

Application No: 14/0710C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY

Proposal: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C)

Applicant: Beneficiaries the Estate of J M Goodwin

Expiry Date: 02-Apr-2014

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee at the request of the Principal Planning Manager

DESCRIPTION AND SITE CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has planning permission for 12 houses granted at appeal (12/1650C). The vehicular access to that site will be closed, but pedestrian access would still be available.

The List description of the Farmhouse is as follows:

"Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles."

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of the existing barn into one dwelling, and the construction of 6 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling. Four dwellings would be erected facing the barn to form a courtyard and two cottages would be erected to the rear of these, facing the access road.

RELEVANT HISTORY

12/2552C 2013 Refusal for Listed Building Consent for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

12/2551C 2013 Refusal for full planning permission for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works. (Application under appeal)

These applications were refused for the following reasons:

12/2552C

The Local Planning Authority considers that the proposed development would have an adverse impact upon the Listed Building. As a result the proposed development is contrary to Policies BH4 and BH5 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

12/2551C

The Local Planning Authority considers that the proposed development would result in an over intensive form of development that would have an adverse impact upon the setting of the Listed Building and the character of the area. As a result the proposed development is contrary to Policies GR1, GR2 and BH4 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

National Guidance

National Planning Policy Framework

Local Policy

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

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG 1 Economic Prosperity
SE 7 The Historic Environment

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

PS4 Towns

H1 & H2 Provision of New Housing Development
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats
BH4 & BH5 Listed Buildings
BH8 & BH9 Conservation Areas

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD 14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling, contaminated land and an Environmental Management Plan. They have recommended refusal due to lack of information relating to loss of amenity due to noise generated from Old Mill Road.

Highways:

No objection subject to a s106 contribution to highway improvements and conditions as set out in the Highways section of this report.

VIEWS OF TOWN COUNCIL:

Members object to demolition of any part of a Listed Building.

Documents provided were misleading in parts, with inconsistencies in stated number of outbuildings to be demolished and number of proposed houses; never the less, Members feel 6 or 8 houses to be over intensive for the site area.

Contravening Policies GR1 (iv & v) and GR6 (iv & v), the development will have adverse impact on neighbours through increased traffic via poor access and will cause harm to existing building foundations.

Members offer no objection to conversion of the barn.

OTHER REPRESENTATIONS

At the time of report writing, approximately 71 representations have been received relating to this application. These can all be viewed online on the application file. 55 were opposed to

the development and 15 in favour and 1 petition with 15 signatories objecting to the proposal. The objections express concerns about the following issues:

Land Use

- This is a popular civic amenity used by many people
- Reduction in the number of dwellings does not reduce the harm
- Development would not enhance the landscape character of the area
- Farmhouse are supposed to have fields around them
- Will ruin the view from the lane to the town centre
- Loss of a lovely area used by children and walkers
- As there is less development there would only be half the public benefit

Highways

- Dingle Lane is too narrow for more traffic and would become more dangerous
- Dangerous access
- Junction of Dingle Lane and Dingle Bank is already very dangerous
- Adverse impact of construction traffic on highway safety
- The SHLAA allocation does not take account of the need to demolish part of the Listed Building
- Proposals do not take into account the impact on footpath 11

Amenity

- Loss of privacy
- Noise during development

Design

- Changes to boundary treatments

Ecology

- Adverse impact on the wildlife corridor

Heritage

- Part demolition of a Grade II Listed Building should not be allowed to gain access to the site
- Damage to the setting of the Listed Building
- Adverse impact on the Conservation Area
- Adverse impact of construction traffic on the Listed Building
- Loss of the TPO tree
- Damage to a heritage asset contrary to the NPPF
- The benefit does not outweigh the harm as required by the NPPF

Other

- The application should just be refused again
- Plenty of housing is already planned for Sandbach
- Land stability
- Drainage and flooding

- There is obviously a plan A and Plan B where the previous proposal on the north side of Dingle Lane would come back in
- Previous application was objected to by over 700 people

Those in favour of the application made the following observations:

- Important to bring this type of housing into the area
- Would significantly improve the area
- Would like to move back to Sandbach and live in such a sustainable location
- Would help to reduce anti social behaviour
- We need more housing of this type as close to the town centre as possible
- Will make use of a plot of land that will become unkempt
- The land is no longer required for agricultural purposes
- Sandbach should be allowed to evolve, age and grow
- Will secure the renovation of the Listed Building
- The proposed houses would complement the farmhouse
- Very sustainable location and in keeping with the Conservation Area
- Surprised that the development was not approved previously. This committee needs some younger members who are not afraid of change
- Would reduce the need for car use

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (NPPF) published in March 2012, superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 14 of the NPPF states:

*At the Heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted*

*For **decision-taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*

- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.*

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle subject to compliance with other relevant policies in the adopted local plan and the NPPF.

DESIGN AND LAYOUT

The previous proposal was for 5 two-storey dwellings in what is being called 'Paddock View', opposite the existing barn, 4 dwellings were proposed to create the feeling of a courtyard to a traditional farm complex and to the rear of these two cottages were proposed, facing 'Paddock View'.

This proposal does not include the 5 dwellings in 'Paddock View' but still includes the 4 dwellings to create the courtyard area, the conversion of the existing barn, the erection of 2 cottages at the southern end of the site and the partial demolition and renovation of Dingle Farmhouse.

In terms of the design and layout of the proposed development, it is considered that this is acceptable and would not have any significant detrimental impact on the character and appearance of the site, the Listed Building or the Conservation Area. This is subject to the use of appropriate high quality materials, which should be controlled by condition. The design and layout are discussed further in the Heritage section of the report.

HERITAGE

NPPG

Conserving and enhancing the historic environment

Appropriate conservation of heritage assets is one of the core planning principles. It further identifies that heritage assets are irreplaceable and that conservation is an active process of maintenance and managing change. The Framework provides a clear basis for decision making to conserve, and where appropriate enhance, in a manner consistent with their significance. Part of the public value of heritage assets is the contribution they can make to understanding and interpreting the past.

It highlights the importance of understanding significance and the contribution of setting. It reinforces the need for assessment of the impact and whether changes enhance or detract from significance or the ability to appreciate it. In regard to setting it advises that it is the surroundings within which an asset is experienced and that it may be more extensive than curtilage. The multi facets of setting, in addition to visual considerations, are highlighted. It further emphasises that setting does not depend on public access.

In assessing the degree of harm, it refers to both the physical asset but also its setting and that assessing whether a proposal causes substantial harm will be for the judgement of the decision maker. It comments however that substantial harm is a high test and unlikely to occur in many instances.

Design

The guidance stresses that good design is integral to sustainable development and that planning should drive up standards across all forms of development. Good design is considered to be about achieving development that works well in terms of aesthetics, longevity, functionality and adaptability. It highlights both the function and identity of a place, both short and long term and that planning authorities should refuse poor design.

The guidance sets out design objectives including local character (including landscape setting), as well as other functional, environmental and social objectives. In respect to local character, it stresses the need to respond to and reinforce local distinctiveness and local man-made and natural heritage. Successful integration is seen as an important design objective. In designing new development, landform, natural features and local heritage are highlighted as place shaping considerations.

Local building form and detail reinforces distinctive place qualities and can be successfully interpreted in new development without slavish reproduction. It states *“Standard solutions rarely create a distinctive identity or make best use of a particular site”*. High quality hard and soft landscape helps to successfully integrate development in the wider environment.

In regard to what makes a well designed place, achieving a distinctive character is emphasised, relying on physical attributes such as the local grain, building forms, detail/materials, style and vernacular, landform and landscape. It stresses that distinctiveness is not solely about the built environment but also function, history, culture and its potential for change. The guidance also provides more detailed advice in relation to various design considerations: layout, form, scale, detailing and materiality.

The site is that of Dingle Farmhouse and its associated land to the south east of Dingle Lane. Dingle Farmhouse is a Grade II Listed Building and is located on the edge of the Sandbach Town Centre Conservation Area, the boundary of which is drawn quite tightly to the north east of the farmhouse and Shippen. The status of the Conservation Area and its review is discussed later in the report. The entire application site is located within the town settlement boundary.

