



**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**7<sup>th</sup> MAY 2019**

**PROPOSAL**

As above

**RELEVANT PLANNING HISTORY**

P/2016/1118	Outline Permission for up to 13 Dwellings - Refused on 12/05/2018.
H6955/A/17/3186707	Appeal Allowed.

**DEVELOPMENT PLAN**

Brownfield land, outside of settlement limit. UDP Policies PS2, GDP1 and T8 are applicable. Local Planning Guidance Notes (LPGN) No. 16 'Parking Standards' is also relevant.

**CONSULTATIONS**

Community Council:

Objects in the strongest terms on the following grounds:

1. There is no need for access through the development to the field. It seems this is being engineered to allow for further development at a later date;
2. The style of houses and their layout is very urban considering the development juts into farmland in a special landscape area visible from 2 footpaths including the long distance Maelor Way. The architect could be much more imaginative with regard to a variety of house styles and much better landscaping in order to compliment rather than detract from the rural village environment;
3. There will be further disruption along Ellesmere Lane and increased traffic on a road where speeding is already a problem. WCBC has failed to replace a missing 30mph sign, despite many requests from MSCC, so police will not monitor. Our own speed device has recorded speeds as high as 80mph;
4. The proposed builders' compound is not part of the site, but situated outside it, close to a bungalow. This will be seriously detrimental to the resident of this property in terms of noise, dust and loss of outlook over a long period of time.

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Local Member:	Re-consulted	16.04.2019
Highways:	Re-notified	16.04.2019
PP:	There are no objections to the proposed scale, appearance, layout and landscaping of the site, subject to conditions.	
WW:	No comments.	
NRW:	No concerns. The drainage conditions attached to the outline planning permission should be complied with.	
Site Notice:	No comments. The mitigation conditions attached to the outline planning permission should be complied with.	
Neighbours:	Expired	27.08.2019
	6 responses received sharing the following concerns:	
	<ul style="list-style-type: none"><li>• This is no longer a working farm and there is no justification for a field access through the site;</li><li>• The land has 2 other access points and having access through the site only promotes further development;</li><li>• The builders' compound adjacent to the site is unacceptable as it is directly being the properties on Ellesmere Lane;</li><li>• The layout and design is inappropriate in this sensitive edge of village farmyard location. Its hard boundaries would project brutally into this area. Regimented rows of closely spaces dwellings, with virtually no variation in massing would have an excessively harsh urban feel;</li><li>• The new layout is an improvement in that a hedge would help disguise the suburban look of the development from the footpaths nearby;</li><li>• Penley does not have the capacity for further houses. Drains overflow and the broadband is slow;</li><li>• The schools are full and the public transport is poor;</li><li>• Access for emergency vehicles and bin lorries is tight within the site.</li></ul>	
	Re-notified	16.04.2019

## **SPECIAL CONSIDERATIONS**

**Background:** Some concerns have been expressed by local residents which go back to the principle of development (traffic generation and impact upon the capacity of the local schools). The principle of development has already been established at the Outline planning stage and I do not therefore intend to return to these matters in this report.

The proposal is for approval of the reserved matters following the granting of Outline planning permission for up to 13 no. dwellings (P/2016/1118). Access was approved as part of the outline permission, and the remaining matters reserved for further approval were Scale, Appearance, Layout and Landscaping for the site.

**Scale, Appearance and Site Layout:** Proposed are 13 no. 2, 3 and 4 bedroom two storey dwellings. These are a mixture of detached, semi-detached and terrace style properties, typical of those located within the existing adjacent Village. (See elevations at figures 1, 2 and 3 below).



*Figure 1. Proposed Detached Elevation*



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*Figure 2. Proposed Semi-detached Elevation*



*Figure 3. Proposed Terrace Elevation*

The proposed site layout demonstrates a functional development that sits comfortably within its landscape setting and makes a positive contribution to the character and appearance of the area. The layout has been changed since the original submission to reduce the uniformity of the layout, increasing the space between units, pulling the properties in off the site boundaries and setting the houses around a courtyard arrangement to better reflect the edge of settlement, semi-rural location.

