

Southern Planning Committee

Updates

Date: Wednesday, 29th November, 2017
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

5. **17/0560N Land Off Sydney Road, Crewe: Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space for Galliford Try Partnerships (Pages 3 - 4)**
6. **16/5584N 84, Edleston Road, Crewe CW2 7HD: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people including the provision of a rear dormer for Ben Morris, Hopscotch Investments Ltd (Pages 5 - 6)**
7. **17/3611C Land Off Marsh Green Road, Sandbach: Outline application for Residential development on land off Marsh Green Road, Elworth, Sandbach for Safeguard Limited (Pages 7 - 10)**
8. **17/2398N Horseshoe Farm, Warmingham Lane, Moston, Middlewich, Cheshire CW10 0HJ: Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building for Mr Oliver Boswell (Pages 11 - 14)**

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

9. **16/6197C Happy Days Club And Nursery School, Jubilee Walk, Holmes Chapel, CW4 7FN: Removal of Condition 1 and Variation of Condition 3 on Approved 14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works for Mrs Helen Scott, Holmes Chapel Primary School (Pages 15 - 18)**

Southern Planning Committee 29 November 2017

UPDATE TO AGENDA

APPLICATION No

17/0560N - Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space.

UPDATE PREPARED

24 November 2017

Further to its supporting letter of 23rd November 2017, additional information has been forwarded from Regenda Homes (RSL) to clarify how the provision of affordable units within the scheme has been secured since the application was deferred by Southern Planning Committee on 1st November 2017. It is stated that;

Following the submission of the scheme for planning permission in early February 2017, changes in government policy meant that Affordable rent grant became available. In line with Cheshire East Council's policy, Regenda decided to pursue an option (at its own expense) to vary the scheme to include a mix of homes to meet the needs of the local community. This mix was discussed and agreed with the Housing Strategy Team in April 2017, as well as agreement on a submission to the HCA for Affordable rented grant. As the planning application was already submitted and an exchange had taken place on the land, the land price was fixed and Regenda were unable to vary the house type mix/lose units as this would seriously impair the scheme's viability. This was discussed with the Housing Strategy Team who acknowledged the position.

The revenue generated to pay for this project is fixed by the amount of sales / rental income, grant available and amount of subsidy that Regenda can afford to levy. Overall, the 13nr unit swap from shared ownership to affordable rent has increased the HCA grant by a total of £65k (£5k per unit). This does not cover the total scheme costs for either tenure type and as no sales income is available on rented units, Regenda have committed to provide additional subsidy to cover this shortfall totalling an increase of £273.6k (21k per unit)).

The HCA grant rate is linked to the number of units for each type, this would reduce accordingly if there was a loss of units/bedspaces (e.g. if unit types were to change or open space required on site) and could not be used to fund additional S106 contributions). As noted above, the change from Shared Ownership to affordable rented homes has already resulted in an increase in Regenda's internal subsidy. Any further increase in costs could result in Regenda having to abort the scheme and a loss of the HCA grant allocation for the site.

In clarification of a concluding point of its supporting letter of 23rd November 23, Regenda have further advised that the stated loss of HCA grant and funding totalling £5.5m in the event of “any loss of units within the site or significant delay in the approval of this scheme” relates solely to the total costs for this project, inclusive of all grant receipts and investment from Regenda.

OFFICER COMMENT

The additional comments are noted and provide useful background as to the the revised tenure split between shared ownership and affordable rental units can be achieved. These are not however considered to raise any further material planning issues which have not previously been assessed within the Officers' report.

RECOMMENDATION

No change to the recommendation

APPLICATION NO: 16/5584N

PROPOSAL: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people including the provision of a rear dormer.

ADDRESS: 84, EDLESTON ROAD, CREWE, CW2 7HD

APPLICANT: Mr Ben Morris

ADDITIONAL CONSULTEE COMMENTS

Housing Standards:

My original comments that are shown in the documents list remain unchanged.

No other comments received at time of report.

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UPDATE TO AGENDA

APPLICATION No.

17/3611C – Affordable Housing proposal comprising of 30 dwellings

LOCATION

Land Off, Marsh Green Road, Sandbach

UPDATE PREPARED

27th November 2017

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. Since the drafting of committee report, a further 2 neighbouring letter of representation has been received. The main matters raised include;

- Affordable Housing Statement – concerns with the content including;
 - That there have been various sites for housing approved within Elworth that include affordable housing that were not mentioned in the statement of existing provision;
 - That any reference to ‘Sandbach Rural’ within the statement is mis-leading.
- Concerns in relation to Anti-social behaviour

APPRAISAL

Procedural Matters

Since the drafting of the committee report, the description of development of the proposal has been amended to be more reflective of what is being proposed to *‘Affordable Housing proposal comprising of 30 dwellings’*.

