

Southern Planning Committee

Agenda

Date: Wednesday, 30th July, 2014
Time: 1.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 2 July 2014.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information

Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **14/1034N Wrenbury Nursing Home, Wrenbury Hall Drive, Wrenbury CW5 8EJ: Extensions to provide additional residents bedrooms plus a new sun lounge for Mr R Sezliah, Bluecroft Estates Ltd** (Pages 9 - 18)

To consider the above planning application.

6. **11/3349C Plot 1, Land Adjacent To 6, Heathend Road, Alsager ST7 2SQ: Single Detached Dwelling On Land Adjacent To No. 6 Heath End Road for Mr Adrian Girvin** (Pages 19 - 28)

To consider the above planning application.

7. **14/2269C Heathlands, Land Off Heath End Road, Alsager, Cheshire: Residential Proposal for a single detached dwelling for Mr Adrian Girvin** (Pages 29 - 42)

To consider the above planning application.

8. **13/5045C Land adjacent to Heath End Farm, Hassall Road, Alsager, Cheshire ST7 2SL: Re-Submission of Application 12/3905C Outline Application for Residential Development on Land Adjacent to Heath End Farm, Hassall Road, Alsager for Frank Evason & Mr Allan Key** (Pages 43 - 66)

To consider the above planning application.

9. **14/2204N Land at School Lane, Bunbury: Erection of 34No. Dwellings, a School Car Park with associated access road and new landscaping for Bloor Homes North West** (Pages 67 - 88)

To consider the above planning application.

10. **14/2587N Rose Cottage, South View Lane, Cholmondeston, Cheshire: Erection of single dwelling, associated parking and landscaping for Mr & Mrs J Todd** (Pages 89 - 102)

To consider the above planning application.

11. **14/0009N Land located to the east of the Dingle and south of Clay Lane, Haslington, Crewe, Cheshire: The erection of 34 dwelling houses (between 30% and 35% affordable units), with associated access, internal highways, parking amenity space and landscaping for WCE Properties Ltd and Katherine Elaine** (Pages 103 - 126)

To consider the above planning application.

12. **14/1915N Kents Green Farm, Kents Green Lane, Haslington CW1 5TP: Resubmission of 13/4240N - Outline planning application for a housing development dwellings with associated car parking, roads and landscaped open space for Renew Land Developments Ltd** (Pages 127 - 152)

To consider the above planning application.

13. **14/1129N Land To Rear Of The Rectory, 44, Church Lane, Wistaston: Development of 11 no new residential dwellings at land to rear of 44 Rectory, off Windsor Road, Wistaston for Frazer Lloyd-Jones, Thomas Jones & Sons Ltd** (Pages 153 - 162)

To consider the above planning application.

14. **14/1975N Land Off Wrens Close, Nantwich, Cheshire: Full planning permission for 11 dwellings including access and associated infrastructure (resubmission of 13/4904N) for Mr F Lloyd-Jones, Thomas Jones and Sons** (Pages 163 - 178)

To consider the above planning application.

15. **14/2457N Land at Crewe Road, Shavington Cum Gresty, Crewe CW2 5AD: Application for reserved matters approval pursuant to outline planning permission 11/3010N for the construction of 40 dwellings and associated works for Mr Gareth Bancroft, Taylor Wimpey UK Ltd** (Pages 179 - 190)

To consider the above planning application.

16. **14/2594N Red Hall Farm, Alvaston, Nantwich, Cheshire CW5 6PB: Proposed steel portal frame building for a cow cubicle shed for Mr P Vaughan** (Pages 191 - 198)

To consider the above planning application.

17. **14/2649N The Warehouse, Mary Street, Crewe, Cheshire CW1 4AJ: Variation of condition no.7 the hours of operation on application 12/2619N for Dawn Read, Good Time Charlies Ltd** (Pages 199 - 204)

To consider the above planning application.

18. **14/2671C Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, Cheshire CW4 7DX: New 3G artificial sports pitch facility for Tony Halsall**
(Pages 205 - 216)

To consider the above planning application.

19. **14/2839N 1-52 Abbey Place, 27-29 Sherbourne Road, Crewe, Cheshire CW1 4LA: Residential Estate Improvement Works of 55 Houses, Including the Remodelling of Existing Properties (55 Houses) and Other Environmental Works for Mr Nick Powell, Wulvern Housing** (Pages 217 - 224)

To consider the above planning application.

20. **14/2840C Land off New Platt Lane, Allstock, Cheshire: Formation of a new access road from New Platt Lane for Mr Peter Kilshaw, Bloor Homes Ltd**
(Pages 225 - 236)

To consider the above planning application.

21. **Deed of Variation to a S106 Agreement for application 12/0893C for the erection of up to 65 dwellings - Land off Crewe Road, Alsager** (Pages 237 - 240)

To consider a proposed Deed of Variation to the Section 106 Agreement relating to application 12/0893C.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 2nd July, 2014 at Lecture Theatre, Crewe Library, Prince
Albert Street, Crewe, Cheshire CW1 2DH

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, S Hogben,
P Groves, A Kolker, D Marren, M A Martin and S McGrory

NON-COMMITTEE MEMBERS IN ATTENDANCE

There were no non-committee Members in attendance.

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and R Cartlidge

19 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declaration was made in the interests of openness:

With regard to application number 14/1034N, Councillor S Davies declared that he had called in the application on the basis of concerns expressed by a neighbour. He had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

20 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 4 June 2014 be approved as a correct record and signed by the Chairman.

**21 14/0308C LAND OFF BROOK STREET, CONGLETON, CHESHIRE:
VARIATION OF CONDITIONS 2 (ARBORICULTURAL
IMPLICATIONS)AND 24 (VEHICULAR ACCESS) AS TO PLAN
882/P/PL01 REV K ON APPROVED APPLICATION 12/0410C(
RESIDENTIAL DEVELOPMENT FOR 54 DWELLINGS) FOR N BURNS,
MORRIS HOMES NORTH LTD**

Note: Committee Members voted to consider items not requiring a visual presentation while a technician attended to a technical problem with the equipment.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1) Development in accordance with submitted / amended plans (inc. access) and updated Arboricultural Assessment and updated landscape plan
- 2) Hours restriction – construction including delivery vehicles.
- 3) Hours restriction - piling activity.
- 4) Contaminated land Phase 2
- 5) Accordance with Landscape scheme and Management Plan
- 6) Landscaping to include native species for ecological value
- 7) Implementation of approved landscaping
- 8) Survey for breeding birds and protection during breeding season
- 9) Incorporation of features into the scheme suitable for use by breeding birds
- 10) Incorporation of features into the scheme suitable for use by bats
- 11) Submission/approval and implementation of a programme of remedial works to retained trees.
- 12) Levels in accordance with submitted details
- 13) Materials in accordance with submitted details
- 14) Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
- 15) Detailed scheme for dust mitigation during demolition and construction
- 16) Details of external lighting strategy to be submitted and agreed
- 17) Accordance with Detailed Tree Protection Scheme to be fully implemented
- 18) Accordance with Landscape management Plan
- 19) Accordance with scheme for compensatory flood storage
- 20) Accordance with surface water regulation
- 21) Accordance with scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
- 22) Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing
- 23) New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
- 24) Accordance with Site Waste Management Plan
- 25) Scheme to generate 10% of its energy requirement from low carbon sources
- 26) Accordance with boundary treatments
- 27) Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
- 28) Accordance with Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
- 29) Accordance with details of bin storage

- 30) Removal of PD classes A-E plots and gates ,walls and fences for Plots 48 - 52

22 14/0786C SWANWICK HALL, BOOTH BED LANE, GOOSTREY, CREWE, CHESHIRE CW4 8NB: CONVERSION OF REDUNDANT BARN TO AN EQUESTRIAN USE WITH PART RE-CONSTRUCTION, CONVERSION OF REDUNDANT BARN TO ANCILLARY DOMESTIC USE AND PROVISION OF AN OUTDOOR RIDING ARENA FOR MR & MRS C DICK

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Commence development within 3 years
2. Development to be carried out in accordance with approved drawings
3. Permission relates only to the conversion of the barn indicated on the approved drawing and does not grant consent for demolition/reconstruction except where indicated on plans
4. Submission of details/samples of external materials
5. Rainwater goods to be cast metal painted black
6. Submission of details of fenestration
7. Windows and doors to be timber and set behind a 100mm reveal
8. External doors to be timber vertically boarded
9. Roof lights to be conservation style
10. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.
11. Submission of details of positions, design, materials and types of boundary treatments
12. Submission of detailed design plan for the junction arrangement, visibility splays and vehicular crossing
13. Submission of contaminated land assessment / remediation if required
14. Limits on hours of construction including delivery vehicles.
15. Submission of details for the incorporation of features for bats
16. Existing dovecotes retained and filled with recessed brick and dyed mortar
17. Prior to the commencement of development a scheme to promote pedestrian safety/signage shall be submitted to the LPA for approval in writing. The scheme shall be implemented prior to the first use of the equestrian centre
18. Scheme for incorporation of `electromagnetic screening measures (Jodrell Bank)

23 14/2310N MORRIS CARE, CORBROOK COURT CARE HOME, CORBROOK, AUDLEM, CREWE, CW3 0HF: PROPOSED CONSTRUCTION OF AN OUTBUILDING TO HOUSE BIOMASS BOILERS TO SERVE CORBROOK COURT CARE SITE FOR MORRIS CARE

Councillors G Merry and J Weatherill declared that they had received correspondence from an objector relating to this application.

All Members of the Committee declared that they had received photographs relating to this application.

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor Rachel Bailey (Ward Councillor), who was unable to attend the meeting.

Note: Parish Councillor D Higham (on behalf of Audlem Parish Council), Mr and Mrs Sandiford (objectors) and Ms J Morris (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be DEFERRED

- (a) for a Committee site inspection to enable Members to assess the impact of the proposed development
- (b) to enable the applicant and officers to consider an alternative site for the building
- (c) for a response to the application from Environmental Health and the attendance of an Environmental Health officer when the matter returns to committee for consideration.

24 14/1034N WRENBURY NURSING HOME, WRENBURY HALL DRIVE, WRENBURY CW5 8EJ: EXTENSIONS TO PROVIDE ADDITIONAL RESIDENTS BEDROOMS PLUS A NEW SUN LOUNGE FOR MR R SEZLIAH, BLUECROFT ESTATES LTD

Note: Mr G Brown attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

25 14/1741N LAND OFF ORION WAY, CREWE: VARIATION OF (CONDITION 2 - INTERNAL FLOOR PLAN) AND (CONDITION 16 BUSINESS CLARIFICATION) ON APPROVED APPLICATION (10/4760N ERECTION OF 4 INDUSTRIAL UNITS) FOR BLACK & WHITE CHESHIRE LTD

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Plans as approve under P08/0561
 2. Materials as detailed in the application unless otherwise approved in writing.
 3. Car Parking to be provided before the development is first used.
 4. Cycle Parking and linkages to University Way to be provided
 5. Development in accordance with Travel Plan approved as part of application 13/1732D
 6. Landscaping scheme in accordance with that approved as part of application 13/1732D. Implementation and maintenance of landscaping
 7. Showers to be provided within each unit and retained for use by all staff at that unit in accordance with the approved plans.
 8. Boundary treatment to match that used elsewhere on the development
 9. Oil interceptors to be provided to car parks.
 10. Lighting scheme in accordance with that approved as part of application 13/1732D.
 11. No outside storage.
 12. Offices and trade counter only to be used for that specific unit and not to be occupied as a separate business.
 13. Access to be in accordance with the approved plans and to CEC specification
 14. Units 1, 2, 3 and 4 to be used for use classes B1 (b and c), B2 and B8. The showrooms and trade counters shall be limited to those areas shown on the submitted plans and not used for retail to the general public.
 15. Scheme of surface water regulation in accordance with that approved as part of application 13/1732D.
 16. Scheme for the management of overland flow in accordance with that approved as part of application 13/1732D.
- (b) That, 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 Planning and Place Shaping Manager be granted 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.

- (c) That, should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping 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.

26 14/2078N LAND ADJACENT THE GABLES, PECKFORTON HALL LANE, PECKFORTON CW6 9TG: OUTLINE PLANNING APPLICATION FOR HOUSING DEVELOPMENT OFF BACK LANE ON LAND ADJACENT THE GABLES, SPURSTOW WITH ALL MATTERS RESERVED. (RESUBMISSION OF 13/4631N) FOR MR & MRS J GASKELL

Note: Parish Councillor D Cox (on behalf of Spurstow Parish Council) and Mr S Harris (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Parish Councillor B Bell had registered his intention to address the Committee on behalf of Spurstow Parish Council but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
1. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
 2. Due to the location of the site, the development is likely to be a car dependant and thereby comprises unsustainable development contrary to the NPPF and comprises the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE 12 (Agricultural Land Quality) and Policy RES.5 (Housing in the Open Countryside) of the Borough Crewe and Nantwich Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

3. Insufficient information has been submitted in relation to speed surveys to justify the visibility splays for the access driveways and sustainable transport provision. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.
 - (b) That, 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 Planning and Place Shaping Manager be granted 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.
 - (c) That, for the purposes of the current appeal on this site and should this application also 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
 - Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 1, 2, 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

27 14/2254M 2, MEDDINGS CLOSE, ALDERLEY EDGE, WILMSLOW, CHESHIRE SK9 7XA: SINGLE STOREY SIDE AND REAR EXTENSIONS AND PITCHED ROOF TO EXISTING FLAT ROOF FOR J WILLIAMSON

Note: Councillors P Groves and D Marren left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1) Commencement of development (3 years)
- 2) Development in accord with approved plans
- 3) Materials as application
- 4) Details of render to be submitted prior to commencement

28 14/2275M 2, MEDDINGS CLOSE, ALDERLEY EDGE, CHESHIRE SK9 7XA: SINGLE STOREY REAR EXTENSION AND PITCHED ROOF TO EXISTING FLAT ROOF FOR J WILLIAMSON

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1) Commencement of development (3 years)
- 2) Development in accord with approved plans
- 3) Materials as application
- 4) Details of render to be submitted prior to commencement

(b) That, 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 Planning and Place Shaping Manager be granted 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.

The meeting commenced at 1.00 pm and concluded at 3.30 pm

Councillor G Merry (Chairman)

Application No: 14/1034N

Location: Wrenbury Nursing Home, WRENBURY HALL DRIVE, WRENBURY, CW5 8EJ

Proposal: Extensions to provide additional residents bedrooms plus a new sun lounge

Applicant: Mr R Sezliah, Bluecroft Estates Ltd

Expiry Date: 21-Apr-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Policy;
- Design;
- Amenity;
- Drainage;
- Sustainability;
- Highways;
- Need; and
- Other Matters

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Davies has requested that it be referred to Committee for the following reason:

'Uneighbourly and overlooking'

The application was deferred at the meeting on 2nd July 2014 to enable committee to visit the site.

SITE DESCRIPTION AND DETAILS OF PROPOSAL

This is a full application for extensions to provide additional residents bedrooms and a new sun lounge at Wrenbury Nursing Home, Wrenbury Hall Drive, Wrenbury. The applicants property is a large two storey detached property which is constructed out of facing brick under a tile roof. The applicants property is bounded on both sides by residential properties. The property is located wholly within the open countryside.

PREVIOUS RELEVANT DECISIONS

There is a lengthy history of planning applications at this site. The most recent of which are:

P93/0093 – First Floor Extension – Approved – 12th March 1993

7/14842 - Gymnasium and Ancillary changing accommodation to form residential sports centre – Approved – 3rd March 1988

7/12690 - Extension and alterations to form 3 bedroom units – Approved – 19th December 1985

7/11420 - Shower room and toilet extension – Approved – 18th October 1984

7/16081 – Extension – Approved – 10th October 1988

PLANNING POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)

Cheshire East Local Plan Strategy - Submission Version

- SE1 - Design
- SE2 – Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 – The Landscape
- SE6 – Green Infrastructure
- SE7 – The Historic Environment
- SE8 – Renewable and Low Carbon Energy
- SE9 – Energy Efficient Development

The above Policies are consistent with the Crewe and Nantwich Local Plan

OBSERVATIONS OF CONSULTEES

No comments received

VIEWS OF THE PARISH / TOWN COUNCIL:

No comments received

OTHER REPRESENTATIONS:

3 letters of objection have been received from the occupiers of 3, 4 and 5 Wrenbury Hall Drive. The salient points raised in the letter of objection are as follows:

- The scale of the development seems inappropriate taking into account the position of the Nursing Home. The Nursing Home is sandwiched between residential properties and this proposal would extend the footprint of the building right up to neighbour's boundary fences; this appears to be overly intrusive. The general location is rural with open aspects and the scale of the proposals seems out of keeping with this. Extending the Home to these proportions means that it would totally dominate Wrenbury Hall Drive;
- The drainage in the area is very poor and the additional bedrooms and other associated uses will exacerbate drainage problems in the locality;
- The residents of the property are very noisy and this is distressing to local residents
- There are a number of windows which directly overlook adjacent property,
- The proposal will devalue property
- The access road is only very narrow and any additional traffic will cause obstruction and may be detrimental to highway safety.
- The Nursing Home already presents issues regarding deliveries to the premises as it is, lorries have difficulty accessing the rear of the property and the driveway of neighbouring dwellings to manoeuvre a reverse turn, this is very dangerous! It seems that being accommodating does not pay but gets taken advantage of. There is the problem of parking. Noise also presents a problem, shift changes and excess speed from changeover staff both at night, and in the day.

One letter of support from the applicant in relation to their application raising the following points:

- None of our residents have been out of the home as it is a secure facility. Notification would have been sent to our registering body;
- Our residents do not use the garden the last event that was held was 31st August 2013;
- We have parking for 20 cars. The Majority of our staff do not drive and use public transport. Therefore there is no need for staff / visitors to park on the verge outside;
- Neighbours need to take into account that there are other business in Wrenbury Hall Drive that attract much bigger visitors eg Wrenbury Hall that hold banqueting and wedding events, the Windgate Centre and large farm vehicles that use the Drive on a daily basis.
- We have never had any problems with sewage despite our neighbours sewage passing via our property;

- The home has provided a service for the local community needing care in a quiet safe environment for many years. Wrenbury is a very successful nursing home with an excellent reputation; and
- We also provide employment for local people and sustain local businesses through our custom.