Dingle Farm, listed grade II is described in the list description as:

DINGLE LANE 1. 5144 Dingle Farmhouse (Formerly listed under Back Street) SJ 7660 2/33 11.8.50. II 2. C17. Timber frame with painted brick nogging; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.

Dingle Farmhouse originated as a 17th century timber framed building, but has undergone several phases of development, evolving from a simple, 2 roomed single storey, timber

framed building to a building significantly enlarged and altered over time, as explained in the heritage statement. These phases extended it to the east, north and latterly the west, namely the mock painted brick wing, that, along with single storey additions to the rear of the timber framed part of the building, are subject to the applications. The house was also enlarged by creating attic accommodation within the roof space and the insertion of dormer windows.

The building is referred to briefly in *The History of Sandbach* by Cyril Massey, describing it as being of *"timber frame, black and white, with three gabled dormers, good chimney stacks, wood mullioned windows with leaded lights. Formerly it had a thatched roof and stone flag floor"* (p25)

Dingle Farm was part of the Estate of Lord Crewe, whose land and estate holdings included large parts of Sandbach and surrounding parishes and settlements. The Sandbach part of the Crewe estate was sold off during World War I. Many of these former estate properties became owned by their former tenants.

The building's phasing and its associated social history contribute toward its understanding and thereby its heritage significance. They also assist in the understanding of the development of farming practices into and through the Victorian period. This is assessed more fully below.

To the east of the farmhouse, there is a 19th century Shippen, constructed in an L plan form; it has a more ornate southern gable, which reads with the more ornate southern elevation of the farmhouse. This evidences that the principal, more decorative elevation was intended to be the southern elevation, as at that time there was a much more open aspect toward Church Street. The working end of the farm was to the north.

The Shippen is a clearly a curtilage structure, as is a Bull pen to the south east of the Shippen and a modest outbuilding to the north east. The latter is considered to have no heritage significance, whilst the prefabricated garage building to the north is of a more recent date and therefore is not considered an historic curtilage structure.

The site has an extensive open curtilage immediately to the north of the farmhouse and barn and an open aspect beyond that to the north that is contained by a now wooded area of open space (historically it was much more open than it is today). To the east lies Dingle Lake and its associated landscape. To the south east of the site is Dunham Close, a late 20th century housing development, whilst to the northwest of the site further 20th century housing is present.

During part of the latter 20th century, a large building occupied the open area north of the farm, separated from the farmhouse and shippen by a partly enclosed yard or hard standing (this building was located approximately where the more modern garage is now located, but on a significantly larger footprint).

Dingle Lane is a narrow, informal access that changes into a green lane to the north of the farmyard. It has no formal designation in respect to the definitive map but is clearly a longstanding and historic route into Sandbach as evidenced on the Tythe Map and subsequent OS map editions. There are views into the conservation area, principally of the Church from the Lane. This is recognised in the draft Conservation Area Character Appraisal.

The proposal is for alterations to the existing grade II listed farmhouse, demolition of 2 outbuildings, conversion of the barn to one dwelling and construction of 6 new dwellings, (4 as part of a courtyard closest to the farm and Shippen and 2 detached cottages on the open land to the north), together with access, parking, garaging and landscape works. A full planning application and an application for Listed Building Consent have been submitted for the proposed works.

The works of alteration to the listed building entail partial demolition to the western gable end of the western 19th century wing of Dingle Farmhouse, reducing its length by circa 1 metre and demolition and re-siting of a garden and yard boundary wall to facilitate access improvements and the demolition of a single storey lean to. There are also certain minor works proposed to the interior and exterior of the building including replacement of certain windows and making good as a consequence of the modifications.

Previously, a planning and associated listed building application was refused for a larger proposal that included the paddock to the north west of Dingle Lane, comprising a total of 11 new dwellings (13 proposed dwellings in total with the re-use and conversion). The current application is essentially the same, except for the removal of the housing in the north western paddock (5 units).