Affordable Housing

Some of the detail within the submitted Affordable Housing Statement has been questioned by objectors. More specifically, it has been questioned why certain approved housing sites in Elworth were not included in the figures in consideration of existing affordable housing provision. In response, the Council’s affordable housing officer has provided the most up-to-date housing figures below for Sandbach.

The below table, taken from the Strategic Housing Market Assessment (SHMA), shows the annual affordable housing need in Sandbach as of 2013. The final column of the table shows that the need for Sandbach was 94 affordable units per year.

SHMA 2013.

Sub-area	Designation and no. beds						
	General Needs				Older Person		Total
	1	2	3	4+	1	2+	
Sandbach	18	33	18	9	11	5	94

The below table shows the affordable housing need for Sandbach as of 20th October 2017 as provided by Cheshire HomeChoice.

Cheshire HomeChoice dated 20 10 2017

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Sandbach	91	45	92	18	6		252

The SHMA period extends 5 years between 2013 and 2018. As such, the overall need of affordable housing between 2013 and 2018 is 470 units.

With regards to completions, the completions for rented and shared ownership accommodation in Sandbach (which includes Elworth) as are follows;

2014 – 2015 – 83 Dwellings
 2015 – 2016 – 22 Dwellings
 2016 – 2017 – 47 Dwellings
 2017 – 2018 – 76 Dwellings (at the end of Quarter 2).

Total is - 228

As such, when affordable housing completions are removed from the need for Sandbach (94 x 5 = 470 units), the need would be for 242 units (470 minus 228).

As such, this very latest position makes it clear that there is need for affordable housing in this location.

For the benefit of clarity, the application site falls within Sandbach, not 'Sandbach Rural'.

Amenity

An objector has raised concerns in relation to anti-social behaviour. However, there is no evidence to suggest that the application proposals would result in a rise in anti-social behaviour. Furthermore, it is not considered to be a determinative factor in the determination the application.

RECOMMENDATION

No change to recommendation

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APPLICATION NO: 17/2398N

PROPOSAL: Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building.

ADDRESS: HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE, CW10 0HJ

APPLICANT: Mr Oliver Boswell

REASON FOR REFERRAL

This type of application would normally be considered under delegated powers, however Cllr Wray called the application into to Southern Planning Committee for the following reason,

‘Call in to committee only if it should be recommended for approval at the request of Moston Parish Council because of considerable public concern about any changes or expansion or changes to this site.’

ADDITIONAL COSULTEE COMMENTS

Cheshire and Warrington Traveller Team Manager – The council are in the process of bringing a transit site forward, planning permission has been granted, this will help with unauthorised encampments as it allows the police to use S62A-E Criminal Justice and Public Order Act 1994. This power is to direct to a suitable pitch (transit site in the ownership of the local authority), if the group refuse to move to the pitch then they must leave the authority area and cannot return for 3 months. The power cannot be used on private sites.

OFFICER COMMENT

The main officers report notes that Transit sites are an important provision for the Council as they allow the Council to *identify* authorised sites within the Borough for Travellers to use as they move through the area; and whilst this is correct, it should be made very clear that as the site is in Private Ownership (not owned/run by the Local Authority) the Police **can not** use their powers under Section 62 (A-E) of the Criminal Justice and Public Order Act 1994 to direct travellers to the transit site, if approved, as the site is not in the ownership of the Local Authority. Therefore the weight afforded to the use is reduced than if it were a Local Authority transit site.

The Council is in the process of bringing forward a Local Authority owned site at Cledford Hall, Cledford Lane Middlewich (ref 14/5721C) for 9 transit pitches and 1 permanent Wardens pitch where the police powers under Section 62 (A-E) of the Criminal Justice and Public Order Act 1994 would apply.

The transit provision from this planning application at Horseshoe Farm, if approved, would still count towards the identified need within the Cheshire East Local Plan Strategy for transit provision, but does not address the under supply of permanent pitches in the Borough as set out in Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the Cheshire East Local Plan Strategy. Whilst the Council is in the process of bringing a transit site forward, this site could be implemented within a short timescale, given the existing hardstanding on the site and existing use of the surrounding land.

Furthermore, inline with the Guidance set out in the Planning Policy for Traveller Sites a condition is considered necessary to restrict the maximum number of days for which caravans can be permitted to stay on the transit site. It is considered that a condition restricting the use to 13 weeks and then restricting returning to the site to minimum of 3 months.

The Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Therefore, it still remains that the site is a suitable extension to an existing travellers site within the open countryside in an area which has good links to the road network, and an existing area of hardstanding to allow the implementation of the site. With the addition of a number of additional restrictive conditions, as set out below, the officers recommendation for approval still remains.

RECOMMENDATION

The recommendation as stated of APPROVAL with conditions remains with the additional of the following conditions

- 11) Caravans on the site can not be stationed on the site for more than 13 weeks and must not return within 3 months to reside on the transit pitches**
- 12) A site log book should be available for inspection at any time**

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Southern Planning Committee 29 November 2017

UPDATE TO AGENDA

APPLICATION No

16/6197C

UPDATE PREPARED

24 November 2017

Removal of Condition 1 and Variation of Condition 3 on Approved 14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works For Mrs Helen Scott, Holmes Chapel Primary School

Error Correction

An agreed call-in request as set out below was not referred to in the Committee Report. This was an error.