APPLICANT'S SUPPORTING INFORMATION:

No supporting information submitted

OFFICER APPRAISAL

Policy

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Car Parking and Access), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), TRAN.9 (Car Parking) and CF.2 (Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to ensure that the proposed development respects the scale, form and design of the existing buildings and the general character of the area.

In summary, these policies seek to protect the character and appearance of the open countryside whilst allowing for appropriate development. Policies also protect residential amenity and ensure safe vehicular access and adequate parking. An extension will not be permitted unless it harmonises with its setting and is sympathetic in scale, form and materials to the character of the built form and the area particularly adjacent buildings and spaces.

Design

Guidance advocated within NPPF supports well designed buildings. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

The proposal is for a two storey extensions to the existing nursing home. The nursing home is located adjacent to Wrenbury Hall Drive, which is private access road and there are several residential properties located in relative close proximity to the application site. According to the submitted plans the proposed two storey extension on the right hand side would measure approximately 6.4m wide by 8.1m deep. It is noted that the eaves and ridge height of the building would remain at the same height of the host building. The proposed development will be constructed out of facing brick under a tile roof and this would be secured by condition, in the event that planning permission is approved. The fenestration on the proposed is in keeping with the window pattern, style and design on the host property and as such would not appear as an alien or incongruous feature.

In addition to the above, the applicant is proposing to erect a single storey extension on the front of the building, which would be used as a sun room. The proposed single storey outrigger would measure approximately 8.4m wide by 5m deep and would incorporate a mono pitch roof. The proposed extension would be constructed out of similar materials to the host property. Located on the front elevation are three sets of French doors and 6no. roof lights on the roof plane. It is noted that the proposed extension would project out approximately 5m and would help to break up this elevation.

Another two storey extension is proposed on the rear elevation of the right hand wing of the host property. The proposed extension would project out approximately 6.2m by 7m wide. Again the eaves and ridge of the extension are at a similar height of the host property.

A further two storey extension is proposed on the left hand side of the host property. The proposed extension would measure approximately 12m wide by 3.5m deep and the ridge height and eaves are at a similar level to the host property. The extension would be constructed out similar materials to the host property and this would be secured by condition. The proposed fenestration are in keeping with the host property and would not appear as an alien or incongruous feature. The proposal will increase the total number of bedrooms from 31 to 45, ie another 14 rooms.

Overall, it is considered that the proposed design, scale and massing of the proposed extension would be in keeping with the host property. It is considered providing careful consideration is given to the materials used to construct the extensions will help the extensions to harmonise with the host property. Overall, it is considered that the proposal complies with policy BE.2 (Design Standards).

Amenity Considerations

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

It is considered that the development of the site for additional nursing home accommodation within an existing nursing home is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle

consideration in determining this application is its effect upon the amenity of adjacent occupants.

This primarily includes the residents of no's 4 and 6 Wrenbury Hall Drive, which are located on either side of host property. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

It is noted that both of these properties (no's 4 and 6) are both set well forward of the application site. There is a distance of approximately 11m separating the applicants property from no. 4 and 9m from no. 6. It was noted that there were a number of windows on the side elevation of extension (at ground and first floor level) which may overlook the garden of no.6 and a obscure glazing condition could be attached to the decision notice, which will help to prevent any overlooking or loss of privacy. Furthermore, given the scale and nature of the proposed development, orientation and juxtaposition of the extensions in relation to the surrounding residential properties and the boundary treatment would all help to mitigate any negative externalities caused by the proposed development. Overall it is considered that the proposal complies with policy BE.1 (Amenity).

The impact on other residential properties in the locality will be negligible.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved.

Sustainability of the site

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes onto enunciate that

'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'. (paragraph 34).

The site would be sited in a sustainable location alongside the existing nursing home. The site would have access to the facilities within the village of Wrenbury. However, the agent stresses that majority of residents suffer from dementia and the unit is secured with residents not able to leave the property. Nevertheless, it is still considered prudent to address the sustainability of the site.

Overall, it is considered that the site is in a sustainable location and the proposal is in accordance with Policy BE.3 (Access and Parking) and advice advocated within the National Planning Policy Framework.

Highways

According to the submitted plans and application forms the existing access arrangements will remain unaltered. According to the application forms there are 15 spaces and sufficient space for vehicles to manoeuvre so that they can enter and leave in a forward. The agent stresses given the nature of the clients utilising the nursing home no additional car spaces are required. The proposal would increase the number of employees by three. The applicant claims that the majority of staff arrive at work via public transport and there is always sufficient car parking available. Overall, it is considered that the proposal complies with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

Need

There are currently 4 potential residents on the waiting list, however due to the nature of the medical conditions that the potential residents have there are often cases where they require a placement in a residential nursing home at short notice, and at the present time these people are having to be turned away and therefore often they have to be accommodated in other homes that are outside of the Wrenbury and district area. As a result of the extra capacity at the home 8 new jobs will be created.

Other Matters

Whilst the concerns of the objectors are noted the devaluation of a property is not a material planning consideration. Furthermore, vehicles obstructing the access is not a sufficient justification to warrant refusing the application, as this matter can be dealt with by the police under their legislation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), and TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and that it would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

Approve subject to the following conditions:

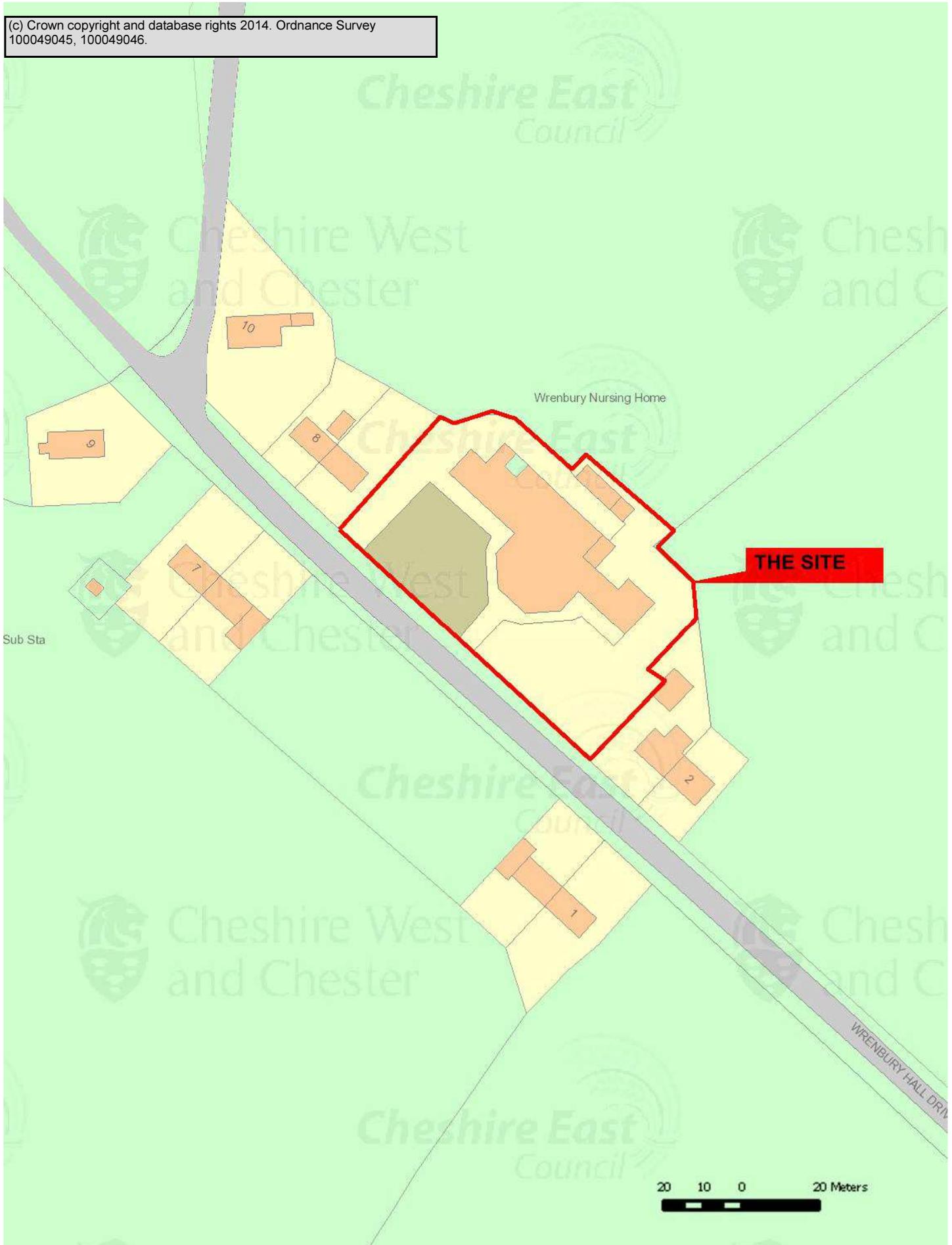
- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Drainage**
- 6. Landscaping submitted**
- 7. Landscaping implemented**
- 8. Obscure glazing**

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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Application No: 11/3349C

Location: PLOT 1, LAND ADJACENT TO, 6, HEATHEND ROAD, ALSAGER, ST7 2SQ

Proposal: SINGLE DETACHED DWELLING ON LAND ADJACENT TO NO. 6 HEATH END ROAD

Applicant: MR ADRIAN GIRVIN

Expiry Date: 28-Oct-2011

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

REASON FOR REFERRAL

This application was originally called in to Committee by Councillor D Hough on the following grounds:

- “1. The effect on removal of rubble from the site on the Oak Tree. The Oak tree has a TPO.*
- 2. The effect of the drain going down the drive and the effect on the Oak Tree. The alternative drain may not be available due to land ownership issues.*
- 3. The newt mitigation issue is incomplete with other local ponds not being surveyed.”*

The application was put before committee on 29th May 2013 and it was resolved that the application be approved subject to a Section 106 Agreement to secure the Great Crested Newt Mitigation Strategy. This is no longer considered to be necessary and the reasoning behind this is explained in the Ecology – Protected Species & Nature Conservation Section of this report.

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land approximately 0.23ha in size, situated between two residential properties on Heath End Road. The site contains a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The eastern side of the site is a grassed area with open countryside to the north and residential properties to the east. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

There have been several unsuccessful applications for residential development on this site, details of which are listed in the report. However Southern Planning Committee approved an application in March 2011, for a detached bungalow with a detached double garage. This was subject to a Section 106 Agreement to ensure the protection of Great Crested Newts, which has now been completed. This permission is extant.

DETAILS OF PROPOSAL

The proposal is for the erection of one split level dwelling with a detached triple garage, sited within the grassed area of the site, with access being taken from Heath End Road. The dwelling would provide five bedrooms, two with en-suite and a separate bathroom in the roof space. On the ground floor there would be a large kitchen with living area and conservatory, a lounge, dining room, play room, music room, utility and hallway. There would also be an underground basement level which would house a swimming pool, gym and games room, leading on to a sunken terrace. The external finishes of the building would consist of rendered wall with stonework details to the doors and windows and the roof would be clad in Staffordshire blue/black roof tiles.

The ground floor footprint of the proposed dwelling would be just under 27 metres wide, 16 metres deep at the widest point, with a roof height (measured from ground level) of 7.1 metres at the highest point. The garage would be sited in the southeastern corner of the plot and would be 8.5 metres wide, 6 metres deep, with a roof height of just less than 6m when measured from ground level. It would have accommodation in the roof space for a hobby/study room which would get natural light from two dormer windows that would face on to the driveway and wooded area.

RELEVANT HISTORY

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings
33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 5 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings

10/0815C	2010	Withdrawn application for the erection of 2 dwellings
11/0217C	2011	Approval subject to s106 for bungalow and detached garage
14/2269C		Application for detached two-storey dwelling – under consideration

POLICIES

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
PG5 Open Countryside
EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

PS4 Towns
H1 & H2 Provision of New Housing Development
H4 Residential Development in Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation
NR3 Habitats

SPG2 Provision of Private Open Space in New Residential Developments
SPD14 Trees and Development

Other Material Considerations

BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSULTATIONS (External to Planning)

Environmental Health:

Recommend that conditions be imposed relating to land contamination and hours of construction and pile driving.

Highways:

This new access will require a properly constructed vehicular crossing which complies with Cheshire East Council authority standards.

The Strategic Highways Manager recommends that any planning permission which may be granted have the following informative attached:

Informative: Prior to first development the developer will enter into and sign a Section 184 Agreement with Cheshire East Highway Authority with regard to the construction of the new vehicular crossing.

Natural England

Natural England submitted comments to the Council and to a Parish Councillor on the application. These are discussed in the Ecology – Protected Species & Nature Conservation Section of the report.

VIEWS OF TOWN/PARISH COUNCIL

The Town Council has no objections to this application. The application has a large basement that will require the removal of a large amount of soil, the Town Council ask that this is removed safely from the site with as little disruption to the residents as possible. The Town Council ask that if approval of the plan is granted that any conditions put on the application by Cheshire East are enforced, especially with regard to the protection of the Great Crested Newt population on the site.

OTHER REPRESENTATIONS

At the time of report writing 5 letters of objection have been received in relation to this application raising the following issues:

- Question the ability of the proposed surface of the driveway to carry heavy traffic without impact on trees
- Large trucks would not be able to safely access site without damage to trees due to width of drive
- Adverse impact on Great Crested Newts
- Bias within ecological surveys
- No pond survey at neighbouring property
- Inaccuracies within GCN survey data
- Access being sited on a 'dangerous' bend
- Design out of character with the area
- Excessive height of the proposal
- Previous approval removed permitted development rights for alterations to the roof
- Overbearing nature of the proposal
- Design not of a domestic scale rather a 'monster cottage'
- Overlooking of neighbouring garden
- Loss of garden land
- Excessive roof height and scale of the proposed bungalow
- The Council should not be wasting money by accepting a further application on this site
- Impact that basements have on the local water table

In addition, two petitions have been submitted, one with approximately 94 signatures and one with approximately 57 signatures.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Supplementary Planning Statement
- Tree Survey Report
- Method Statement for Protection of Trees during Development

- Phase 1 Habitat and Ecological Survey Report
- Great Crested Newt Impact Assessment, Mitigation Strategy and Ecological Update
- Great Crested Newt Survey

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The National Planning Policy Framework states the following:

*“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 **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 planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or
 - *specific policies in this framework indicate development should be restricted*

This proposal is for one dwelling, of a split level design with a detached garage. In 2011, Committee resolved to grant consent for a detached bungalow with detached garage on a very similar footprint and with a very similar roof height to that proposed, albeit with an increase in the eaves height. This proposal would create a dwelling with a much increased level of accommodation; however, externally the visible massing would be very similar to that approved. Given these factors, the proposal is considered to be acceptable in principle.

Layout and Scale

The proposal is for a detached split level dwelling that would be sited in the north eastern part of the site. The surrounding development has varying layout patterns including semi-detached properties in a linear form and large detached dwellings set in substantial plots. Concerns have been expressed over the size of the proposed building, however it should be noted that the ground floor footprint would be very similar to that approved and a large proportion of the rooms would be accommodated in the roof space and underground. As such it is considered that its external appearance would be in keeping with the character of the surrounding development. It is therefore considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

The proposal is for a building that would be constructed of rendered blockwork with stone plinth details and window surrounds and Staffordshire Blue/black clay roof tiles. As stated previously, the proposal would provide a much increased level of accommodation, however this would be mostly within the roof space and basement, minimising its visual impact. Overall given the variety of property designs in the vicinity of the site including bungalows and two-storey properties it is not considered that the design of the proposed dwelling would be out of keeping with the character of the area. Concerns have been raised over the height of the building; however the height would not exceed that already approved by Committee. As such in terms of appearance this is not considered to be a reasonable reason for refusal of the application.

Amenity

There are four residential properties that share a boundary with the site, numbers 6 and 8 Heath End Road, number 21 Rydal Way and number 21 Pikemere Road and the impact on the amenities of these properties must be given careful consideration in the determination of this application. Number 8 Heath End Road would be in excess of 40 metres away from the proposed dwelling and it is therefore considered that there would not be an adverse impact on the residential amenities of this property. Having regard to number 6 Heath End Road, the nearest window facing this property would be in excess of 22 metres away and as such would meet the requirements of Supplementary Planning Document 2: Private Open Space. Number 21 Rydal Way would also be in excess of 26 metres away from the proposed new dwelling and having regard to this property, it is not considered that there would be any adverse impact on the amenities of its occupiers. The dwelling would be partly sited adjacent to the rear garden of 21 Pikemere Road, however given the length of this garden and the provision of suitable boundary treatments, it is not considered that there would be any significant adverse impact on the amenities of the occupiers of this property.

Highways

The Strategic Highways Manager has submitted no objections to this proposal on highway safety grounds, subject to a properly constructed vehicle crossing. It should be noted that a previous application was subject to appeal in 2002 (33264/3). This appeal was dismissed and one of the reasons given was that there would be an adverse impact on highway safety. However that proposal was for 5 dwellings and the Inspector emphasised that the number of dwellings proposed informed her decision, as such given that this proposal is only for 1 dwelling and in the absence of objections from the Strategic Highways Manager, it is considered that a refusal on these grounds would not be sustainable.

Ecology - Protected Species & Nature Conservation

The site has been identified as containing a habitat for Great Crested Newts and reports have been submitted to inform assessment of this issue. The Nature Conservation Officer has visited the site and assessed the submitted reports. The conclusions drawn from this are that provided that the mitigation proposals are completed in full, adverse impacts on protected species will be negligible and in particular the viability of the Great Crested Newt population at the location should be sustainable.

Natural England have also commented on this application and stated that the methodologies to be employed by the applicant's ecologist would require a licence. This has been challenged by the applicant in his additional ecology report who highlights the fact that Natural England Standing Advice

When originally put before Committee, it was recommended the habitat enhancement and management plan should be secured by completion of a Section 106 Agreement. No agreement was ever entered into.

As discussed in this report, a previous application was been approved on this site for a detached bungalow. At the time that this decision was taken, the Council considered that the long term habitat management plan should be secured for a period of 80 years by Section 106 Agreement.