The issues associated with the proposals can be broken down as follows:

Built Heritage Considerations

In regard to proposals affecting heritage assets, the National Planning Policy Framework (NPPF) identifies that Local Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the asset's setting, taking account of the available evidence and any necessary expertise.

A heritage consultant acting for the developer has prepared a heritage assessment to establish the asset's significance. It also considers the impact of the development on this significance. This report has regard to the English Heritage documents, Conservation Principles and The Setting of Heritage Assets in considering its findings and this assessment.

For ease of consideration, these are summarised in the tables in Appendix 1 of the Listed Building report (14/0711C) more generally in relation to heritage values relating to fabric and setting in table 1, and then more specifically in relation to setting of the listed building and the conservation area in table 2.

The Draft Conservation Area Character Appraisal and Management Plan

This is a draft document and has not been approved for adoption as yet by the Council. In the document it seeks to extend the conservation area boundary to include the curtilage of Dingle Farm, whilst the remaining land ownership (the paddocks) would remain outside the boundary. The management plan identifies a proposal to identify an area of potential sensitivity with regards to the setting of the conservation area. These 2 parcels of land are suggested to be included in this area of sensitivity.

It should be stressed that these suggested changes to the boundary and identifying an area of sensitivity in respect to setting should not be interpreted to mean no change. It is part of the management strategy to help manage and shape change in and on the periphery of the conservation area, not to stifle it.

Negotiations on the previous applications brought about amendments to the scheme to improve the scheme, being mindful of the conservation area review and management plan, with the objective of accommodating development as sensitively as possible having regard to the relationship to the listed building, to Dingle Lane and the wider conservation area. This influenced negotiation on scale, height and density, on the architectural detail, landscape design and materials palette, the retention of hedging where possible and supplementary hedge and tree planting. In this respect therefore, and on balance, it is considered that the proposals are within the spirit of the draft conservation area appraisal and management plan.

Design

The recommendations made previously in relation to the detailed design of the scheme (except those in relation to the element of the scheme now omitted and the amendments secured) are still relevant and require the attachment of appropriate conditions, should it be considered appropriate that planning permission be granted.

As stressed in relation to the previous planning application, a key issue affecting the quality and success of the development will be the quality of the open space and landscaping within the scheme, not least the character and quality of the courtyard and the quality of the palette of surface materials for that area and surfacing of Dingle Lane. Indications of this palette have been submitted with the application. Whilst the general palette is considered appropriate, there is still scope for refinement. Cobbles should be used extensively to reinforce sense of place. This final landscape detail could be secured by condition.

New walling should be of a characteristic bond such as English Garden Wall Bond and include a quality coping detail to reinforce the quality of the space.

There is also the potential to secure more tree planting and hedging to help further soften the development. Also the respective plans need to show the same detail. Currently the landscape details plan and the Landscaping materials plan conflict in relation to certain aspects of detail.

Consideration of Third Party Comments

In respect to heritage issues third party comments essentially centre on 2 main issues: the principle of demolition of part of the west wing of the building and the impact of the development on the setting of the listed building and the conservation area, principally arising from the relationship of the courtyard housing in proximity to the listed building, the formalisation of Dingle Lane and impact on important views from Dingle Lane.

As a point of clarification, the proposed works to the west wing do not directly affect fabric of the 17th century phase of the building. The demolition to the rear to remove the lean to elements will also better reveal the timber frame of the oldest part of the building. The west

wing is essentially the latest phase of the building, circa mid 19th century and therefore, its individual significance is weighted accordingly. In short it holds less importance in heritage value terms than earlier fabric for the reasons explained above.

The conclusion reached in regard to the impact of the development on fabric and setting is that it would lead to less than substantial harm individually and cumulatively. In the context of the NPPF any harm to significance has to be clearly justified and then weighed against the public benefits derived from the development if that harm is less than substantial. This needs to be considered in relation to the policy framework, taking account of the NPPF as a whole and any other material considerations: In essence by weighing the various material considerations.