The properties are located a sufficient distance from the existing dwellings and the layout has been designed to secure both adequate privacy and daylight in the interests of the amenities of the future occupiers of the development (see figure 4 below for site layout). As such the proposal accords with UDP Policies GDP1 and PS2.



*Figure 4. Proposed Site Layout*

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**Highways:** Visibility from the access onto Ellesmere lane accords with national guidelines and splays of 2.4 x 43 metres have been secured by condition in both directions as part of the Outline planning approval. The proposed internal access way ramp and turning head for a refuse wagon are considered to be acceptable provided that these areas are surfaced in accordance with adoptable standards and kept free of any planting. This will be provided for in the landscaping scheme to be submitted for further approval.

The layout of the internal private drive is acceptable in terms of manoeuvrability and parking provision accords with Local Planning Guidance Note.16. Submission of a construction traffic management plan (CTMP) has been secured by condition on the Outline planning permission.

**Other Matters:** Concerns have been expressed in regards the proposed field access through the development site. This access was approved as part of the Outline planning permission and is not a consideration relevant to this reserved matters application.

The original plans showed a builder's compound adjacent to the site which did not form part of this application. For the avoidance of doubt, this has now been deleted from the scheme. It is my understanding that any such compound will be located in accordance with the relevant permitted developments rights. So as not to be misleading, the compound could well be placed in the adjacent field and the Council would have no control over this.

Matters relating to drainage and dust management are to be dealt with separately under a discharge of conditions (attached to the outline planning permission) application.

## **CONCLUSION**

The amended scheme is now acceptable in terms of layout, scale and design, and with the removal of the dilapidated farm buildings in mind, the development would make a positive contribution to the character and appearance of the area. The development is in accordance with the Council's adopted policies and guidance and I recommend accordingly.

**RECOMMENDATION:** That the Reserved Matters be APPROVED

## **CONDITION(S)**

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 6670-14 Rev A and 6670-15, and as contained within the application documentation.
2. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General

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Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the buildings.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no extensions or additions to the dwellings or within their residential curtilages hereby approved shall be erected under Classes A, B, C, D or E of Schedule 2 Part 1.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the forward most part of the dwelling fronting onto the highway under Class A, of Schedule 2 Part 2, except as otherwise approved in writing by the Local Planning Authority.

5. The vehicular parking and turning areas as shown on approved drawing no. 6670-14 Rev A shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

6. Within one month of commencement of development, full details of a hard and soft landscaping scheme to include details of all tree and hedgerow planting and boundary treatments, and finished floor levels, together with a five year Maintenance Plan and timescales for implementation of works and planting shall be submitted to and approved in writing by the Local Planning Authority.

7. The landscaping and boundary treatment scheme submitted and approved in connection with condition no.06 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

8. The landscaping, boundary treatments and planting as carried out in connection with conditions nos. 6 and 7 shall be permanently retained. Any landscaping (hard or soft), boundary treatments or planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/ or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

9. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Detailed layout, design, lighting, drainage and construction of the proposed new access and footways;
- 2) Detailed layout, design, drainage and construction of a 2 metres wide footway fronting the development site along Ellesmere Lane;
- 3) Turning Head;
- 4) scheme of lighting on Ellesmere Lane

The scheme as is approved shall be fully implemented prior to first use of the development.

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10. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

**REASON(S)**

1. To comply with section 71ZA(2) of the Town and Country Planning Act 1990.
2. To protect the amenities of the occupiers of nearby properties.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.  
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4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.  
To protect the amenities of the occupiers of nearby properties.
5. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, and to protect the amenities of the occupiers of nearby properties.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, and to protect the amenities of the occupiers of nearby properties.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
9. In the interests of highway safety.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

**NOTE(S) TO APPLICANT**

The Applicant is advised that the development to which these reserved matters are pursuant shall commence by 01/04/2021

The planning conditions as attached to the outline permission remain valid until they have been formally discharged.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

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The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-

means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

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