Since this decision was considered, an application was refused, taken to appeal and subsequently quashed (12/4872C). That site is immediately to the rear of the application site and the proposal was for a development of up to 155 houses. As with this application, Great Crested Newts are a constraint on the site. During the appeal process, it was agreed in the statement of common ground, that a long term management plan could be secured by condition for a period of 10 years. In the light of this it is considered that the Council should apply the same approach to this application. Especially as this application relates to only a single dwelling. Up to date information relating to Great Crested Newts has been used to reassess the application.

A new application for a two storey dwelling (14/2269C) also forms part of this agenda and it is considered that a similar approach can be taken as has been set out above.

Concerns have been raised about the impact of excavations for the basement on the water table and in turn on the pond. The condition would ensure that should the pond be affected adversely, steps would have to be taken to address this.

Trees and Landscape

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

A Method Statement has been submitted with the application detailing proposed works to the trees, their protection during construction, and the specification for the driveway including special construction techniques. During the application process some changes were made to this at the request of the Landscape Officer. The measures laid down in the Method Statement (Revision E) are considered to be acceptable and will serve to protect the health of the trees. It is also considered necessary to impose conditions requiring submission of detailed landscape plans for the site.

It has been highlighted that newt fencing could damage the roots of trees on the site. The purpose of burying the fence by 20 cm is to stop Great Crested Newts from "burrowing" under

the fence. This can be achieved by careful hand digging in the outer areas of the root protection zone and where necessary turning the base of the fence outwards and burying it with locally sourced material. As such this method is considered to be acceptable.

The Principal Forestry and Arboricultural Officer of the Council has carefully assessed all the submitted information including the Tree Survey Report (Ref: MG/3717/TSR'B' dated June 2014), both from the applicant, and that commissioned by the neighbour and is satisfied that the construction of the driveway/ tree protection measures can reasonably be dealt with by condition.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. It is therefore recommended that the application be approved subject to the following conditions:

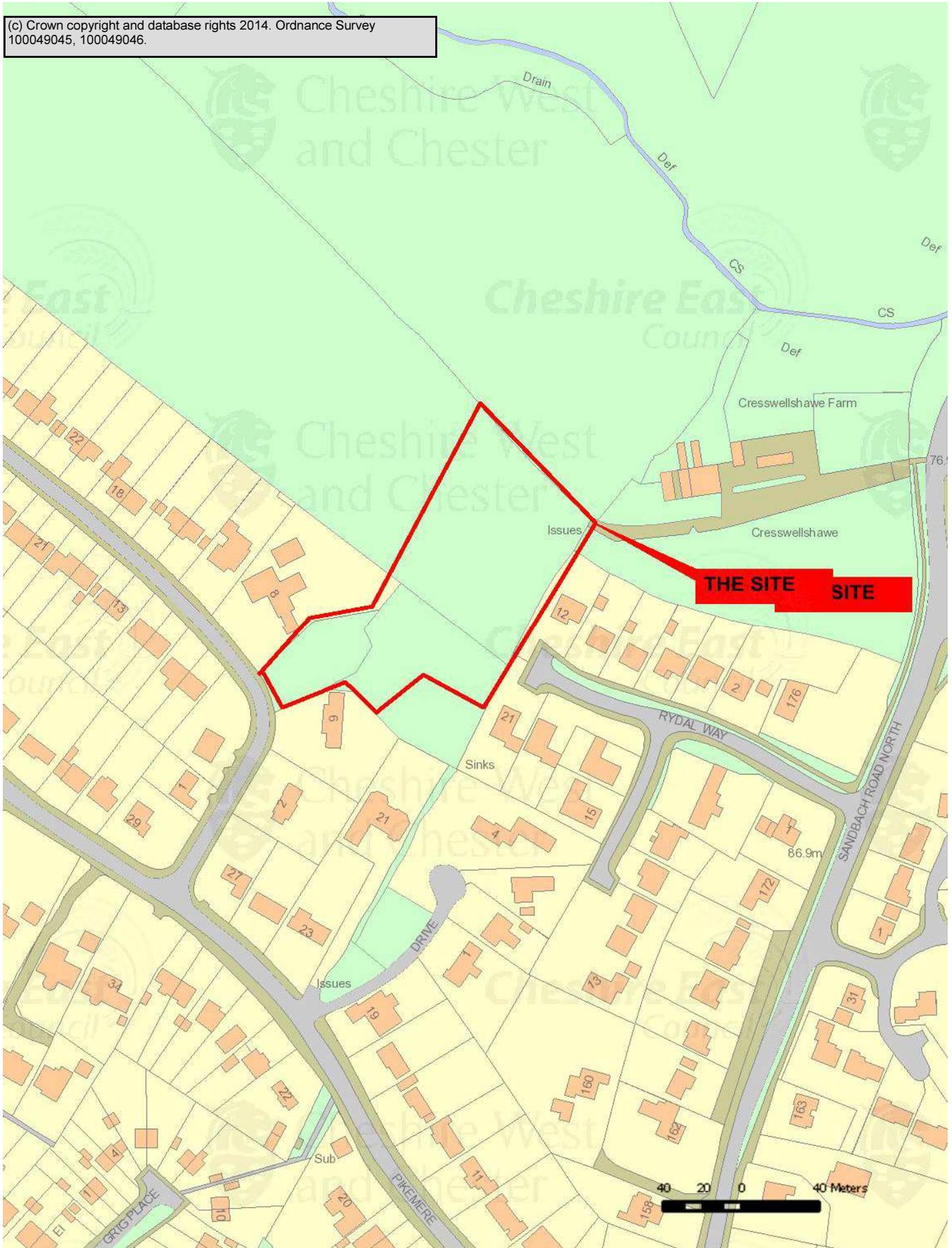
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of a Phase 1 land contamination survey**
- 5. Limits on hours of piling**
- 6. Submission of detailed landscaping scheme**
- 7. Implementation of landscaping scheme**
- 8. Tree retention**
- 9. Submission and implementation of tree protection scheme**
- 10. Construction Specification/Method Statement (driveway)**
- 11. Arboricultural Method Statement**
- 12. Implementation of Great Crested Newt Reasonable Avoidance Measures during the construction phase**
- 13. Implementation and completion of pond restoration proposals to the satisfaction of the Council prior to first occupation of the dwelling**
- 14. Submission and implementation of a Habitat Management Plan for a period of 10 years**
- 15. Submission and implementation of details of bat and bird boxes**
- 16. Safeguarding of breeding birds**
- 17. Compliance with the Great Crested Newt Mitigation Strategy**
- 18. Submission and implementation of detailed drainage scheme**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/2269C
Location: HEATHLANDS, LAND OFF HEATH END ROAD, ALSAGER, CHESHIRE
Proposal: Residential Proposal for a single detached dwelling
Applicant: Mr Adrian Girvin
Expiry Date: 27-Jun-2014

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

REASON FOR REFERRAL

Called in by Councillor R Fletcher on the grounds that:

“Planning permission already exists for one dwelling on this site with details of protecting Great Crested Newts. One of the ponds appears to have been removed from this application.”

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land approximately 0.23ha in size, situated between two residential properties on Heath End Road, Alsager. The site contains a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The eastern side of the site is a grassed area with open countryside to the north and residential properties to the east. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

There have been several unsuccessful applications for residential development on this site, details of which are listed in the report. However Southern Planning Committee approved an application in March 2011 (11/0217C), for a detached bungalow with a detached double garage. This was subject to a Section 106 Agreement to ensure the protection of Great Crested Newts, which has now been completed. This permission is extant.

A subsequent application was submitted for a dwelling of a different design that also included a basement (11/3349C). Members will recall that they also resolved to approve this application subject to a Section 106 Agreement identical to that on the previous approval. The applicant has not entered into that agreement, therefore no decision has been issued and no consent exists.

DETAILS OF PROPOSAL

This application proposes a two-storey dwelling with additional accommodation contained within the roof space. It would essentially be an 'L' shaped dwelling providing extensive accommodation including 6 bedrooms, 3 reception rooms an integral garage and a games room and cinema in the roof space.

Consistent with the previous schemes a designated ecological habitat area is included due to the presence of Great Crested Newts.

RELEVANT HISTORY

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings
33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 5 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings
10/0815C	2010	Withdrawn application for the erection of 2 dwellings
11/0217C	2011	Approval subject to s106 for bungalow and detached garage
11/3349C		Committee resolution to approve a detached dwelling with basement. (Section 106 Agreement not completed.)

POLICIES

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
- PG5 Open Countryside
- EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

- PS4 Towns
- H1 & H2 Provision of New Housing Development
- H4 Residential Development in Towns
- GR1 New Development

GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation
NR3 Habitats

SPG2 Provision of Private Open Space in New Residential Developments
SPD14 Trees and Development

Other Material Considerations

BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSULTATIONS (External to Planning)

Environmental Health:

Recommend that conditions/informatives be imposed relating to land contamination and hours of construction and pile driving.

Highways:

This new access will require a properly constructed vehicular crossing which complies with Cheshire East Council authority standards.

The Strategic Highways Manager recommends that any planning permission which may be granted have the following informative attached:

Informative: Prior to first development the developer will enter into and sign a Section 184 Agreement with Cheshire East Highway Authority with regard to the construction of the new vehicular crossing.

United Utilities:

No objection.

Natural England:

No objection.

VIEWS OF TOWN/PARISH COUNCIL

OTHER REPRESENTATIONS

At the time of report writing approximately 6 letters of objection have been received in relation to this application raising the following issues:

- Creeping changes in the specification of the dwelling
- Increased height of the dwellings causing loss of outlook
- Rooms in the roof leading to loss of privacy
- Repositioned garage also leading to loss of outlook and privacy
- Outdated information relating to Great Crested Newts
- Adverse impact on Great Crested Newts
- Impact of the driveway on protected trees
- Highway safety
- Overdevelopment of the site
- Confusion over the splitting of the site with a garage on the plans but not form part of the application
- Drawings that do not show a scale
- Access on a dangerous bend
- Cheshire brick would be a more appropriate finish
- The proposed new pond from the previous application has not been included
- Incorrect ecological information on the website

In addition reports relating to trees and Great Crested Newts have been submitted by the occupiers of number 6 Heath End Road.

The local MP has also submitted representations on behalf of the occupiers of 6 Heath End Road. These express concerns about members of the public not being given time to assess information that has been included on the website, close to the original committee date of 2nd July. The application was deferred from that committee in order that officers, local residents and the Town Council could comment on and assess all the relevant information.

APPLICANT'S SUPPORTING INFORMATION

- Design, Access and Planning Statement
- Tree Survey Report
- Great Crested Newt Impact Assessment, Mitigation Strategy and Ecological Update

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The National Planning Policy Framework states the following:

*“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 **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 planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or
 - *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Alsager and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for a single, two-storey dwelling with an integral garage. In 2012, permission was granted for a detached bungalow with a detached garage on the site. In 2013 Southern Planning Committee resolved to approve an application for a detached bungalow with basement accommodation, also with a detached garage.

The principle of residential development on the site has therefore been established.

Layout and Scale

This application comprises a substantial two-storey dwelling on an 'L' shaped footprint, in a similar position to the approved dwelling on the site. The dwelling would have two storeys whereas the previously approved scheme was for a bungalow. However, Heath End Road has a mix of dwelling types as does the nearby Pikemere Road. As such it is not considered that this form of development is inappropriate in this location.

Given the nature of the surrounding development it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

The proposal is for a building that would be constructed of rendered blockwork with stone plinth details and window surrounds and Staffordshire Blue/black clay roof tiles. As stated previously, the proposal would create a dwelling with a substantial level of accommodation, however it is not considered that this would be out of character with the surrounding development.

Overall given the variety of property designs in the vicinity of the site including bungalows and two-storey properties it is not considered that the design of the proposed dwelling would be out of keeping with the character of the area. Concerns have been raised over the height of the building; however as stated above, it is not considered to be out of character with the surrounding development. As such in terms of appearance this is not considered to be a reasonable reason for refusal of the application.

Amenity

There are four residential properties that would be impacted by the proposed development, numbers 6 and 8 Heath End Road, number 21 Rydal Way and number 21 Pikemere Road and the impact on the amenities of these properties must be given careful consideration in the determination of this application.

Number 8 Heath End Road would be in excess of 38 metres away from the proposed dwelling and it is therefore considered that there would not be an adverse impact on the residential amenities of this property. Having regard to number 6 Heath End Road, the nearest window facing this property would be in excess of 28 metres away and as such would meet the requirements of Supplementary Planning Document 2: Private Open Space. Number 21 Rydal Way would also be in excess of 29 metres away from the proposed new dwelling and having regard to this property, it is not considered that there would be any adverse impact on the amenities of its occupiers. There would be no windows directly facing other properties that would not meet the minimum separation distances required.

Having regard to the residential amenity of future occupiers of the proposed dwelling, there would be more than adequate space within the site for private amenity space and bin storage.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan and acceptable in terms of residential amenity.

Highways

The Strategic Highways Manager has submitted no objections to this proposal on highway safety grounds, subject to a properly constructed vehicle crossing. It should be noted that a previous application was subject to appeal in 2002 (33264/3). This appeal was dismissed and one of the reasons given was that there would be an adverse impact on highway safety. However that proposal was for 5 dwellings and the Inspector emphasised that the number of dwellings proposed informed her decision, as such given that this proposal is only for 1 dwelling and in the absence of objections from the Strategic Highways Manager, it is considered that a refusal on these grounds would not be sustainable.

The proposal is therefore considered to be acceptable in highway safety terms and in accordance with Policy GR9 of the adopted local plan.

Ecology - Protected Species & Nature Conservation

Great Crested Newts

Numerous ponds, many of which are garden ponds, are located within 250m of the proposed development. A number of Great Crested Newt surveys have been undertaken of these ponds over an extended time period, with the most recent surveys being undertaken of two of the ponds in 2014. These surveys have recorded Great Crested Newts as being present at a number of ponds.

One nearby garden pond which had previously been identified as supporting Great Crested Newts during an earlier survey currently holds no water and does not now function as a pond. This particular pond therefore now offers no opportunities for breeding Great Crested Newts.

A further garden pond has recently been identified by a local resident. This pond has been subject to a preliminary survey, which did not result in any evidence of Great Crested Newts being present, however the survey was a single visit only and so is insufficient to robustly establish the presence or likely absence of breeding Great Crested Newts. It is considered that, on balance, based on the small size of this pond and the level of survey work undertaken to date it is not reasonably likely that this pond supports a breeding population of Great Crested Newts and so no further surveys of this particular pond are required.

It is considered that the Council has sufficient information to conclude that the ponds surrounding the development support a medium sized metapopulation of Great Crested Newts.

The application site itself consists of very closely mown grassland which provides no opportunities for Great Crested Newts to shelter or hibernate. The grassland offers opportunities for foraging newts, however there is abundant similar habitat located around the development site and this minor loss would be compensated for through the proposed enhancements to the existing pond discussed below.

In the absence of mitigation the proposed development would pose the risk of disturbing, killing or injuring any Great Crested Newts that ventured onto the site during the construction phase. To mitigate this impact the applicant is proposing that the development be undertaken in accordance with a method statement of 'Reasonable Avoidance Measures' designed to address this risk.

It is considered that provided the proposed mitigation measures are implemented, the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the requirements of the Habitat Regulations during the determination of this application.

If planning consent is granted a condition should be imposed requiring development to proceed in strict accordance with the Mitigation and Compensation Strategy submitted with the application.

As part of the application a package of ecological enhancements are proposed which centre around the restoration and enhancement of the pond adjacent to the proposed development. It is considered that the proposed restoration of the pond has the potential to deliver significant ecological benefits. It is therefore recommended that the implementation of the proposed enhancement measures should be secured by condition in the event that planning consent is granted.

As Great Crested Newts may be present in the vicinity of the pond proposed for enhancement, there is a risk that they could be disturbed, killed or injured during the implementation of the enhancement works. To address this risk the applicant has proposed that the enhancements be undertaken under a method statement which includes the timing and supervision of the works. It is considered that if the enhancements works are undertaken in accordance with the submitted method statement the works would not be likely to result in an offence under the Habitat Regulations.

If planning consent is granted a condition must be attached to ensure the pond enhancement works proceed in strict accordance with the submitted Great Crested Newt (GCN) Method Statement for Pond Enhancement Works produced by UES dated July 2014.

It is also recommended that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed; this should be prior to first occupation of the dwelling. The Council's Principal Nature Conservation Officer should inspect the works when completed before the Local Planning Authority discharge the condition.

In order to secure the long term viability of the enhanced pond it is recommended, that if planning consent is granted, a condition be attached to secure the submission and implementation of a long term habitat management plan for the enhanced pond and the retained and enhanced areas of habitat around the development site.

In accordance with Natural England's standing advice it is recommended that if consent is granted, an informative should be attached advising the applicant that in the event that Great Crested Newts are unexpectedly encountered during works, that they should cease immediately and further advice be sought from an appropriately licensed ecologist or Natural England.

Previous Applications

As discussed in this report, two applications have been accepted on the site, albeit that one does not yet have a decision. At the time that these decisions were taken, the Council considered that the long term habitat management plan should be secured for a period of 80 years by Section 106 Agreement.

Since these decisions were considered, an application was refused, taken to appeal and subsequently quashed (12/4872C). That site is immediately to the rear of the application site and the proposal was for a development of up to 155 houses. As with this application, Great Crested Newts are a constraint on the site. During the appeal process, it was agreed in the statement of common ground, that a long term management plan could be secured by condition for a period of 10 years. In the light of this it is considered that the Council should apply the same approach to this application. Especially as this application relates to only a single dwelling.

Having regard to the application that Committee resolved to approve, subject a legal agreement in May 2013 (11/3349C), it is considered that this should be brought back to committee in order that a similar approach can be taken as has been set out above. As such that application also forms part of this agenda.

Reptiles and common toad

Grass snakes have previously been recorded on site. Whilst detailed reptile surveys undertaken on land to the north of the application site did not record any evidence of reptiles it is considered that there remains the possibility that grass snakes may still occur within the broader locality of the application site. Similarly, considering the number of ponds in the broad locality there is also the possibility that common toad may occur. The footprint of the proposed development however; offers negligible habitat for reptile species and minimal opportunities for common toad.