It has been commented that the reduction in the number of units from the previously refused scheme has weakened the public benefit argument, effectively by halving the benefit. The public benefit derived from the scheme does not just relate to housing supply and therefore this argument is a little simplistic.

The comments also make reference to the future development of the omitted paddock. That is not part of the application and therefore cannot be taken into consideration.

Conclusions

The previous application resulted in a number of refinements to the scheme to address concerns raised at officer level. These included:

- Modification to the design to enable retention of part of the western wing of Dingle Farmhouse, including retaining a chamfered gable end
- A less formal access design and improved palette of surfacing materials, including natural stone, re-claimed cobbles and Tegula setts
- Refinements to the architectural design of new houses
- Reduction in the scale and change in the housing type and positioning of building on the northern paddock area
- Retention and enhancement of areas of hedging, new hedge planting and the planting of trees
- Refinement to the design and materiality of the courtyard area to the north of the listed building.

Having assessed again the impacts of the proposal, it is considered that individually and cumulatively the proposed development would result in less than substantial harm to the listed building and the associated setting and that of the conservation area. The NPPG stresses that substantial harm is a high test affecting few cases and therefore this reinforces the view that the harm arising from the proposals would be less than substantial.

In the context of the NPPF, as part of the planning balance members need to be convinced that there is clear and convincing justification for the harm and that the public benefits justify the harm being caused.

This is quite a finely balanced case between harm and benefit , but one aspect of that public benefit is the investment in and sustaining the long term future of the listing building and the Shippen. Consequently, on balance it is considered that the proposal is acceptable.

AFFORDABLE HOUSING

This application is for 7 additional dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

AMENITY

Concerns have been expressed about noise and disruption during the construction process. Whilst these concerns are understandable, the conditions recommended controlling the hours of construction, deliveries, piling and a construction method statement, will ensure that any disturbance would be limited to acceptable levels.

Having regard to the amenity of future residents, there would be adequate private amenity space and minimum separation distances would be met. In addition, a condition should be imposed requiring submission of a scheme for the protection of future residents from noise from Old Mill Road.

HIGHWAYS

The site is situated on a piece of land off the adopted end of Dingle Lane in Sandbach. It proposes the retention of the existing farmhouse plus the conversion of a barn to a residential unit and 6 additional new build units. This will give a total of 7 additional residential units for the site.

The developer would prefer the proposed access road to remain private and this is an acceptable position providing the site is built to an adoptable standard. To this end the Strategic Highways Manager (SHM) has been negotiating an adoptable level of design on the internal layout for this site since December 2010.

The site would be served from Dingle Lane which is an adopted public highway and which is the only adoptable frontage to the site.

At previous Southern Planning Committee meetings the decision was made by the committee that an independent Road Safety Audit be commissioned by CEC Highways to verify the Road Safety Audit (RSA) provided by the developer against the larger development proposal of 12 dwellings. The independent Road Safety Audit found the site access strategy to be acceptable against an amended plan and on this basis the committee decided not to include a highway reason for refusal on the previous and larger scale application: 12/2551C. A reason for refusal on highway grounds was not considered to be sustainable if challenged at inquiry.

Existing site access route via Dingle Lane.

Dingle Lane is a very old highway which has a junction with Well Bank served by good visibility in the leading direction but slightly restricted visibility in the non-leading direction

however approach speeds are slow. The entry junction has an initial width of 6.75 metres but which then narrows quickly to a little over 3 metres as it passes No.4 Dingle Lane.

Immediately on the left after No.4 is the junction into Dingle Bank which was originally private but which is partly made up and adopted since numbers 1 – 11 Dingle Bank were built some years ago. The junction of Dingle Bank with Dingle Lane is steep and currently has no give way junction marking with Dingle Lane.

Two site visits were conducted for the previous application: the first to make a general assessment of the site and the route of access to it and the second to observe the peak morning traffic flows at the junction with Well Bank. A subsequent site visit for this application has confirmed site details.