REASON FOR REPORT

The application has been called in to Committee by the Ward Councillor, Cllr Les Gilbert for the following reasons:

It appears that Sport England will object to the temporary permission being made permanent which is expected to result in a recommendation for refusal under delegated powers. There is significant community benefit in this facility as nursery provision in the area is limited and is vitally important to working parents. Consideration also needs to be given to whether the temporary structure is suitable for a permanent permission. The Committee is best placed to weigh up the public interest and the planning balance.

Comments received from Cllr Les Gilbert

I believe that item 9 is going to Committee pursuant to my call-in but there is no mention of this in the Planning Officer's report.

I do not propose to attend as there is little I can add to the recommendation which I support. Please ask the Committee to excuse my attendance.

I believe that the Planning Officer is right to focus on the wider community benefit whilst at the same time having due regard to the impact on the amenities of residents in the vicinity.

Holmes Chapel is in the process of growing from a population of about 6,000 to an estimated 7,500 as a result of permissions already granted. This will inevitably increase the demand for child care facilities and Happy Days tell me

that they already have a waiting list for after school clubs. Their facilities are vital to support working parents.

I should be grateful if these Ward Member views could be brought to the attention of the Committee.

Further Information Received from Sport England

Sport England has submitted further information as regards its objection to this application. Sport England state that the proposed development is contrary to the planning policy exception of Policy E3 of its Planning Policy Statement – A Sporting Future for the Playing Fields of England.

- The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

Sport England considers that the applicants have “not demonstrated compliance with either any of our planning policy exceptions or the exceptions set out in the NPPF paragraph 74”.

In addition Sport England point out that other locations have been identified where the development can be relocated off the playing field and therefore consider, “ it is difficult to conceive how a robust case can be made which satisfies the NPPF and your adopted local plan and adopted playing pitch strategy”.

In response to a request to clarify the position as regards the provision of the current pitch being in accordance with the minimum sizes out by the 2017/18 FA Handbook, Sport England have quoted the following extent of a consultation response it has received from the FA ;

“The standard code of rules does set out some flexibility for leagues but this has been part of a transitional period as we try and align a whole lot of complicated sizes that have existed across the country. Most of our leagues now operate to the recommended size which is the maximum size in our guidance. For planning purposes, since 2012 our policy in dealing with planning applications as part of the MOU process has always been to work to our recommended sizes and these have been widely circulated to LA Development Control teams across the country. See attached our latest guidance for youth football.

There is sometimes the opportunity to be flexible i.e. around fixed objects such as trees or overhanging branches but this would only be offered if the applicant had exhausted all options in a site feasibility study and this had been agreed by SE at the pre planning stage. In this case whilst accepting that it is an application for a fixed period of time, I would support SE stance in

objecting to the application because there are other options available on the site to have located the building”

Further Information received from the Applicant

In response to the issues raised by Sport England the following points have been raised;

- 1. The current pitch adjacent to the nursery is and had been used for a number of years for 7 v 7 league matches by the Holmes Chapel Hurricanes (i.e. Under 8s and Under 9s).*
- 2. There have not been any concerns raised by the League.*

Sport England have previously suggested that the Nursery could be relocated to south eastern corner of the playing field which would enable a larger football pitch to be provided in accordance with the recommended size. The applicant states that;

“this would not be a suitable location on which to re-site the nursery for the following reasons:

- a. Distance from school – OFSTED are happy with the current distance from the school but would be concerned if the nursery building was located further away from the school buildings.*
- b. The smooth transition from pre-school to school would be diminished if Happy Days were located to the far end of the school site.*
- c. The potential increased traffic concentration to Westway due to the building being located to the other end of Jubilee Walk.*
- d. Drainage – this area of the field floods regularly and would be difficult to build on.*
- e. This area has started to be developed as a wildlife habitat area.”*

OFFICER COMMENT

It is not considered that the latest comments received from Sport England and the applicant result in any change to the initial officer recommendation. In particular, for operational reasons the Nursery occupies the most practical and optimal site within the school grounds notwithstanding the suggested alternative locations by Sport England.

Sport England maintains its objection on the basis that should the Nursery continue to occupy its present location, a football pitch of the recommended size cannot be provided. Nevertheless, it is the case that the current pitch meets the FA minimum size (7 v7), and has been used without any issues being raised by the local League since 2013.

Although the proposal will result the loss of small part of the playing field contrary to the Development Plan, and to which Sport England have objected, it is considered on balance that this is clearly outweighed by the significant benefits of maintaining these child care facilities on this site given the confirmed importance in meeting local childcare needs.

RECOMMENDATION

No change to the recommendation