It is considered that the proposed development poses a minimal risk to reptiles and Common Toad and the submitted Great Crested Newt mitigation would also further reduce the risk posed to these species.

Breeding Birds

If planning consent is granted it is recommended that standard conditions should be imposed to safeguard breeding birds.

Bats

Two mature oak trees on site will be subject to crown lifting works as part of the proposed development. These trees have potential to support roosting bats. However, based on advice from the Council's Principal Forestry and Arboricultural Officer, it is considered that the level of works anticipated to the trees would not be reasonably likely to result in any significant risk to roosting bats. No offence in respect of roosting bat is therefore likely to occur.

If consent is granted, additional provision for bats could be provided as part of the proposed development. This matter should be dealt with by means of a condition.

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. A hedgerow located on the north western boundary of the application located between the grassland areas of the application site and the adjacent retained habitat area has been identified as being species rich. This hedgerow will be removed as part of the development, however this is part of the wider ecological enhancements to the pond and as such is considered to be acceptable.

Councillor Fletcher called the application in because this proposal does not include the new pond that formed part of the last two applications. However this application would include the enlargement and restoration of the existing pond, which is considered to deliver significant ecological benefits.

Trees and Landscape

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

This application provides the same private driveway configuration as the two previously approved applications 11/0217C and 11/3349C (decision not yet issued). The submission is for a similar sized dwelling than that submitted under 11/3349C without the provision of a basement.

A Tree Survey Report has been submitted in support of this current application which is broadly in line with the current *British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The application proposes the same access route as the previously approved applications and in respect of the two protected Oak trees, (T2 and T3) officers are satisfied that there would be no greater impact taking into account the requirements of BS5837:2012.

The driveway and other aspects of tree protection/landscaping can satisfactorily be dealt with by the imposition of conditions.

Other Matters

It should be noted that there is a separate application for a garage and greenhouse adjacent to the application site (14/3152C). The applicant has not clearly indicated which property this would be linked to and objectors have expressed concerns about this. However this proposal should be judged on its own merits.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. It also complies with the requirements of policies contained within the Cheshire East Development Strategy – Submission Version and the NPPF. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. It is therefore recommended that the application be approved subject to the following conditions:

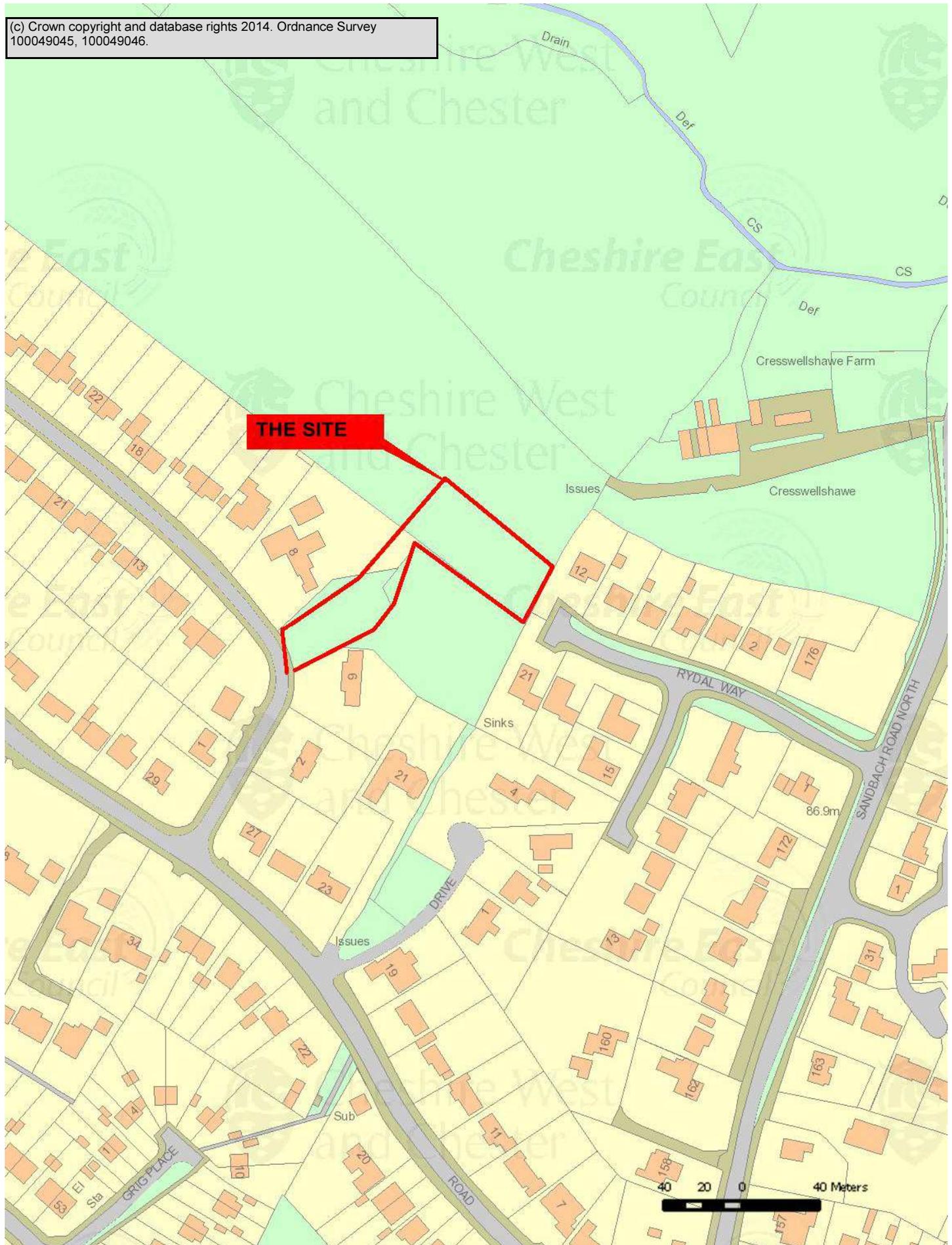
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of a Phase 1 land contamination survey**
- 5. Limits on hours of piling**
- 6. Submission of detailed landscaping scheme**
- 7. Implementation of landscaping scheme**
- 8. Tree retention**
- 9. Submission and implementation of tree protection scheme**
- 10. Construction Specification/Method Statement (driveway)**
- 11. Arboricultural Method Statement**
- 12. Implementation of Great Crested Newt Reasonable Avoidance Measures during the construction phase**
- 13. Implementation and completion of pond restoration proposals to the satisfaction of the Council prior to first occupation of the dwelling**
- 14. Submission and implementation of a Habitat Management Plan for a period of 10 years**
- 15. Submission and implementation of details of bat and bird boxes**
- 16. Safeguarding of breeding birds**
- 17. Compliance with the Great Crested Newt Mitigation Strategy**
- 18. Submission and implementation of detailed drainage scheme**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 13/5045C

Location: Land adjacent to Heath End Farm, Hassall Road, Alsager, Cheshire, ST7 2SL

Proposal: RE-SUBMISSION OF APPLICATION 12/3905C OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER

Applicant: Frank Evason & Mr Allan Key, n/a

Expiry Date: 27-Feb-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-**

Principle of the Development
Planning Policy and Housing Land Supply
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage
Agricultural Land

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Congleton Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.42 ha and is located to the north west of Alsager, circa 2km from the town centre. The site is within open countryside. To the south and west is agricultural land. To the south beyond another field is an established children's play area

and the former sports grounds of the MMU campus. To the east and north is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) runs to the south of the site.

The land is currently in agricultural use and there are a number of trees and remnant lengths of hedge on the periphery. Some of the trees on the Hassall Road frontage are subject to TPO protection: (The Alsager Urban District Council (Pikemere Road / Hassall Road) TPO 1970).

The field directly to the south of the site has an approval for 30 dwellings after application 12/1670C was allowed at appeal.

2. DETAILS OF PROPOSAL

This is an outline planning application for up to 34 dwellings (30.61 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Hassall Road. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types with the maximum height being two storeys in height.

3. RELEVANT HISTORY

12/3905C - Outline application for up to 34 dwellings, including the creation of means of access to Hassall Road, Alsager – Refused 31st January 2013 – Appeal Lodged – Appeal Withdrawn

Reason for Refusal as follows:

'The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply'

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping
GR5 – Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - 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 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Alsager Town Strategy

5. CONSULTATIONS (External to Planning)

Environment Agency: The Environment Agency has no objection in principle to the proposed development but would like to make the following comments:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The Flood Risk Assessment (FRA) prepared by L K Consult suggests that surface water from the proposed development may discharge to a watercourse located along the western boundary of the site.

Further details will be required at the detailed design stage to confirm that this watercourse is suitable for taking the runoff from the proposed development. The surface water regulation scheme should subsequently ensure that flood risk is not increased elsewhere as a result of the proposed development. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. The following planning conditions should be attached to any approval:

- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow

United Utilities: No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Strategic Highways Manager: This application is resubmission of a previous application, in terms of the highway considerations of the application there is no change on the highway network that would alter the comments made previously.

As this is an outline application, there are no internal design comments made. The proposed access design is acceptable and does provide a satisfactory level of visibility.

The traffic impact that can be expected from the development is low and there is no justification for rejecting the application on traffic impact grounds.

Environmental Health: No objection subject to conditions relating to construction hours, piling hours, dust mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

Public Open Space: Following an assessment of the existing provision of amenity space accessible to the proposed development, if the development were to be granted planning

permission there would be a surplus in the quantity of provision, having regard to the Council's Open Space Study. Whilst there is no requirement for new open space, a qualitative deficit has been identified at Hassall Road Play Area. Given that an opportunity has been identified for enhancing the existing amenity space to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer would be:

Enhanced Provision:	£ 4,310.92
Maintenance:	£ 9,649.20

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has been identified for upgrading and enhancing the quality of an existing facility at Hassall Road Play Area. Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision:	£ 7,472.11
Maintenance:	£ 24,357.6

Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. In relation to protected species reference should be made to the Natural England Standing Advice.

Public Rights of Way: The application documents note the existence of a Public Right of Way, namely Alsager Footpath No. 3, in the land parcel to the south of the proposed development site.

The application form and planning statement (paragraph 4.4) state that a new Public Right of Way is to be provided through the development. It is assumed that the proposed link from the estate road to the southern boundary is considered to equate to this new Public Right of Way. This link is welcomed. However, it would be suggested that the path not be dedicated as a public right of way, but be maintained as a path for public use within the open space management for the site. A gate is proposed in the layout plan whilst a gap is proposed in the planning statement, where this path reaches the boundary of the development site. The most accessible and least restrictive option should be selected in order to maximize the number of people who can use the path: a gap of at least 1m width would be desirable.

That said, a request to upgrade Public Footpath. No. 3 in Alsager to bridleway status has been registered under the Council's statutory Rights of Way Improvement Plan (ref. 144), so that the route is accessible to horse riders and cyclists in addition to pedestrians. In anticipation of this, the proposed path should be established as a combined cyclist/pedestrian facility.

The Transport Plan states in paragraph 2.10 that the Salt Line is a 27km linear off-road cycle route between Alsager and Sandbach. The Salt Line is in fact 2.5km in length, and offers a connection

between these two towns when considered in tandem with the Wheelock Rail Trail which offers an additional 1.5km length. This route will offer residents of the proposed development a direct and traffic-free route to Sandbach and other service and employment locations. Improvements to the accessibility of the Salt Line for cyclists are being proposed at present and contributions towards this work would be sought from the developer to enable the route be more readily included within the transport plan options for residents.

Another path, Public Footpath No. 4 which runs between Hassall Road and Lodge Road, acts as a direct link between the proposed development site and the town centre. A further suggestion registered under the Council's statutory Rights of Way Improvement Plan (re. T76) is to improve the surface condition of this footpath and to consider installing lighting along its length so that the route is suitable for use year round. I have attached a plan for reference.

The developer should be tasked to prepare Travel Plans for residents of the proposed development in order to bring to their attention the walking, cycling and public transport options available to them in gaining access to facilities and employment. In addition, destination signage should be provided to local facilities.

Education: A contribution will be required towards primary provision on the basis of 34 dwellings = 6 primary aged pupils.

$$6 \times 11919 \times 0.91 = \text{£}65,078$$

Newcastle-under-Lyme Borough Council: Objects to the application on the grounds that development of this scale in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

6. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: Alsager Town Council strongly objects to this application on the following grounds:

- The application is a significant intrusion into a currently undeveloped area and the surrounding open countryside and extends out from Alsagers settlement boundary. No development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which give access to the countryside, are protected and preserved against residential development. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision details 'there would be serious harm resulting from the impact of the proposal on the character and appearance of the countryside, and consequent conflict with the development plan policies noted earlier, which carry significant weight. This harm to character and appearance is significant. Such harm is not to be taken lightly and has, in my judgement, been underestimated by the Appellant.'
- A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.
- The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open

spaces and wildlife. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.

- Cheshire East Council have consulted with neighbouring authorities on the 1000 house contained within the draft strategy, Stoke on Trent and Newcastle Under Lyme Councils have made it clear that they have significant reservations in relation to development close to the common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses and could further compromise their efforts. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject of 'impact of adjoining authorities' it details 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at the stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'
- The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.
- Alsager is unsustainable as a Key Service Centre as it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsagers housing allocation would further reduce the proportion of jobs available. It is also noted that Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity. It was reported by Cheshire East at the Strategic Planning Board meeting held on 9th December that there is in fact no scope to widen or increase the capacity of Alsagers road network. The mini roundabout at Dunnocksfold Road/Hassall Road/Church Road has been identified in the Draft Infrastructure Delivery Plan as a cause for future concern.
- This particular application when taken in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the town's highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere of the town as a whole and would place unsustainable pressure on the towns infrastructure and services.
- It has been identified in the application that the water table across the whole of the site is persistently high and this field has standing water all year round, Cheshire East Council would

need to undertake their own assessment of the site and the possible risks of this development in relation to waterlogging and flooding.

- Further investigation is needed in reference to the standing water on the field and the possible use of the field by amphibians and other wildlife.
- Serious concern is expressed regarding the access being very close to a Z bend that already takes heavy traffic.
- Further investigation is needed into the Root Protection Areas of the trees along Hassall Road and the impact the proposed development will have, taking into account that half the roots will already run under Hassall Road.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 49 local households raising the following points:

Principle of development

- There should be more employment/community developments in Alsager
- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development is not sustainable
- Loss of Greenfield land
- The site is not part of the strategic plan for Alsager
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- The proposal is contrary to the Congleton Local Plan
- There is a lack of employment in Alsager
- Brownfield sites should be developed first
- Cumulative impact
- The same application was previously refused
- The impact upon the regeneration of the Potteries
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- Loss of view
- There are numerous properties for sale in Alsager
- The development of this site was discounted as part of the local plan
- Priority should be given to brownfield sites

Highways

- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Existing congestion problems at the nearby schools
- Pedestrian safety
- Poor visibility at the site access
- No footpath on the western side of Hassall Road

Green Issues

- Loss of green land

- Impact upon wildlife
- Impact upon protected species
- Loss of trees/hedgerows

Infrastructure

- The site often floods
- Drainage issues on the site
- The site has a high water table and the development will increase flooding
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full

Amenity Issues

- Loss of a view
- Impact upon air quality
- Light pollution
- Contamination of the site
- Loss of privacy
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site

A petition signed by 108 local residents has also been received objecting to this scheme.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Cunliffe Planning Consultancy)
- Supplementary Planning Statement (Produced by Cunliffe Planning Consultancy)
- Landscape and Visual Impact Assessment (Produced by The Ark Company Landscape Architects)
- Transport and Accessibility Statement (Produced by Richard Nickson Consulting Ltd)
- Extended Phase 1 Habitat Survey & Important Hedgerow Assessment (Produced by Rachel Hacking Ecology)
- Bat Survey (Produced by Rachel Hacking Ecology)
- Preliminary Tree Survey (Produced by Mulberry)
- Arboricultural Implications and Method Statement (Produced by Mulberry)
- Flood Risk Assessment (Produced by LK Consult Ltd)
- Phase 1 Desk Study (Produced by LK Consult Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design

issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

The site lies largely in the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings and affordable housing.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

"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 the Framework taken as a whole; or*

- *specific policies in the Framework indicate development should be restricted.*"

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Location of the site

The site is considered by the SHLAA to be sustainable.

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 100m
- Children’s Play Space (500m) – 100m
- Bus Stop (500m) – There is a bus stop immediately outside the site
- Primary School (1000m) – 100m
- Leisure Facilities (leisure centre or library) (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 100m
- Post Box (500m) – 500m
- Community Centre/Meeting Place (1000m) – 900m
- Public Right of Way (500m) – Directly to the south of the site

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post office (1000m) – 1950m
- Pharmacy (1000m) – 1950m
- Medical Centre (1000m) - 2100m
- Railway Station (2000m where geographically possible) – 2250m
- Public House (1000m) – 1300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Hassall Road from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

Affordable Housing

The site falls within the Alsager sub-area as part of the Strategic Housing Market Assessment update 2013, which evidenced a housing need in this area. Overall there is a need for 54 affordable units in Alsager, with the breakdown being 38 x 2 bed, 15x 3 bed, 2 x 4/5 bed general needs units and 5 x 1 bed older persons accommodation.

Furthermore information from Homechoice, the Council's choice based lettings system, demonstrates there are currently 225 live applicants who have selected the Alsager letting area as their first choice. These applicants require 94 x 1bed, 78 x 2bed, 40 x 3 bed and 7 x 4 bed units.

As there is affordable housing need in Alsager, there is a requirement that 30% of the total units at this site are affordable, which equates to 11 dwellings. According to the Planning Statement the applicant is offering 11 dwellings as affordable housing, which meets the requirement for affordable dwellings on this site

The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented units and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010. The tenure split should therefore be 7 dwellings as rented affordable homes, (which can be provided as either social rent or affordable rent) and 4 provided as intermediate tenure.

Based on the current housing need information, there is a preference for more 2 bed properties as the affordable housing than 3 beds.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

As this application is an outline application, there are no further details about the affordable housing provision. The applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage and should include details of the affordable housing scheme, including the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

Highways Implications

This is an outline planning application for up to 34 residential units, with access taken off Hassall Road, Alsager. A priority junction is proposed as access to the site. There is a current speed limit of 30mph on Hassall Road and there is also a system of traffic calming in the form of speed cushions installed.