On entering Dingle Lane the immediate narrowing and very short length prohibits the use of any material traffic speed and it was found that 10 mph was a comfortable pace when entering. The turn into Dingle Bank is steep and this further slows progress. This junction mouth is wide and leads to an open area of carriageway which serves not just the more recent dwellings at 1 – 11, but also the rear of some of the terraced properties which front Well Bank and the other properties which are still served from the private length of Dingle Bank to the right and beyond.

Leaving Dingle Bank demands lower vehicle speed than entering. Descending the steep approach to Dingle Lane requires use of the brakes and as you near the bottom of the slope the view to the right through the narrowed section of Dingle Lane is opened to view, however the view to the left is only partially visible from the top of the incline and becomes more restricted as you near Dingle Lane before opening a limited view as you meet the edge of carriageway of Dingle Lane.

The SHM has checked current injury accident statistics and there are none for Dingle Lane or Dingle Bank.

Local concern.

The previous application brought the following representations from objectors which expressed concerns and objections to the development proposal.

For completeness those concerns are repeated below along with the Strategic Highway Manager's response at that time:

- *'Access for construction vehicles will be problematic.'*

It is agreed that the tight entrance to the development site and the narrowing within the initial length of Dingle Lane are very narrow. These restricted points do however meet minimum dimensional requirements for a heavy commercial vehicle to pass.

In any event the use of a construction management plan is a likely requirement should this site gain a planning permission and this could be tailored to ensure suitable delivery traffic is used and that the traffic is appropriately managed.

- *'Pedestrian access along Dingle Lane would be dangerous.'*

Two safety audits have noted site conditions regarding the interaction of traffic and pedestrians and the developer has been able to address these issues with revised design proposals. Clearly this issue is further diminished as this application is for a lower number of units and the traffic generation is negligible.

- *'The junction of Dingle Bank with Dingle Lane is dangerous.'*

The SHM observes from the site visits that when leaving Dingle Bank and entering Dingle Lane that a view is afforded of Dingle Lane, to the left from the top of Dingle Bank. This view then disappears before becoming a limited view again as a driver reaches Dingle Lane. The guidance from Manual for Streets requires a visibility of just 9 metres for an approach speed of 10 mph, which is the observed speed from the site visit. For 12mph MfS requires 12 metres.

If a vehicle pulls out of Dingle Bank and turns right from the observed position for this movement at the site visit, a visibility distance of some 14 metres is available when looking to the left and this would cater for the observed traffic speeds for Dingle Bank/Lane.

The turning movements at this junction could be regularised by the introduction of a suitably placed give way marking should this development proposal gain a planning permission and in fact the developer has proposed an altered junction arrangement to serve the site where the Dingle Lane/Dingle Bank route will have priority over the entrance to the site.

- *'Large vehicles have difficulty negotiating Dingle Lane.'*

In fact a photograph has been provided by an original objector of a heavy commercial vehicle on Dingle Lane and it does show that the vehicle has its wheelbase within the carriageway before reaching the junction mouth of Dingle Lane with Well Bank where the junction is wide. The carriageway is 3 metres wide at this point which is wide enough to accommodate a heavy commercial vehicle.

- *'On Thursday, car parking for the market frequently obstructs the junction of Dingle Lane with Well bank.'*

A photograph has been provided of an example of this parking and this probably manifests itself because Dingle Lane is not protected by appropriate traffic regulation orders.

There is no reason why local traffic management orders cannot be provided and it could be required of the development proposal that a sum of money be provided and secured via a Section 106 Agreement to provide for this type of traffic management. This would ameliorate the concern over on-street parking.

Additional concern.

In addition to the above concerns and objections being stated against this current application, the following additional concern has also been expressed:

- ‘The highway impact from this site has not had a thorough and detailed investigation...’

The SHM considers that given the site was visited: twice for initial inspection, including existing traffic generation observations, plus two site meetings with local member and residents – the second with an independent Road Safety Audit professional, the site was originally the subject of a Transport Statement and initial Road Safety Audit, and the site was considered at committee on two occasions with full debate, that in fact this site has been thoroughly investigated in highway terms.

As a result of this level of investigation and the evidence provided, the Southern Planning Committee resolved not to include a highway reason for refusal on the previous application which was of greater scale than this current development proposal.

