land beyond, it is a firmly established planning principle that an application cannot be refused because it may result in further development or planning



applications in the future. Any development for land beyond the site would require the submission and approval of a further planning application which would need to be judged on its own merits and against the planning policies and other material considerations that applied at the time.

A number of residents have expressed concerns regarding loss of value of their properties and have stated that they will be requesting compensation from the developer. The impact of development on property value is not a material consideration of planning applications and any claim for compensation is a civil legal matter between adjoining land owners. Similarly loss of a view over another landowners private property is not a material planning consideration.

Concerns have been raised regarding lack of consultation over the proposals. The Council has consulted directly with those properties which share a boundary with the site, posted a site notice, advertised the proposal in the local press and on its website. In so doing, it has complied both with Statutory requirements and it's own adopted protocol. It is acknowledged that a number of properties in Brereton Heath Lane, that have stated that they believe they should have been consulted do share a boundary with the additional land to the west, referred to above. However, as set out above, this land does not form part of the current planning application proposal.

## **9. CONCLUSION**

In summary, given the previous approval on the site, the proposal is considered to be acceptable in principle, The proposal is also acceptable in terms of its impact on Jodrell Bank, Ecology, Highway Safety and Trees and Landscape. The scheme includes adequate affordable housing provision, matters of contaminated land can be dealt with through the use of conditions and public open space requirements can be met through off-site contributions as per the previous approval.

There are a number of issues outstanding, in respect of residential amenity within the scheme and the scale and design of one of the plots, but it is not expected that any of these could not be overcome through the submission of amended plans. Therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE** subject to

- **Receipt of amended plans to address concerns over the ridge height of the proposed dwelling on Plot 4 and to improve separation distances between Plot 5 and Plot7 and Plot 4 and Plot 8.**

**Signing of a Section 106 agreement making provision for:**

- **Affordable Housing comprising 2 social rented units and 1 shared ownership unit.**

- financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath
- financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green

**And the following conditions:**

1. Standard
2. Plans
3. Materials to be submitted and approved
4. Obscured glazing to first floor windows in flank elevations of Plot 1 and Plot 7
5. Submission of contaminated land investigation
6. 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.
7. Details of the method, timing and duration of any pile driving operations to be submitted and approved
8. Landscaping to be submitted and approved (including provision for the gapping up with native species of the hedge on the southern boundary)
9. Implementation of landscaping
10. Implementation of boundary treatment
11. Provision of carparking
12. Construction of access
13. Scheme of tree / hedge protection
14. No works within protected area
15. Updated protected species survey to be undertaken prior to the commencement of development
16. Protection of breeding birds.
17. Provision of features for use by nesting birds.

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