The key highways issues in this case are:

- Determining whether the quantum of development will cause a material impact on the local highway network.
- Suitability of the access design.

Although there are a number of other residential sites that either are planned or have been rejected in the vicinity of the land in this application, there are no current planning permissions that would add significant traffic to the road network. Therefore, this application has to be dealt with on the basis that it would add the traffic generation of 34 units to the road network. The scale of impact of this development would be relatively minor adding some 23- 27 trips in the peak hours to the road network. Given the relatively low traffic flows on Hassall Road this number of trips will not have a material impact in capacity terms upon the road network.

The access is a simple priority junction and does provide visibility in accordance with Manual for Streets. A speed survey has also been undertaken that confirms that average speeds are not excessive. As such the visibility provision of 2.4m x 43m is accepted.

Amenity

In terms of the surrounding residential properties, these are mainly to the north and east of the site. Although the application is outline only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this area.

There would be adequate separation distances to the dwellings on the approved scheme to the south of the application site.

In terms of air quality, the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions could be attached if planning permission was granted.

Trees and Hedgerows

Trees

Trees on the Hassall Road frontage are subject to the Congleton Borough Council (Pikemere Road/Hassall Road) TPO 1975.

The submission is supported by a Preliminary Tree Survey Report dated April 2012. The report indicates that the survey has been carried out in accordance with *BS 5837:2005 Trees in relation to construction – Recommendations*.

British Standard 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The current BS places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. To comply with the updated BS, an updated layout plan including RPA's has been provided.

The submitted plans indicate that the proposed development would result in the loss of 2 trees along the eastern boundary. Of the trees that would be removed, one has major areas of dead wood and is identified for removal with the other tree located onto the frontage graded B/C.

It is considered that the tree losses as part of this development are acceptable and replacement planting would be secured as part of the landscaping scheme on this site.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

The roadside hedgerow would be impacted by the development. The submitted Extended Phase 1 Habitat Survey and Important Hedgerow Assessment states that none of the hedgerows satisfy the wildlife and landscape criteria for an Important Hedgerow. In relation to the historic data an extract plan from the 1840 Tithe map shows the existing line of Hassall Road and associated field pattern. This suggests that the hedge boundary is part of an integral field pattern pre-dating the Enclosure Acts, and as a result the hedgerow is classed as an Important hedge.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In this case, the Council can now demonstrate a 5-year housing land supply and the benefits of approving this development do not exist to outweigh the harm caused by the loss of the hedgerow. As a result this issue will now form a reason for refusal.

Landscape

The site is located to the north west of Alsager and is currently grazing land. The northern and eastern boundaries are defined by post and wire fencing, railings, hedge and trees. The southern boundary is a defined by a post and wire fence and the western boundary has bracken growth with trees.

There is residential development to the north east and east of Hassall Road and residential properties around the Heath End Farm complex. Beyond Heath End farm to the north, to the west and to the immediate south there is further agricultural land. A public footpath to the south of the site links Hassall Road to Dunnocksfold Road.

The application site is identified as Open Countryside in the Congleton Borough Local Plan. There are no landscape designations on the site and within the Cheshire Landscape Character Assessment the application site is located in the Lower Farms and Woods Landscape type 10, to

the edge of the Bartholmley Character Area. The site is agricultural in character. Visually it is well connected to the wider agricultural landscape, rather than to the residential development on the eastern side of Hassall Road.

The previous application (12/3905C) and the site to the south (12/1670C) were refused by the Strategic Planning Board for the following reason:

'The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply'

The issue of the landscape impact upon the adjacent site was fought at the appeal for application 12/3905C and in allowing the appeal the Inspector found that:

'I concur with the conclusions of the appellant's consultants; that the sensitivity of the overall landscape character at the proposed site is moderate; that the effects of the proposal on landscape character will be adverse but minor and negligible within the Barthomley Character Area as a whole; that there would be substantially adverse visual effects for a few properties nearest the site but that the overall visual effects would be moderate to small. I also conclude that the shape of the site, with its short sides abutting existing development or screened by hedgerows but its long sides extending away from established development and exposed to view across other open land would result in the development appearing somewhat incongruous in the short term until the MMU site is developed.

There would therefore be harmful effects on the character and appearance of the area which would result in conflict with Local Plan policies PS8 and H6. They may be moderate, minor or short term and so are not overwhelmingly decisive but they cannot be ignored and must be weighed in the balance against any advantages which may result from the effects of the proposal on the supply of housing, to which I now turn'

In this case the application site shares a closer relationship with the settlement boundary as there is residential development directly to the north at Heath End Farm and fronting on to Pikemere Road where it bends around the northern boundary of the site. The application site would be sited between these properties and the site which was allowed at appeal. It is therefore considered that the development would not represent a significant incursion into the open countryside.

As a result the impact upon the landscape impact should not form a reason for refusal.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway, parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the west the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. According to the indicative plan, the open space would be located to the east of the site which would retain the existing green corridor along the Hassall Road frontage which would help maintain the existing setting along Hassall Road.

Although the indicative layout does appear dated with car dominated frontages, it is considered an acceptable detailed design can be secured given the density of development on this site. This would be determined as part of the reserved matters stage.

Ecology

Great Crested Newts

The submitted Phase 1 Habitat Survey states that the nearest pond to the proposed development is located roughly 250m from the proposed development. Consequently, the councils Ecologist states that there is not considered to be an impact upon Great Crested Newts.

Bats

The submitted survey report identifies the on-site trees as having potential to support features suitable for roosting bats.

A further survey has been undertaken and this finds that no evidence of bat activity was found in the trees surveyed. This is accepted by the Councils Ecologist and it is not considered that the development would impact upon this protected species.

Birds

The site is likely to support breeding birds, including the more widespread BAP priority species, which are a material consideration for planning. Well designed open space areas and the use of native species in the landscaping scheme would reduce the adverse impacts of the

development upon birds. If planning consent is granted, conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

Grasslands

Whilst the grassland habitats on site are unlikely to qualify as UK BAP priority habitats, they are more diverse than much of the agricultural grassland resource in Cheshire East. The grassland has also been identified as having potential to provide foraging habitats for barn owls, a species known to occur in Alsager.

The loss of grassland habitats from this site is likely to have an adverse impact on nature conservation interests at the local scale. It is noted that wild flower grassland is proposed for the eastern edge of the site.

A condition requiring any future reserved matters application to be supported by detailed proposals for the establishment and management of this area will be required.

Whilst the proposed wildflower area would have some ecological benefits, it is unlikely to compensate for the loss of barn owl foraging habitat. Therefore, the Council's Ecologist recommends that the loss of grassland foraging habitat associated with this development be 'offset' by means of a modest commuted sum which could be utilised to deliver enhancements for barn owls off-site in partnership with the local barn owl group. However such a contribution would not meet the CIL tests as it is vague with no specific scheme for improvements in this locality. Therefore no contribution can be secured.

Hedgerows

Hedgerows are a Biodiversity Action plan habitat and a material consideration. Species poor hedgerows are located on the eastern and northern boundaries of the proposed development site. It appears likely that these hedgerows will be affected by the proposed development. It is noted that hedgerows are proposed along the western boundary of the site. However to achieve the maximum benefit for biodiversity in accordance with the NPPF, the new hedgerows shall include native species along all of the boundaries of the proposed development and this would be secured at the reserved matters stage.

Public Open Space

This indicative layout shows that an area of POS would be provided along the Hassall Road frontage and this would mainly consist of a wildflower meadow. The level of POS is considered to be acceptable given the comments from the Councils Ecologist and the POS Officer. As a result a total contribution of £13,960.12 will be secured via a S106 Agreement for off-site improvements.

The open space on site would be managed by a management company and this would be secured as part of a S106 Agreement.

In terms of children's playspace, the Public Open Space Officer has also requested improvements to an off-site facility. This would result in a contribution of £31,829.71 which would be secured as part of a S106 Agreement.

Education

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 6 new primary places. As there are capacity issues at these local schools the education department has requested a contribution of £65,078. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The ground on the site has been observed as being water logged and as a result of trial pit investigations, the FRA identifies that infiltration methods such as soakaways are unlikely to be feasible. As a result, the FRA identifies that surface water will be discharged into the minor watercourse on the western boundary or into the surface water sewer on Hassall Road.

The foul drainage will discharge into the existing foul sewer located. Due to the topography of the site the site may require to be pumped. The indicative layout shows that a pumping station could be located within the site.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

This was accepted by the Strategic Planning Board as part of application 12/3905C and at the appeal for the adjacent site (12/1670C) the Inspector did not consider that this was an issue to dismiss the appeal.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

Although a survey of the agricultural land has not been provided the issue was discussed as part of the appeal on the adjacent site which once formed part of a larger field together with the application site. As part of the appeal the Inspector found that:

'The Council's committee report accepts that because the land is extensively waterlogged it might be classed as 3a or 3b. Its report notes, and does not contest, the applicant's submitted agricultural land classification study which concludes that in reality the site comprises grade 3a land. The appellant's subsequently commissioned and submitted Agricultural Land Classification and Soil Resources report confirms a mixed grade 2 and 3a classification.'

As noted above, my site visit established that this piece of land is separated by wire fences from other land with which it once formed a larger field. The other parts of the field are now in use as public open space or as sports fields for the MMU, or were seen to be used for grazing horses. The appeal site itself appears to have no economic benefit as agricultural land which needs to be taken into account'

Given this conclusion it is considered that a reason for refusal on agricultural land grounds could not be sustained at appeal.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

Following the recent appeal decision on the adjacent site it is not considered that a reason for refusal could be sustained on landscape grounds.

The tree losses are considered to be acceptable. There are no overriding reasons for the loss of an important hedgerow and this issue will form a reason for refusal.

It is considered that the development is acceptable in terms of affordable housing provision. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

The issue of highway safety and traffic generation is considered to be acceptable and the development would not have a severe impact.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that an acceptable design and layout can be secured as part of a reserved matters application.

Policy requirements in respect of public open space provision can be met within the site.

A contribution has been secured to enhance primary school provision in the area to mitigate the proposed development.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside) of the Congleton Borough Local Plan First Review 2005, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposed development would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

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 Chair 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 Chair 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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Application No: 14/2204N
Location: Land At, SCHOOL LANE, BUNBURY
Proposal: Erection of 34No. Dwellings, a School Car Park with associated access road and new landscaping
Applicant: Bloor Homes North West
Expiry Date: 30-Jul-2014

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Main Issues;
- Principle of development;
- Location of the site;
- Policy position;
- Design standards;
- Private amenity space/density;
- Residential amenity;
- Affordable housing;
- Landscape;
- Highways;
- Public Open Space;
- Ecology;
- Drainage;
- Flooding;
- Education; and
- Other Matters

REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The site lies in Bunbury Heath within an area designated as Open Countryside. It is part of a parcel of land that is completely enclosed by housing to the north and west, Bunbury Aldersey primary school playing field the east and Saddlers Wells woodland to the south. This area provides a very pleasant rural setting for the surrounding properties but there is no public access to the land and public views towards the site are very limited. The proposed development site is

flat pasture land enclosed and subdivided by mature hedgerows. The proposed development is for 34 dwellings with a new access off School Lane through the garden of Heath Villa. The proposals also include a small 10 space car park for Aldersey Primary School located to the east of the proposed housing development.

PREVIOUS RELEVANT DECISIONS

P02/0266 - Conversion of Outbuilding Double Garage and Porch – Approved – 19th April 2002
P01/0705 - Outline Application for One Dwelling – Refused – 9th October 2001
P00/0633 - Demolition of Existing House and Outbuildings, Erection of 1 Detached and 3 Terraced Dwellings and Construction of Access Road – Refused – 12th October 2000
P99/0087 - Agricultural Store and Garage and vehicular access – Approved 24th June 1999
P99/0755 - O/A for 4 Dwellings – Refused – 11th November 1999
P98/0622 – Outline Application for a Dwelling – Refused – 17th September 1998
P97/0753 - O/A For residential Development – Refused – 16th October 1997 – Appeal Dismissed

PLANNING POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
SPD Development on Backland and Gardens

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

OBSERVATIONS OF CONSULTEES

Environment Agency: No objections subject to the following condition

No development approved by this planning permission shall take place until such time as a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

The scheme shall confirm existing and proposed receptors and limit the surface water discharge rate so that it will not exceed the greenfield discharge rate from the existing site (estimated to be a practical minimum of 10l/s) and not increase the flood risk off-site.

Natural England: No objection

Cheshire Fire and Rescue Service: No objections subject to the development being constructed in accordance with current building regulations

Sustrans: No objections subject to the following comments

- 1) Although some local journeys will be made on foot for the new site, this is essentially a car-based development as Bunbury is not on a regular public transport service. The Crewe - Chester railway line runs nearby but there are no stations between the two towns.
- 2) We prefer to see an additional entrance/exit for a site such as this for pedestrians and any cyclists.
- 3) A scheme such as this should contribute to traffic management measure in the village to create a slow speed area and enhance the public realm.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council object to the proposed development for the following reasons

- The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy NE.2 ;
- In view of the infrastructure of School Lane the increased flow of traffic will have a detrimental effect. Against Highways Policy BE.3
- There is a significant Highways safety issue. The representation of the bend in School Lane, on the submitted plans, looks as if it has been minimised and does not show the parked cars that would usually be there. Concern that the highways issue makes the development unsustainable. Against Highways Policy BE.3 ;
- Access is inadequate. Against Highways Policy BE.3 ;
- Concerns that due to the absence of natural containment features on the site, there is the possibility of more extensive development in future. Against Policy BE.2;
- Concerns that the visual impact from School Lane is not clear from the submitted plans. A realistic view that enables the impact to be assessed is needed. Against Policy BE.2;
- The design is not in keeping with the local area. There are concerns about the scale, size and density of the development. Against Policy BE.2;
- The application is not in line with the adopted Bunbury Village Design Statement 2009. The development does not conform to the density in that part of the Village and to the building scale of the immediate area. In Bunbury Heath future developments should be small scale and not spread outside the existing built up area. Bunbury Village Design Statement 2009;
- The design of the houses does not fit with existing stock. They are not countryside houses. Against Policy BE.7 and Bunbury Village Design Statement 2009;
- The design does not reflect the fact that there are two large conservation areas in Bunbury. Against Bunbury Village Design Statement 2009;
- Concern that valuable hedge rows that are over 30 years old will be lost as a result of the development; and
- Concern that sewerage system cannot cope and that there will be increased flooding risk, with additional runoff caused by impermeable surfaces. There are currently two areas of surface water/flood risk on the site and a larger area in the field opposite.

OTHER REPRESENTATIONS:

Letter of objection from Stephen O'Brien MP, which raises the following points

- Bunbury has more than fulfilled its housing needs through previous developments. Instead, this application is an opportunistic and material degradation of this rural village. The development is cynically just outside the village settlement boundary, except crucially, the access from School Lane to the point where the housing development commences;
- It would be abominable for the village settlement boundary to be breached for access as the very nature of the village settlement plan is that it absolutely should be able to hold the development to ransom and impose a veto;
- The aerial photograph speaks volumes for how the rural lands between the A49-adjacent dwellings and the School Lane-adjacent dwellings are separated by continual agricultural fields, bounded to the south by the all-important Sadlers Well Meadow and woodland and close to the Bunbury Primary School; and
- This application is clearly a Trojan Horse (see point 4.8 in the Bunbury Residents Objection Report) for significant future development.

1 letter of objection has been received from White Young Green (Planning consultants acting on behalf of Macbryde Homes). The salient point raised is as follows:

- There are a number of waterbodies within the locality and no Great Crested Newt survey has been submitted with the application and as such the application should be refused.

150 letters and a report from the residents association objecting to the proposed development have been received. The salient points raised are as follows:

- Bunbury is a small village and the proposed development is wholly out of keeping with the village;
- The application site is located wholly outside the settlement boundary and as such is contrary to the Local Plan;
- The existing infrastructure within the village will not be able to cope with this number of additional houses;
- The proposal will exacerbate highway safety problems in the locality and will result in higher levels of pollution. The local road network cannot cope with the existing traffic levels and this proposal will make the situation even worse. The proposal may bring pedestrians and vehicles into conflict with each other and may result in more accidents;
- There are more appropriate sites within the village;
- The proposal is out of keeping with the character and nature of the area and will lead to a loss of an important Greenfield site;
- The access into the site is very poor and visibility on this stretch of School Lane is very poor;
- The proposal will exacerbate congestion in the locality;
- The design of the proposed properties is out of keeping and not reflective of the properties on School lane;
- The planting of trees will shield the daylight from the existing properties in the locality;
- The recent development at Beeston Market will have a significant impact on the village of Bunbury;

- There is inadequate car parking within the site for residents of the proposed dwellinghouses;
- The site is elevated and will cause demonstrable harm to the amenities of the neighbouring properties and the streetscene;
- The proposal is aimed at young families and this will mean that the school will need to expand, so where does it stop?;
- The proposal will result in the loss of an important views;
- The proposed school car park is ludicrous it will lead to vehicles going through the proposed residential estate causing conflict with pedestrians etc;
- The proposal will exacerbate flooding in the locality;
- The proposal will result in the removal of a number of mature hedgerows and trees and other important features;
- Previous applications have been refused on this site and this one should be;
- The public consultation responses have not been taken into account by the developer;
- The village of Bunbury has already had a number of new dwellings and does not require any more properties;
- More phased development should occur the size of this development is wholly out of keeping with the locality;
- The proposal will open the flood gates to other developers;
- The houses will be too expensive for the majority of local people;
- People dropping off their children block driveways and park inconsiderately;
- The height, scale and design of the proposed dwellings are out of keeping;
- The development will result in adverse impact on residential amenity;
- The local school should not have commented on the application as they have a vested interest in the development;
- There are already sufficient numbers of these types of property within the village and as such there is no requirement for them;
- The density of properties is far too high;

1 letter has been received from Bunbury Aldersey CE Primary School raising the following points:

- The school is currently without a dedicated car park. School staff must contend with the temporary and unsustainable solution of parking on what is officially a play area, which has safety implications for our pupils. In addition, some staff park on School Lane outside the school and visitors cannot be fully accommodated. They are forced to find a parking space along School Lane. This is highly problematic and causes congestion problems, especially during morning drop-off and afternoon collection times; and
- As part of their public consultation process the school has met with Bloor Homes on two occasions during July and November 2013, to provide feedback on the parking challenges faced by the school. The outcome of these meetings is the inclusion of vehicular access to the school site and a twelve space car park on school land for staff and visitors. A car park for the school would be a much needed addition to the school's infrastructure. Ideally we would need more than twelve spaces. It would however solve our parking problems and improve safety within our school grounds.