Traffic Generation.

Including the properties which front Well Bank, there are approximately 24 properties which take vehicular access from Dingle Lane under the existing arrangements. If this number of units was assessed in the TRICS database it would show that traffic generation would currently be approximately 16 vehicle trips in the morning peak hour. Observations on site showed the traffic generation to be slightly less than this however 16 trips would be the industry recognised standard. The new development proposal for 7 residential units would add approximately 4 more trips to that using the same method of analysis. This equates to one new vehicle every 15 minutes in the morning peak flow hour which is a negligible amount of traffic. It is important though to take into account the local concerns and they have been discussed in detail above.

Highways Conclusion.

This is a tight site and there are a number of objections from which the main highway concerns have been discussed earlier in these comments. Despite the concerns the design offered does meet the current design guidance within the DfT document Manual for Streets.

The Strategic Highways Manager recognises that in general the site looks at first difficult and some doubt has been cast on its merits by objectors concerns. It is a fact however that the proposal does meet design standards and it is clear that the very low traffic generation from this smaller scale development will have a low impact on Dingle Lane.

It is true that traffic conditions will be altered and that additional considerations will need to be managed by existing vehicle drivers and pedestrians. In considering this proposal the SHM has also considered the previous committee decision where it was decided not to refuse the application on highway grounds after the independent Road Safety Audit had been considered.

Clearly the smaller scale of this development proposal further ameliorates highway concerns and the SHM has confirmed that as before there is not sufficient valid concern to justify a sustainable reason for refusal on highway grounds if this proposal were to be the subject of an appeal.

The proposed design plan for the access strategy offered by the developer takes into account both Road Safety Audits and is accepted by the SHM. In addition the fact that the site is shown to meet standards and compliance with RSA assessment is considered to remove any likely highway position of objection.

The SHM has therefore recommended that conditions are imposed requiring that all access and parking arrangements are in place prior to any of the units being occupied and that a construction management plan is submitted prior to commencement of development. In addition the SHM has recommended that the sum of £10,000 is provided through a Section 106 Agreement to provide for the imposition of Traffic Management Orders and junction marking for Dingle Bank.

ECOLOGY AND PROTECTED SPECIES

Sandbach Wildlife Corridor

The proposed development is adjacent to, but outside, the boundary of the Sandbach Wildlife corridor. It is considered that the potential impacts of the proposed development on the wildlife corridor, if any, are likely to be very low.

Bats

Evidence of bat activity in the form of a minor roost of two relatively common bat species has been recorded within the buildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a negligible impact upon the conservation status of the species concerned as a whole. The proposed works do however pose the risk of killing or injuring any bats present when the works were undertaken.

The submitted mitigation proposals recommend the provision of a bat loft above the proposed garage block as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

If permission is granted, a condition should be imposed requiring the development to be carried out in accordance with the submitted draft Natural England License for bats.

Breeding Birds

The site has the potential to support breeding birds and evidence of house sparrow a BAP priority species was recorded in association with the barn on site. If planning consent is granted conditions should be imposed relating to breeding birds and the incorporation of features for use by breeding birds.

Reptiles

Potential habitat for grass snake was identified on site. Whilst the presence of grass snake cannot be ruled out it is considered that the available habitat is limited in extent and this

species is not reasonably likely to be present or affected by the proposed development and consequently no further survey effort is required.

Other Protected species

A updated survey has been received. There are two setts recorded outside but close to the application site boundary. These setts occur within the adjacent wildlife corridor.

One sett was considered inactive at the time of the survey and is likely to be far enough away from the proposed development that it is unlikely to be significantly directly affected by the proposed works. The applicant is proposing that this sett be resurveyed prior to the commencement of works and is also proposing that any works within 20m of the sett entrance are supervised by a suitably experienced ecologist.

The second sett was partially active at the time of the survey. To avoid any potential impacts on protected species utilising the sett it is proposed that it be temporarily closed under a Natural England license for the duration of the construction period. In the unlikely event that this sett is found to be a main sett an artificial sett will be constructed to provide alternative accommodation during the period that the existing sett is closed.