1 letter of support from Nexus Planning (Agent acting on behalf of the developer), which raise the following points:

- The latest Appeal decision dealing with matters relating to the supply of new housing in Cheshire East was issued this week and that the appeal was allowed. This appeal related to a residential development of up to 95 dwellings at a site off Dunnocksfold Road in Alsager;
- The conclusions reached by the Inspector are a relevant material consideration when considering the proposals submitted by Bloor Homes in Bunbury. The appeal site shares similar characteristics in that it is also located within the open countryside and is immediately adjacent to the settlement zone line of Alsager. It is acknowledged that the development plan policies referred to are the saved policies of the Congleton Borough Local Plan 2005, but the comparison with the Crewe and Nantwich Local Plan is almost identical as it was adopted in 2005 and also sets out a strategy for growth and investment up to 2011;
- The Inspector concluded that the Council has not demonstrated a five year supply of deliverable housing sites in the Borough. Framework paragraph 49 sets out that in such circumstance relevant policies for the supply of housing should not be considered up to date. Whilst a lack of five year land supply of deliverable housing land does not provide an automatic 'green light' to planning permission a balance must be struck. The deficiency in land supply would carry substantial weight in that decision;
- It is noted that the proposal would be contrary to LP policies PS8 and H6 (equivalent to CNLP policies NE.2 and RES.5) in respect of the resultant harm which would ensue from the development on the character and appearance of the countryside. However, in the circumstances of a lack of a readily available and practically deliverable supply of housing, when measured against established housing requirements, the appeal proposal would assist in the provision of much needed housing in the local area and Borough in general; and
- It would also have a social and economic role to play in achieving positive growth now and into the future. Its environmental role would be less weighty due to the impact of the proposal on the character and appearance of the countryside. Nonetheless, when the three dimensions to sustainable development are weighted together, as well as the other relevant elements of the Framework, I find that the appeal proposal would constitute sustainable development and I give this considerable weight in the overall balance of the decision;
- The outcome of this Appeal leaves little doubt that the principle of development is acceptable at the School Lane, Bunbury site.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

Flood Risk Assessment (Produced by Lees Roxburgh Dated April 2014)

Ecological Survey and Assessment (Produced by Ribble Ecology dated June 2013 to March 2014)

Transport Statement (Produced by Cameron Rose Associates dated April 2014)

Statement of Community Involvement (Produced by Lexington Communications North dated January 2014)

Tree Survey (Produced by Tree Solutions)

Phase I Investigation (Produced by Terra Consult dated January 2014)

Landscape and Visual Impact Assessment (Produced by TPM Landscapes dated March 2014)

OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends it position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Location of the Site

The application site is located at the rear of residential properties which front onto School Lane, Bunbury. As previously stated the application is for 34no. dwellings and will also include a small car park to be used by the nearby school which will be directly accessed from the proposed development. The proposed housing development will be accessed directly off School Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and doctors surgery which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre.

Policy Position

The applicants agent goes to great pains to state that the Local Plan policies are out of date and no weight should be attached to them. However, the relevant policies have been saved and they are consistent with the provisions of the NPPF. Whilst it is accepted that the proposal will generate employment for example construction jobs etc and the residents of the new dwellinghouses may well utilise local services, it is considered that the broad overarching principle of the protection of the open countryside and the environment has not been achieved. Overall, it is considered that the Local Plan policies still carry significant weight and are a material planning consideration, which cannot lightly be put aside.

Design Standards

The National Planning Policy Framework support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with

the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

Furthermore, the importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The application site is in the form of a cul-de-sac with the majority of proposed fronting onto the internal spine road. A number of the proposed houses are at a slight angle which helps to break up the mass of the built form. Located to the rear of the site is an area of public open space (POS) and there is another small road which will access a small car park, which will be utilised by the adjacent primary school. The development would have adequate separation distances to the surrounding dwellings and would not appear cramped.

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing. The proposed dwellinghouses will be constructed out of a small palette of materials including facing brick, tiles and render. The proposal includes various types including bungalows, and 2 storey semi and detached dwellinghouses. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

Private Amenity Space/Density

According to the submitted plans the dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document ‘Development on Backland and Gardens’ states at paragraph 3.35 ‘dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area’.

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m² and would be commensurate with other properties in the immediate locality.

Residential Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In terms of the surrounding residential properties, the main properties affected are those which front onto School Lane and Whitchurch Road, which are located to the north and south and west respectively.

The submitted plan shows that the proposed dwellings would have a rear garden depth of a minimum of 10 metres with a distance between principal elevations varying from 22 metres to 41 metres within the site. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

Located to the north of the application are the properties New House and Heathfields and according to the submitted plans there is a distance of approximately 14m separating the rear elevations of these two dwellinghouses from the side elevation of the nearest proposed dwellinghouse (plot no.1). It is noted that plot no. 1 is a bungalow and therefore, given the separation distances, scale and design of the proposed dwellinghouse and boundary treatment and landscaping (which would be condition) will all help to mitigate any negative externalities caused by the proposed development.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, external lighting, electric vehicle infrastructure, dust control and an informative relating to contaminated land. These conditions/informatives will be attached to the planning permission.

Affordable Housing

The site falls within the Bunbury sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 18 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 17 x 1 bed and 1 x 4+ bed units. The SHMA showed an over-supply of 2 bed units.

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 30 applicants who have selected the Bunbury lettings area as their first choice. These applicants require 12x 1bd, 14x 2bd and 4x 3bd units.

There has also been a recent Rural Housing Needs Survey carried out in Bunbury completed in March 2013 which showed there were 27 households in housing need who would consider affordable housing, with the majority of these requiring housing within the next 2 years.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate

element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

The IPS also states 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 of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The proposal is for 34 units, meaning there is a requirement for 10 dwellings to be provided as affordable housing, with 6 to be provided as affordable or social rent and 4 as intermediate tenure. The applicant has submitted details of the affordable housing on their site layout. The applicant has confirmed that 6 of the units will be provided as rented and 4 as intermediate and reference to their location on a plan. The affordable housing offered comprises 6x 3bd houses as rented and 4x 2bd bungalows as intermediate tenure.

Correspondence between the applicant and colleagues in housing have outlined that a better residential mix to meet need would be

- 4x 2 bed bungalows and 2x 1 bed flats or 2 bed houses for Affordable Rent
- 4x 2 bed houses as Intermediate Tenure

Colleagues in Housing had concerns over whether the current affordable housing offered as part of the scheme meets housing need. Therefore, they would rather see smaller family housing delivered as rented units with some delivered as intermediate due to recent developments in Bunbury being delivered as all affordable rent. They considered that older person's accommodation would be better delivered as affordable rent.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

The site layout details the location of the affordable housing. This is sufficient pepper-potting, however does not constitute a high degree of pepper-potting and therefore all the affordable housing should be provided no later than the sale or let of 50% of the open market homes.

The IPS states that: -

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

The IPS goes on to state: -

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

The application has been subject to extensive negotiations and the agent has revised the housing mix so that it encompasses the following

- | | | |
|---|----------------------------|-------------------------------|
| • | 4 no. 2 bed bungalows | Affordable Rent for Over 55's |
| • | 4 no. 2 bed 3 person House | Intermediate |
| • | 2 no. 2 bed 4 person House | Affordable Rent |

Additionally, all the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The supporting documentation does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards, but this could be secured by condition.

Colleagues in Housing have stated they have no objections to the proposal in light of the above and as such the development accords with policy RES.7 (Affordable Housing).

Landscape

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification ‘Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible’.

TPM have carried out a detailed site-specific character appraisal for the site and the surrounding landscape. For the proposals site itself the landscape effect is assessed as moderate to moderate-substantial. By introducing landscape mitigation measures which will inform the overall design of the housing development the magnitude of change can be lessened and the effects reduced to slight to moderate. Over time the site would become an integrated part of the existing settlement. The landscape effect on the wider landscape is assessed as slight to negligible. The Councils Landscape Officer broadly agrees with the assertions made by the applicant.

The TPM’s appraisal does not refer to the Cheshire Landscape Character Assessment 2008. In this CLA most of the site is within the East Lowland Plain character type and the Ravensmoor character area with a small part of the site falling within the Bunbury Urban character type. The land is enclosed and isolated from the wider landscape and it’s

considered that the proposed development would not therefore have an adverse effect on the Ravensmoor character area.

The development would result in the loss of approximately 250 metres of mature hedgerow and a few small trees within the site. The indicative landscape scheme shows that the site boundary hedgerows and one mature tree would be retained. New native hedges would be planted along property frontages and about 60 new trees would be planted. The proposed landscape scheme would, in the longer term, provide some mitigation for loss of the mature hedgerows.

It is considered that the proposed residential development would adversely affect the character of the site itself but would not affect the landscape character of the wider landscape.

The current entrance to Heath Villa is already fairly formal with walls and gates. The proposed site access would change the street scene to some extent but the proposed housing would generally be screened by the properties fronting School Lane.

Most of the properties which back on to the site have very long rear gardens (34 metres to 75 metre in length) and many of the properties that front on to the A49 Whitchurch Road also have a 65 metre wide field between their garden boundaries and the development site. There would be scope to screen and filter views from these properties by allowing existing trees and hedges within gardens to increase in height and by planting additional trees and shrubs. In the longer term views would also be softened to some extent by the proposed landscape scheme

The properties known as New House and Heathfields located to the east of the proposed site entrance have very short (6m long) gardens with open views of the site. The visual effect of the development on these properties would therefore be fairly substantial. In order to minimise the visual impact bungalows are proposed on plots 1 to 4. In addition, a five metre wide shrub bed with trees is proposed along the boundary with New House and a new hedgerow along the boundary with Heathfields. When mature this planting would provide a some softening and screening. The side elevation of Bunbury Heath Cottage is located 10 metres from the site boundary but the mature boundary hedge should provide screening.

Footpath Bunbury FP12 passes through a small orchard about 65 metres to the north west of the site. Only the roofs and upper parts of the proposed houses would be visible above intervening mature trees and hedgerows. Footpath Bunbury FP13, which links School Lane to the A4, runs along the edge of Saddlers Wells Wood south of the site. Views towards the site from this path are through a tall, gappy hedge on top of a low sandstone wall and across a field at a distance of between 55 and 85 metres. Only the roofs and upper parts of the proposed houses would be visible above the mature site boundary hedgerow. From both public footpaths, views of the development would be seen in the village context and would not be incongruous.

In the longer-term when the proposed landscape scheme has matured, particularly to the rear of Newhouse and Heathfield, the development would not have any significant residual visual impacts.

The Councils Landscape Officer has no objections to the proposal subject to the imposition of the following conditions Tree and hedgerow retention and protection scheme, a detailed landscape scheme, full hard and soft landscape details, details of boundary treatments, landscape implementation and 5 year replacement and a landscape management plan. These conditions will be attached to the decision notice in the event that planning permission is approved for the proposed development. Overall, it is considered that the development is in accord with policy NE.5 (Nature Conservation and Habitats).

Highways

No comments have been received at the time of writing this report from the Highways Officer. Members will be updated in the update report once these comments have been received.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

According to the submitted plans the POS will be located at rear of the site. Colleagues in Greenspaces have been consulted but no comments have been received at the time of writing this report to verify whether the location of the POS as shown on the layout plan is acceptable. Members will be updated in the update report once a response is received.

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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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."

Local Wildlife Sites (LWS)

Sadlers Wells Woodland Local Wildlife Site is located to the south of the proposed development. The presence of this LWS is not acknowledged by the submitted ecological assessment. However the Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon the LWS.

Hedgerows

Native species hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. A number of hedgerows on site (numbered 1-9) have been identified as being of UK BAP habitat quality. The proposed development is likely to result in the loss of number of sections of hedgerow from the interior of the site.

The Councils ecologist goes on to state that if planning consent is granted it must be ensured that any opportunities for hedgerow creation on site are maximised and that the retained hedgerows should be enhanced as part of the landscaping of the site to help to compensate for any losses.

Bats

The grassland habitats, hedgerows and trees around this site are likely to be used by at least small numbers of widespread species of bats for foraging and commuting. The site however is unlikely to be of particular importance for foraging /commuting bats.

The enhancement of the retained hedgerows and the creation of new hedgerows would help to mitigate the adverse impact of the development upon foraging bats and the Councils Ecologist recommends that if consent is granted a condition be attached requiring the applicant to submit a lighting scheme for agreement with the LPA prior to the commencement of development.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development, but the species has not been observed on the application site itself. There remains a chance that the species may occur on the application site and consequently if planning consent is granted the Councils Ecologist recommends the standard condition for Hedgehogs, which will be attached to the decision notice in the event that planning permission is granted.

Breeding birds

The proposed site is likely to support breeding birds including a number of the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. The removal of hedgerows from this site is likely to have an adverse impact on

breeding birds. Therefore if planning permission is granted the Councils ecologist recommends conditions relating to surveying the site for breeding birds and features to be incorporated into the development.

Badgers

The submitted ecological assessment refers to a standalone badger survey report. This report does not appear to have been submitted in support of this application. The Councils Ecologist advises that in order for the Council to make an informed assessment of the potential impacts of the proposed development upon this species the applicant should submit a copy of the badger survey report prior to the determination of the current planning application. It is considered that as the additional badger survey has not submitted this will form an additional reason for refusal.

Great Crested Newts

In respect of great crested newts the submitted ecological assessment concludes that the proposed development is not likely to have an adverse impact upon great crested newts. There is however a pond present on the OS plan located 240m to the south east of the proposed development. The presence of this pond has not been identified during by the submitted ecological assessment. Again this is a significant deficiency of the submitted ecological assessment.

The pond is located on the cusp of the distance at which great crested newts would be expected to range from the breeding pond and it is also isolated from the development by an access track, a stream and in addition there is high quality amphibian terrestrial habitat located between the pond and the application site. Considering the above, the Councils ecologist advises that great crested newts are not reasonable likely to be present on the application site or affected by the proposed development.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Flooding

The applicant as part of the application has submitted a Flood Risk Assessment (FRA). The FRA states *'that the site lies in an area of Zone 1 Flood Risk and is not at risk of flooding from*

external sources'. The FRA goes on to state that *'It is proposed to connect surface water drainage from residential development into the combined sewer system in School Lane with flows limited to the rate set by United Utilities which is consistent with the greenfield runoff rates'*. Colleagues in the Environment Agency have been consulted and subject to the condition previously cited no objections are raised. Therefore, whilst the concerns of the objectors are noted relating to flooding it is not considered a sufficient justification to warrant a refusal and sustain it at any future Appeal.

Education

No comments have been received at the time of writing this report from colleagues in the Education Department. Members will be updated in the update report once these comments have been received.

Other Matters

Whilst the concerns of residents are noted regarding Beeston Market, this site is not located with the boundary of Cheshire East and as such the weight that can be given to the potential impact that this site may have on the village is limited. Furthermore, the loss of a view is not a material planning consideration. Concerns have been raised about people parking their vehicles illegally; this is not a material planning consideration, if people are parking their vehicles in an unsafe manner this can be dealt with by the police under their legislation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks full planning permission for new dwellings within the Open Countryside. The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE.2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to new dwellings within the open countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside. The development is therefore contrary to Local Plan policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly.

RECOMMENDATION

Refuse for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the**

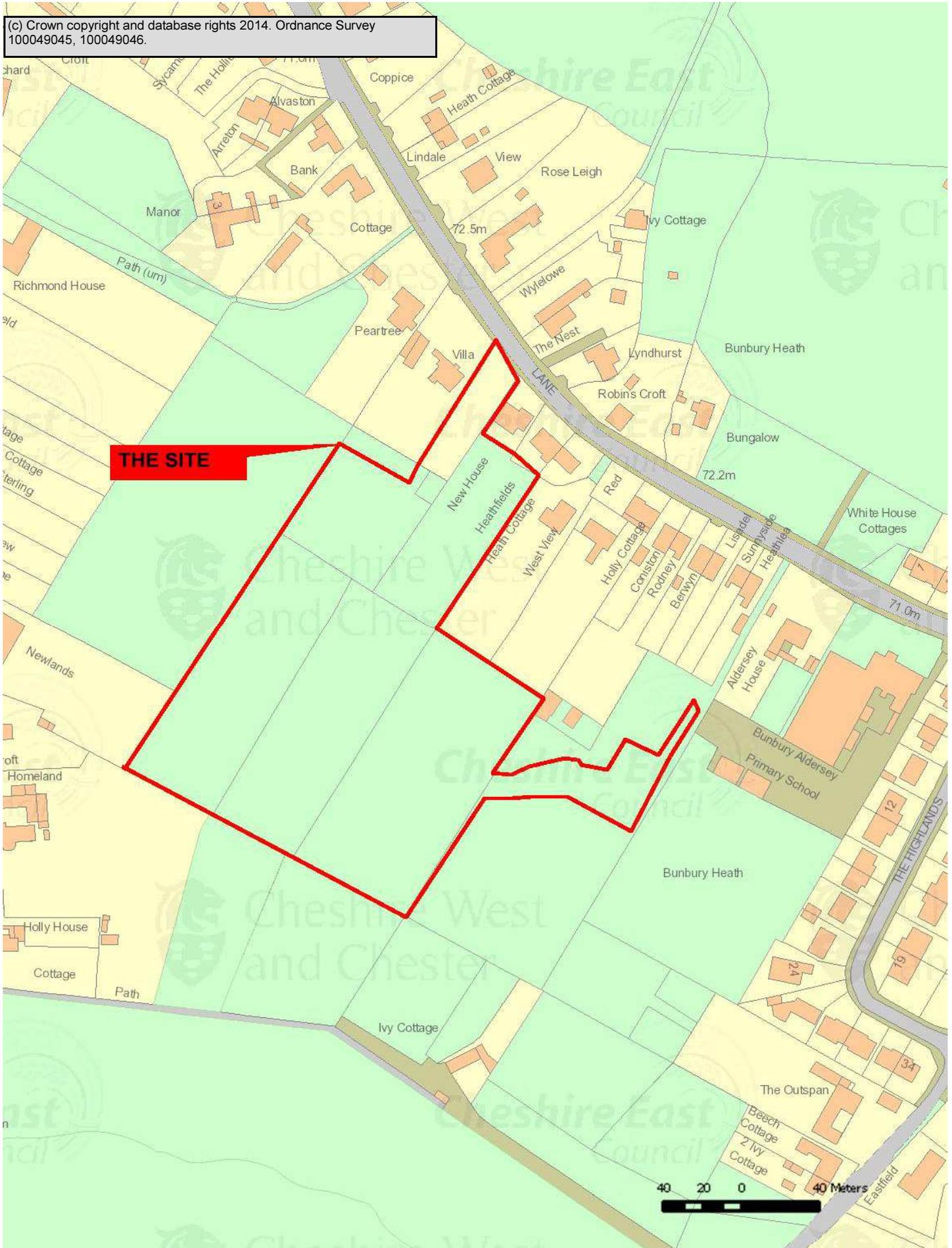
application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The submitted Ecological Report makes reference to a standalone Badger Report which has not been submitted with this application. As a result there is insufficient information to assess the impact of this development upon Badgers and any mitigation measures to protect this species during the construction works. In the absence of this information, to allow, this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 Circular 6/2005 and the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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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Application No: 14/2587N

Location: ROSE COTTAGE, SOUTH VIEW LANE, CHOLMONDESTON,
CHESHIRE

Proposal: Erection of single dwelling, associated parking and landscaping.

Applicant: Mr & Mrs J Todd

Expiry Date: 18-Jul-2014

MAIN ISSUES

- Planning History
- Principle of Development
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Trees
- Ecology

SUMMARY RECOMMENDATION

Refuse

REFERRAL

The application is referred to the Southern Planning Committee at the request of Cllr Michael Jones for the following reason:

'This is called in because of the exception rule using tied housing to support rural occupations as this is for a teacher, the head of a local school.

This application is supported by two parish councils and is a blight on the site'

1. SITE DESCRIPTION

This application relates to a parcel of land to the northern side of South View Lane within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The application is currently flat and includes a small barn building which is of a poor state of repair. The site is bound by hedgerows and trees with an existing access to the north-east of the site.

Between the site and South View Lane is a small paddock which includes a small stable building.

2. DETAILS OF PROPOSAL

This is a full application for the erection of 1 two-storey dwelling. Access is via the existing access to the north-east of the site.

3. PREVIOUS RELEVANT DECISIONS

09/2716N – Replacement Dwelling – Refused 19th November 2009 for the following reasons:

- The use of the site has been abandoned and the construction of a new dwelling in the open countryside is contrary to the Local Plan and warrants an intrusion into the open countryside. The dwelling is located in an isolated location and is an unsustainable location.
- Insufficient evidence to show that the required visibility splays can be achieved.

P91/0097 – Outline application for a replacement dwelling - Refused 20th November 1991 for the following reason:

- The dwelling has not been in use for 30 years and has been abandoned. The development would result in an unwarranted intrusion into the open countryside.

An appeal was lodged against the refusal of application P91/0097 and the appeal was dismissed on 30th June 1992

7/6011 – Reconstruction and restoration of cottage to its former appearance and to provide living accommodation - Refused 1st November 1979 for the following reasons:

- The building is in a derelict and ruinous condition. The site is used for agricultural purposes and the residential use has been abandoned.
- A new dwelling on the site would be contrary to open countryside policies. The dwelling would be located in an isolated location.

7/0.4201 – Restoration of a cottage to a habitable condition to be used as a private residence - Refused 27th July 1978 for the following reasons:

- The building is in a derelict and ruinous condition and could not be restored without demolition and the erection of a new dwelling.
- The site is within the open countryside and would be contrary to local plan policies which include a general presumption against development in the open countryside.
- New development should be concentrated on existing villages and the development is not essential for the purposes of agriculture.

- The new dwelling would be located in an isolated location and unconnected with any village and would be visually undesirable.

4. PLANNING POLICIES

National Policy

The National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Strategic Housing Market Assessment 2010

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

5. OBSERVATIONS OF CONSULTEES

United Utilities: No known sewers within the vicinity of the site, a separate metered supply will be required to each unit.

Strategic Highways Manager: No objection. An informative should be attached to the decision notice.

Environmental Health: Informatives suggested in relation to hours of operation and contaminated land.

6. OTHER REPRESENTATIONS

Representations have been received from 5 households in the area raising the following points;

- No objection to the development and planning permission should be granted
- Pleasant house design
- The development will use an existing access point
- It would be good to see the old farm house reconstructed
- Surprised that the earlier application was refused
- The proposal would make a positive contribution to the local community
- The development is fully compliant with planning rules
- The house is stepped back from the road
- The development would enhance the character of the area

The full text of the representations are available to view on the Councils website.

7. PARISH COUNCIL

Cholmondeston and Wettenhall Parish Council: The Parish Council make the following comments:

- Mr & Mrs Todd have presented their scheme to the Parish Council and the Parish Council cannot see any reason why this application cannot be passed for development.
- The property has been derelict for a considerable number of years. As the footings are still visible, it seems a sensible solution to allow a redevelopment on an original site. The Councillors have viewed all the plans and various surveys that have been undertaken, and can see no logical reason as to why such a proposal cannot be approved.
- Mrs & Mrs Todd have been residents in the local area for the past 11 years and are well respected among the community. Mrs Todd is now Head Teacher at the Primary School in Worleston (less than 5 miles from her proposed home) and as a "Key Worker" in the local area, we should be doing all we can to support her bid to reside in the local area.
- There is no impact on the local residents to this property being redeveloped, with many welcoming the idea that the current eyesore is updated. With The Government pushing for more homes to be built in rural Parishes, it makes little

sense that this property is left undeveloped, when a local resident is striving for improvements.

- The Parish Council unanimously support the proposal for Mr & Mrs Todd and Rose Cottage and we look forward to a positive outcome on their behalf.

8. APPLICANT'S SUPPORTING INFORMATION

Landscape and Visual Impact Assessment (Produced by Camlin Lonsdale Landscape Architects)

Design and Access Statement (Produced by Picea)

Ecological Appraisal (Produced by Envirotech)

9. OFFICER APPRAISAL

Planning History

A dwelling known as Rose Cottage was once located on this site and a number of planning applications have been refused for a dwelling on this site in 1978, 1979, 1991 and 2009. As a result it is important to consider that planning history of this site.

The former Rose Cottage is in a derelict and ruinous condition, in 2009 only a small proportion of the external walls remained and on the most recent site visit the remains were hardly visible above the grass and vegetation on the site.

The officer's report for application 7/4201 dating from 1978 states that:

'This cottage is in a derelict and ruinous condition. It has no roof and the first and ground floor ceilings have fallen through. The brickwork is perished and cracked and the walls bulge even though they have been pinned in the past. The best part of the building is the barn which is to the east side of the cottage which is in agricultural use'

And

'the applicant was seen on site and said that the dwelling has been vacant for approximately 20 years',

A second application was made in 1979 and the officer's report for application 7/6011 identifies that the condition of the building had deteriorated further where it states that:

'the front of the cottage has collapsed since the last application was made in June 1978'

An outline application P91/0097 for a single dwelling was refused and an appeal was dismissed as part of his decision the Inspector found that:

'I am in no doubt that the renovation works required to bring the building back into residential use would be so extensive as to be tantamount to

the building of a new dwelling. I consider that a new dwelling in this rural situation, involving the re-construction of the driveway and the clearance of a residential curtilage would be seriously harmful to the existing open and rural character of the area, more so than to allow the existing building remains to deteriorate further'

From the planning history to this site it can be concluded that the residential use of the site has been abandoned as the former dwelling has not been occupied for approximately 55 years, there have been intervening agricultural uses of the land and the building is no longer in position on this site and is not capable of being occupied as a dwelling.

It should also be noted that the site does not meet the definition of previously developed land as contained within the NPPF. This definition excludes; '*land that is or has been occupied by agricultural and forestry buildings'* and '*land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'*

Principle of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and

competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough’s five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the ‘Sedgefield’ methodology and a 5% ‘buffer’ the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% ‘buffer’ was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council’s defends it position against unplanned development. Despite the high

number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It

is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

In relation to housing in the open countryside the NPPF states that *'local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work'*.

Policies NE.2 and RES.5 restrict development within the open countryside, and more generally restricts residential development, policy NE.2 states that:

'..An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'

The site is located in an isolated location and does not constitute an "otherwise built up frontage" and no evidence has been submitted to show that the dwelling is required for a person engaged full time in agriculture or forestry. The proposal is therefore considered to be contrary to Local Plan Policy and to national planning policies which restrict new dwellings in the countryside and also contrary to government advice to promote sustainable development and reduce the number of car journeys.

Furthermore the proposed development would not be required for a person engaged full time in agriculture or forestry and would not comply with Policy RES.5.

The Design and Access Statement which has been submitted with this application identifies that the applicants are a *'married couple with a growing family living in a small cottage further down South View Lane. Mrs Todd is a Head Teacher at a local school and therefore needs to be close to her work'*.

The key test is whether it is essential for the applicant to live on this site. In terms of the essential need for rural workers this would be most easily met by those engaged in livestock enterprises, especially intensive form of activity and dairying, where there are significant animal welfare issues. Given the applicants position as a local teacher there is no such essential need and such a need has not been identified within the application. The applicant could easily travel to work from existing settlements which would be more sustainable than this location.

Policy SC6 (Rural Exceptions Housing for Local Needs) of the Submission Version of the Local Plan is consistent with the National Planning Policy Framework in that it does not permit isolated new homes in the countryside, it states that:

'Sites should adjoin Local Service Centres and Other Settlements and be close to existing employment and existing or proposed services and facilities, including public transport, educational and health facilities and retail services'

Policy SC6 does make reference to key workers dwellings and further clarification on this is likely to be provided within a Supplementary Planning Document. However as the proposal does not meet the first requirement of Policy SC6 quoted above the development does not comply with this Policy.

In support of this view the Council has recently been successful at defending three recent appeals for isolated dwellings in the open countryside. The details are as follows:

- 13/2017N – The Poplars, Marsh Lane, Acton – This site is located within the open countryside 1.5km from Nantwich. The Inspector found that the site did not meet the definition of infilling. The Inspector also found that there are few facilities in the nearby village and that the future occupants would be largely dependent on the use of private vehicle. The Inspector concluded that; *'the Framework advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Nevertheless, on the basis of the information before me, I conclude that the construction of this single dwelling in the open countryside, remote from facilities and services would not satisfy the Framework's definition of sustainable development. The benefits arising from the proposal would be limited and would be significantly and demonstrably outweighed by the adverse impacts of this development in the open countryside and its harm to the intrinsic character and appearance of the area. The proposal would therefore, be contrary to the provisions of the Framework and the countryside protection objectives of Policy NE.2.'*

- 12/4876N – Bracken, Poole, Nantwich – This site is located within the Open Countryside within the residential curtilage of a dwelling known as Bracken, Dairy Lane which is 4.5km from Nantwich. The Inspector found that the development does not represent infilling of a small gap and is contrary to Policies RES.5 and NE.2 and paragraph 55 of the NPPF which seeks to avoid new houses in the countryside. The Inspector found that the site is not within convenient walking distance of most facilities and services required on a day to day basis and the future occupiers would be dependent on the private car. The Inspector concludes that: *'Although the proposal might not, of itself, generate large amounts of traffic, the cumulative effect of allowing such development in the countryside would increase the amount of unsustainable journeys made. Moreover, since local services would not be readily accessible to future occupiers, I do not agree with the appellant that the development would support local vitality or provide for local needs'*. In this case the lack of a 5 year housing land supply was not considered to outweigh the isolated and unsustainable nature of the appeal site.

- 13/4844C – Holly House Farm, Middlewich Road, Cranage – This site is 2.3 miles from Holmes Chapel and 2.5 miles from Middlewich and relates to a parcel of land with an extant planning permission for a two-storey business unit which formed a fall-back

position. In this case the Inspector found that the appeal proposal would have a lesser visual impact than the fall back position but this would only be of a limited benefit. The dwelling in this case is intended to be occupied by someone employed at Holly House Farm but the Inspector concluded that this would not meet the needs of agricultural workers nor would it address other matters that are subject to paragraph 55 of the NPPF. In terms of the location the Inspector found that: *'many of the shops and services that occupiers of the appeal scheme would be expected to use in person and on a frequent basis would be at such a distance that, given the rural nature of the locality and the travel options within it, a private car would reasonably be expected to be used by most occupiers of the family sized dwelling proposed'*. As a result the Inspector found that the scheme was not a sustainable form of development and the presumption in favour of development at paragraph 14 of the NPPF does not apply in this case.

Sustainability of the site

The site is an isolated location approximately 8.8km from Nantwich with local amenities not being within walking distance of the site. The applicants own Design and Access Statement identifies that the development is not sustainable located where it states that *'it is accepted that the site would not stand up to an assessment of sustainability when measured against the North West Sustainability Checklist'*.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Bus Stop (500m) – 354m
- Public Right of Way (500m) – 50m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 8851m
- Child Care Facility (nursery or crèche) (1000m) - 5149m
- Outdoor Sports Facility (500m) – 6630m
- Primary School (1000m) – 2075m
- Children's Play Space (500m) – 965m
- Public House (1000m) – 2092m
- Convenience Store (500m) – 8851m
- Amenity Open Space (500m) – 2494m
- Pharmacy (1000m) – 6035m
- Post office (1000m) – 9334m
- Secondary School (1000m) - 6566m
- Medical Centre (1000m) - 5439m
- Community Centre/Meeting Place (1000m) – 3540m

The site is isolated with no local amenities in close proximity other than a bus stop and PROW. For other facilities the future occupants would need to travel by car to Nantwich or Winsford. The site is considered to be more isolated than the sites at The Poplars, Marsh Lane, Acton; Bracken, Poole and Holly House Farm, Middlewich Road, Cranage which the Council has successfully defended appeals for isolated dwellings. As a result the site is considered to be an unsustainable location and this issue will form a reason for refusal.

Amenity

Due to the large separation distances the development would not have a detrimental impact upon the residential amenities of any nearby property.

Design

The development would consist of a 2 two-storey dwelling. The dwelling would have a simple rectangular form, a pitched roof and a gabled canopy to the front elevation. The simple design of the dwelling is considered to be acceptable.

Highways

Although South View Lane is narrow it does have a low level of vehicular movements. A single vehicular access point is proposed and this would be positioned towards the east of the site. South View Lane is straight with a grass verge to both sides and has good visibility in both directions, the Strategic Highways Manager has assessed the application and raised no objection to this development. As a result the development would be considered to comply with Policy BE.3 (Access and Parking) of the Local Plan.

Trees

The trees and hedgerows which bound the site would be retained and as a result there is no issue in terms of tree and hedgerow loss.

Ecology

The Council's Ecologist has assessed the application and has concluded that the development will not raise any significant ecological issues subject to the imposition of a planning condition in relation to breeding birds.

10. CONCLUSIONS

The development relates to the provision of an isolated dwelling within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The development would not be an infilling of a small gap in an otherwise built up frontage and no essential need has been demonstrated. As a result the development would be contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan, guidance contained within the NPPF

(particularly Paragraph 55) and Policy SC6 (Rural Exceptions Housing for Local Needs) of the Submission Version of the Local Plan. The principle of development is unacceptable.

The site is located within an isolated location and the future occupants would be dependent on the use of the private motor car. As a result the application site is considered to be in an unsustainable location.

The proposal will not have a detrimental impact upon protected species, trees or hedgerows.

There are no design, amenity or highway issues associated with this application.

11. RECOMMENDATIONS

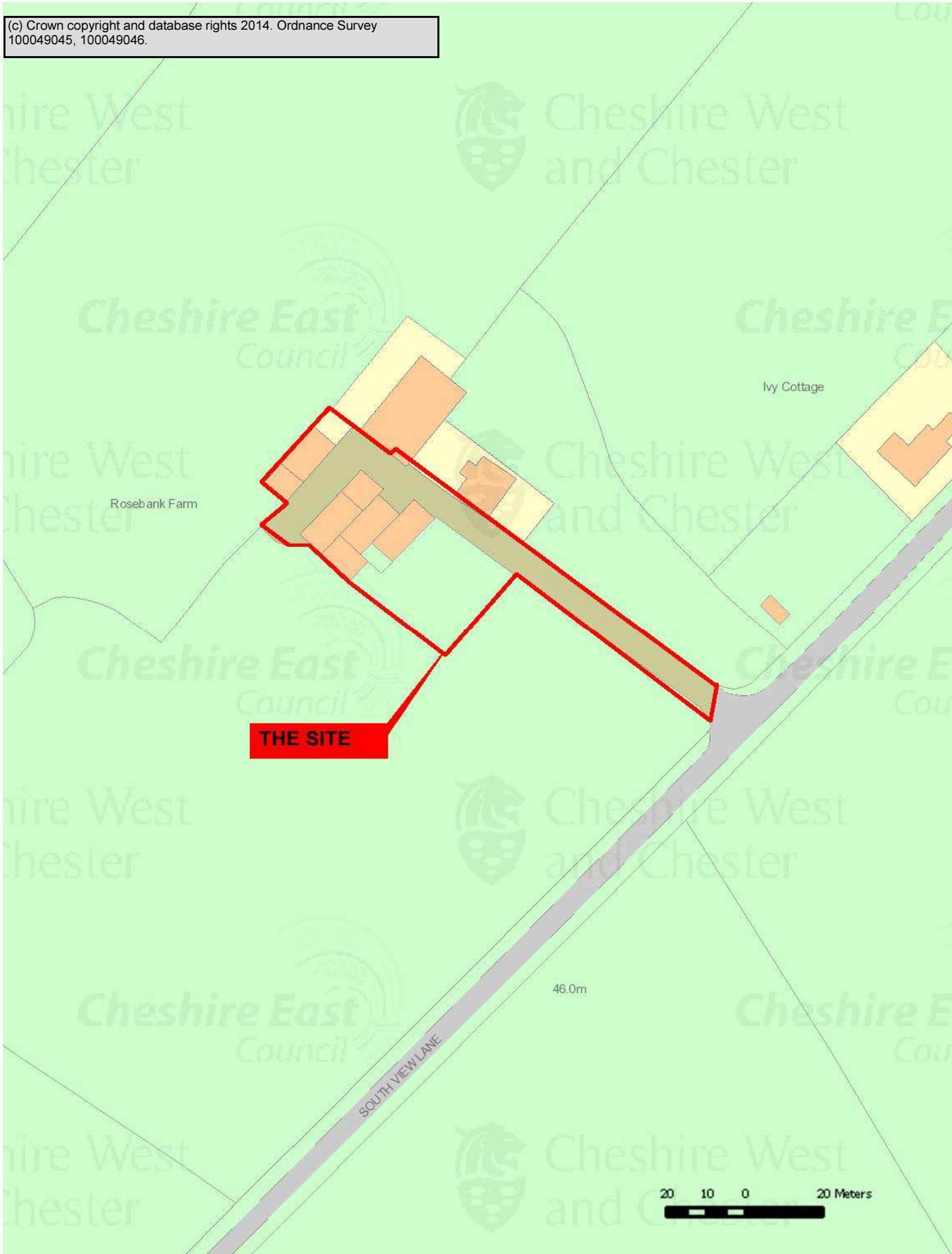
REFUSE

- 1. There is no essential need for a dwelling on this site and the site does not constitute a small gap in an otherwise built up frontage. The principle of development is unacceptable and would harm the character and appearance of the open countryside. Furthermore the proposal would create an isolated dwelling in the open countryside, by virtue of its remote location away from settlements, services and facilities. The proposal therefore does not constitute sustainable development and is contrary to the requirements of paragraph 55 of the National Planning Policy Framework. The proposed development is contrary to the requirements of Policy NE.2 (Open Countryside) the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the NPPF.**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 14/0009N

Location: Land located to the east of the Dingle and south of Clay Lane, Haslington, Crewe, Cheshire

Proposal: The erection of 34 dwelling houses (between 30% and 35% affordable units), with associated access, internal highways, parking amenity space and landscaping.