Whilst the setts occur within the wildlife corridor the potential impacts of the proposed works on the badgers usage of the wildlife corridor would be relatively low and temporary in nature. It is considered therefore that the proposed protected species mitigation, which has been amended at the request of the Council's Nature Conservation Officer, is acceptable and is proportional to the potential impacts of the proposed development.

If planning consent is granted a condition requiring development to proceed in accordance with the submitted Mitigation Report.

EC Habitats Directive Conservation of Habitats and Species Regulations 2010 ODPM Circular 06/2005

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

(a) 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

(b) No satisfactory alternative and

(c) No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning

Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NR2 (Wildlife and Nature Conservation Statutory Sites) states that development will not be permitted which would result in the loss or damage of any site or habitat supporting species that are protected by law.

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.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council’s Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of bats, the proposed mitigation measures have been assessed and are acceptable to ensure the protection of this species. As result it is considered that the 3 tests have been met

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan Policy NR2 (Wildlife and Nature Conservation Statutory Sites) and the Framework.

It should be noted that the adjacent site of Waterworks House was the subject of a recent appeal that was allowed. The appeal related to a development of 12 dwellings. That site is actually **within** the Wildlife Corridor and the Inspector concluded that, taking into account the mitigation and compensation measures, the proposed development would have no overall adverse effect on nature conservation interest and that it would not result in any net loss of environmental value.

Given that this site is **not** within the Wildlife Corridor, but adjacent to it and that the Council’s Nature Conservation Officer is satisfied that mitigation and compensation measures would be acceptable, a refusal on these grounds could not be sustained.

Forestry

The proposals would result in the removal of a protected Oak tree adjacent to the access to the site. This tree is no longer a good specimen and has limited amenity value to the area. A suitable replacement is to be provided set a little further away from the access road and this is considered to be acceptable and in the longer term would contribute more positively in the long term to the visual amenity of the area.

Open Space Provision

The previous application was for a larger number of dwellings and triggered the requirement for a financial contribution to the provision of public open space. This application is for the creation of only 7 new dwellings and as such does not trigger this requirement.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The requirement for open space provision is considered to be in compliance with the CIL Regulations 2010.

The request for contributions to traffic management and junction marking are considered to be necessary, directly related to the development or fairly and reasonably related in scale and kind to the development. As such it is in compliance with the CIL Regulations 2010 and should be required to be provided.

CONCLUSIONS AND REASONS FOR THE DECISION

Having regard to the fact that the site is in a sustainable location, in close proximity to the town centre and all its available facilities and services, it is considered to be in accordance with the NPPF's direction that the development can be approved without delay.

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area would represent less than substantial harm.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology, and landscape and accordingly is recommended for approval.

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing £10,000.00 for highway works and the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials.
4. Contaminated land Phase 2 investigation.
5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of drainage scheme.
7. Submission of an amended landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.

10. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations.
12. Protection measures for breeding birds.
13. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
14. Development to be carried out in accordance with the the Badger Mitigation scheme.
15. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.
16. Submission of details ground levels and floor levels.
17. Submission of a method statement for the demolition and re-building of the western gable wall of Dingle Farm and the garden wall including the means of support to the building during any development works on the site.
18. Working details of the re-built wall to be submitted.
19. Working drawing of windows to the farmhouse to be submitted.
20. A full schedule of internal works to the farmhouse and barn to be provided.
21. Full photographic survey of the farmhouse and barn to be submitted.
22. All fascias, barge and verge boards to be in timber.
23. Details of dormer windows including materials for faces and cheeks.
24. Details of conservation rooflights.
25. Full details of new internal doors, surrounds, flooring and skirting boards.
26. Full landscape/public realm scheme to be submitted.
27. All rainwater goods (farmhouse and barn) to be in cast metal and painted black.
28. Removal of permitted development rights for alterations to roofs, changes to windows, porches and outbuildings.
29. All internal and access roads shall be completed prior to first occupation of any of the new dwellings.
30. Submission of a construction management plan

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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