Applicant: WCE PROPERTIES LTD AND KATHERINE ELAINE

Expiry Date: 17-Mar-2014

SUMMARY RECOMMENDATION**Refuse****MAIN ISSUES****Impact of the development on:-**

- Principal of the Development**
- Housing Land Supply**
- Location of the Site**
- Landscape**
- Affordable Housing**
- Highway Implications**
- Amenity**
- Trees and Hedgerows**
- Design**
- Ecology**
- Public Open Space**
- Agricultural Land**
- Education**
- Flood Risk and Drainage**
- Health**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.28 ha and is located to the eastern side of The Dingle and the southern side of Clay Lane, Haslington. The site is L-shaped and lies within Open Countryside. To the north of the site is a property known as The View and Haslington Cricket Club. To the east of the site are residential properties at Bank Farm. To the south of the site is The Dingle Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels are lower to the frontage with The Dingle and they rise up to the western part of the site.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of up to 34 dwellings. The development includes a single point of access off The Dingle close to the boundary with the Primary School.

The development includes 30% affordable housing and an area of open space to the boundary with Clay Lane.

The housing mix would be as follows:

- 6 x two bed units
- 17 x three bed units
- 7 x four bed units
- 4 x 1 bed apartments

3. RELEVANT HISTORY

No planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

United Utilities: No objection subject to the following condition:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. A condition should be attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed.

Strategic Highways Manager: The Strategic Highways Manager has assessed this development proposal and recommends refusal on the following grounds:

- The proximity of the proposed junction to the school access will present a hazard to inter-related turning movements, particularly at school arrival and dispersal times when parental parking and displacement will congest the frontage and pedestrian movements are complex and include for pupils.
- The junction geometry is compromised on the provided drawing with compromise to the kerb radii.
- The Authority parking standards are not complied with in the development detail and are not considered in the transport statement.

The Strategic Highways Manager recognises that the position of the access junction for this development should be re-considered and assessed against the likely traffic movements. The parking provision could be addressed. However if the development cannot adequately support off-street parking provision against standards, displacement onto the public highway could further exacerbate the concerns over conflict with school arrival and dispersal traffic.

The S.H.M recommends refusal on: junction design and position, parking standards and lack of information.

Natural England: For advice on protected species refer to the Natural England standing advice.

Environment Agency: The Environment Agency are in receipt of a Ground Investigation Report direct from Mr John Beardsell of WCE Properties Ltd dated 12th February 2014. Having reviewed the report we are now able to remove our previous objection to the above application subject to the following planning conditions being attached to any approval decision. The EA consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- Contaminated land

Environmental Health: Conditions suggested in relation to hours of operation, piling works, external lighting, travel plan, electric vehicle charging infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Public Open Space: The Public Open Space Officer would like to see an extra couple of pieces of play equipment plus associated wetpour safer surfacing installed on the nearby Gutterscroft play area (Parish Council owned), if the Parish Council are in agreement.

Education: A development of 34 dwellings would be expected to generate 6 primary and 4 secondary aged pupils.

Whilst there is forecast to be some surplus capacity in the local primary schools this capacity has already been considered for the outline application at Coppenhall East which has consumed this surplus. Therefore the sum of $6 \times 11919 \times 0.91 = \text{£}65,078$.

Archaeology: The application is supported by an archaeological desk-based assessment which has been prepared by Archaeological Research Services on behalf of the applicants. This report considers the archaeological implications in the light of an examination of data held in the Cheshire Historic Environment Record. It also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the archaeological potential of the site is limited but does note that the line of a former trackway crosses the northern part of the site and that there is evidence of cultivation marks, in the form of ridge and furrow, across much of the site. Some further mitigation is proposed on these features.

It should be noted, however, that the report was prepared without access to the detailed master plan of the development. This shows that the northern part of the site will remain as open ground. A footpath will cross the area and a play area is proposed but the retention of an extant tree and the limited extent of these features means that the level of disturbance is unlikely to justify further archaeological mitigation in the area. With reference to the ridge and furrow, the Council's Archaeologist has discussed the matter with the archaeological consultants and they have agreed that the narrow, regular natures of the ridges suggests a late date and that their description in the desk-based assessment represents an adequate consideration of these particular features.

In these circumstances, it is advised that no further archaeological mitigation is required with regard to this development.

Sustrans: Sustrans would like to make the following comments:

- The design of any small properties without garages should include storage areas for residents' buggies/bikes.
- This site, along with developments proposed on the NE side of Crewe, will potentially lead to further use of the minor road network, such as Moss Lane, Clay Lane etc as short-cuts. Sustrans would like to see some traffic management measures to retain these lanes for their appropriate use including walking, cycling and not to become dominated by car traffic.
- Sustrans would like to see travel planning set up for the site with targets and monitoring.

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: Haslington Parish Council objects to the proposed development on the following grounds:

- It is outside the settlement boundary of Haslington and Winterley.
- It is in open countryside.
- The development site appears to contain valuable historic hedgerows and a ridge and furrow medieval farming landscape together with a "hollow feature", all of which are worth protection.
- The development would displace on road school parking that is already a major safety issue for the roads around The Dingle School.
- The development would further strain the village medical and education facilities and add to general local traffic congestion.

Further detail:-

- The applicant has submitted a desk based archaeological assessment and then dismissed its findings. The archaeological report highlights two key features of the site (a) historic hedgerows on three boundaries and (b) the local/regionally significant ridge and furrow landforms. Whilst the hedgerows could be retained with an amended design, the ridge and furrow landscape would be terminally destroyed if any development was allowed on the site. The Design and Access Statement dismiss these heritage and conservation features, retaining only an example hollow feature in an area of public open space.
- The Ground Investigation Report contains various errors relating to landfill that has taken place in proximity to the proposed development. On p8 reference is made to landfill at Church Farm, Buterton Lane, Haslington, Oakhanger, 480m NE from the site. As the site contains soil/subsoil from the Haslington Bypass construction, in reality they are probably referring to the site on land associated with Clayhanger Hall Farm, across the bypass, to the west of the site. P24 again refers to Church Farm landfill, by the bypass - an inaccurate description.
- Several of the designs are three-storey, (10 out of 34) which is out of keeping with local properties in Haslington and the surrounding area. Several of the houses appear to have very prominent solar panels on the roof, could the architects not find a way of making these less intrusive at this gateway into the village.
- Earlier designs shown in the Design and Access report did include some off road parking that could have taken up some of the school parking that will be displaced from The Dingle - this public facility appears to have been removed from the published plans.
- Haslington Parish Council support the existing occupiers of the land who live at The View and are concerned that the earlier provision of access to their retained land has been deleted from the development plans, and that the application does not take into account their existing land drainage and foul drain that runs through the development site.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 129 local households raising the following points:

Principal of development

- The site is within the open countryside
- Contrary to Local Plan Policies
- The site is outside the Haslington Settlement Boundary
- The developer will just make a profit from this development
- The site will be land banked
- Approving the application will set a precedent
- Affordable housing is not needed
- Loss of village identity
- No need for more housing in Haslington
- Brownfield sites should be developed first
- Large number of houses for sale in the village
- The site is not identified as a strategic site
- The development will not create a sustainable community
- Speculative housing development
- The development is contrary to the NPPF

Highways

- Increased traffic
- Pedestrian safety

- The site is inappropriate next to a busy primary school
- Congestion problems at the school
- The site is located on a bend in the road
- You cannot ban parking for people using the adjacent school
- The development will exacerbate parking problems at the school
- Dangerous site access point
- Reduced visibility for vehicles leaving the site
- Existing problems accessing driveways
- Already large volumes of traffic using this minor road
- Inaccuracies within the submitted Transport Assessment
- Vehicles often speed along The Dingle ignoring the speed limit
- There have been many near misses along the Dingle
- The TA does not recognise the large number of large farm vehicles which use the highway
- Increased congestion at Crewe Green roundabout
- Using Clay Lane and The Dingle on bicycle is dangerous and there are no bridleways in the area
- The future occupants will be dependent on the car and will not use public transport
- The planning committee should visit the site to witness the traffic problems
- Safety risk to children and adults Waiting restrictions will not be enforced
- Parents currently park on the Cricket Club car park and this creates a heavy flow of pedestrians on the footway fronting the site and the access will create a further conflict
- Waiting restrictions will cause an increase in vehicle speed along The Dingle
- Problems with construction vehicles using the weak bridge
- Construction vehicles will damage the road side verges
- The Dingle/Clay lane is used as a rat run
- Cycleway improvements should be secured

Heritage issues

- The site contains former field boundaries and furrows dating from medieval or post-medieval period
- The ridge and furrow earthworks are a rare feature and should be taken into consideration as the site is of local-regional significance

Green Issues

- The hedgerows are historically significant together with the ridge and furrow.
- Loss of wildlife

Infrastructure

- The local schools are full
- Doctors surgeries are full
- The development will prevent the future enlargement of The Dingle Primary School

Amenity Issues

- Increased noise
- Increased air pollution
- The contamination report does not relate to this site
- Loss of light
- Loss of privacy
- The open aspect should be maintained for this village school

- Construction of the development will disrupt the outside uses at the school

Design issues

- Three storey dwellings would not respect the character of the area
- The design is not in keeping with Haslington
- Over dense development

Other issues

- Loss of agricultural land
- Drainage and sewerage infrastructure problems in this area
- Mains gas is located in the area
- The horses who live on the site will lose their territory
- Difficulty selling existing houses in this area
- Lack of consultation on the amended plans

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Flood Risk and Drainage Strategy (Produced by Waterco)
- Design and Access Statement (Produced by WCE Properties)
- Planning Statement (Produced by Roman Summer)
- Tree Report (Produced by Atmos)
- Ecological Assessment (Produced by Atmos)
- Code for Sustainable Homes Assessment (Produced by Code Green)
- Undergrounding Utilities report (Produced by Cornerstone)
- Affordable Housing Statement (Produced by Peter Glover)
- Agricultural Land Assessment (Produced by ADAS)
- Transport Statement (Produced by DTPC)
- Archaeological Assessment (Produced by Archaeological Research Services Ltd)
- Ground Investigation Report (Produced by Strata Surveys Ltd)
- Landscape and Visual Appraisal (Produced by PDP)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

"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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted."*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

Landscape

As part of the application a Landscape and Visual Impact Appraisal has been submitted, this indicates that it follows the Guidelines for Visual and Landscape Assessments as produced by the Landscape Institute and the Institute for Environmental Management and Assessment.

The site is located within the boundary of Character Type 11: Lower Farms and Woods, specifically in the Barthomley Character Area (LFW7) as defined by the Cheshire Landscape Character Assessment. This is a landscape of strong contrasts with many local variations, and in places the relatively dense settlement pattern is very obvious. In many places the relatively flat topography and low field boundaries mean that the landscape appears quite open.

The Councils Landscape Architect feels that although the assessment has undervalued the landscape and visual impacts that the scheme may have, it does now appear to address some of the original concerns, notably the boundary treatment along The Dingle boundary, where the existing hedge will now be retained.

A scheme of landscaping could be secured as part of the planning conditions and this would provide landscape mitigation such as tree and hedgerow planting on the site.

Given the size of the site, the scale of the development, the retention of the existing landscape features (the Oak tree and hedgerow) and the provision of new landscaping on the development the Councils Landscape Officer is satisfied with the landscape impact of this proposed development.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Primary School (1000m) – 50m
- Bus Stop (500m) – 200m
- Public House (1000m) – 800m
- Outdoor Sports Facility (500m) – 100m
- Public Right of Way (500m) – 400m
- Community Centre/Meeting Place (1000m) – 100m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 5000m
- Child Care Facility (nursery or crèche) (1000m) - 1200m
- Convenience Store (500m) – 800m
- Pharmacy (1000m) – 1450m
- Post office (1000m) – 3700m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 1450m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Haslington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Haslington from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing states in Settlements with a population of 3,000 or more that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state 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 of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment Update 2013.

The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Haslington and Englesea there is a need for 44 new affordable homes per year, made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4+ beds, 1 x 1 bed older persons unit and 1 x 2 bed older persons unit.

There are currently 72 applicants on our housing register applying for social rented housing who have selected Haslington as their first choice, these applicants require 27 x 1 beds, 25 x 2 beds, 13 x 3 beds and 6 x 4 beds, (1 applicant hasn't specified how many bedrooms they need).

Therefore as there is affordable housing need in Haslington there is a requirement for affordable housing to be provided at this site, 30% the total dwellings on site should be provided as affordable, this equates to 10 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (7 units) and 35% intermediate tenure (3 units), the affordable housing should be provided on site.

According to the amended plans the development would provide 10 affordable units which meet the requirement in terms of the number of affordable units. The affordable mix is 4 x 1 bed apartment and 6 x 2 bed semi detached dwellings. The tenure split will be 65% rented and 35% intermediate tenure which meets the Councils IPS.

The applicants have confirmed that the affordable units will meet the HCA Design and Quality Standards and Code for Sustainable Homes Level 3 which is required by the IPS.

The location of the affordable units is considered to be acceptable and they should be provided no later than the sale or let of 50% of the market dwellings.

Highways Implications

Access

The proposed development would be accessed via a simple priority junction. The highways officer has commented that the junction geometry is compromised in terms of the proposed kerb radii.

The Highways Officer has also commented that the proximity of the proposed junction to the The Dingle Primary School access would present a hazard in terms of the inter-related turning movements particularly at school arrival and dispersal times whilst there would be a displacement in parking provision at the front of the site all of which would be harmful to highway safety.

Traffic impact

The proposed development would generate a maximum of 27 two-way trips during the peak hour. This traffic generation will be distributed across the highway network in both directions. The traffic generation figure is below the threshold of 30 two-way trips contained within the Department for Transport document entitled 'Guidance on Transport Assessment' and as a result an operational assessment is not required for the trunk road network.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case it is considered that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

Parking

The proposed development would not provide a sufficient level of parking for the proposed dwellings on the site. As a result the development would result in vehicles parking on the highway which would be detrimental to highways safety and the appearance of the site.

Public Transport

The application site is within easy reach of bus stops on Crewe Road with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

Highways Conclusion

Although the development would not have a detrimental impact through traffic generation it is considered that the proximity of the access to the school access would result in a conflict of vehicle turning movements at peak times together with the displacement of parking at the site entrance and compromised junction geometry. As a result the proposed access would have a detrimental impact upon highway safety.

Amenity

The main property affected by this proposed development would be the property known as 'The View' which has a side elevation facing plot 10. There would be a separation distance of approximately 11 metres between the side elevation of The View and the blank side elevation of Plot 10. This relationship and separation distance is considered to be acceptable.

Plots 9 and 16 would be off-set with greater separation distance to The View and given the angle proposed the separation distance is considered to be acceptable.

To the rear of The View there would be a separation distance of approximately 50 metres to the rear of Plot 24. This separation distance is considered to be acceptable.

To the north-east there would be a separation distance of approximately 30 metres from the rear of Plot 25 to the side elevation of a dwelling known as bank Farm. This separation distance is considered to be acceptable.

The Environmental Health Officer has requested conditions in relation to hours of operation, piling works, external lighting, and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. Conditions would be attached in relation to dust control and low emission vehicle charging points. The requirement for a travel plan is not considered to be reasonable given the scale of the development.

Trees and Hedgerows

Trees

The application is supported by a Tree Survey Report by Atmos Consulting. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details. As a consequence it is possible to determine any direct or indirect impact of the proposed layout on retained trees.

The Councils Tree Officer is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The site contains a single large mature Oak (CAT A) tree identified as T1 in the submitted arboricultural detail. The tree has been retained as part of the development proposals within what appears to be an open space area. All construction works would be located outside the trees RPA, with the adjacent dwelling presenting a side elevation relationship, mitigating any potential issues of light and nuisance. Ground levels within the Oaks RPA are relatively undulating. It's important that these are preserved in their present context. This should be feasible with the protective fencing as detailed. Formal protection of the Oak will be instigated but this should not be seen as a restriction to development.

Three other trees located on the various boundaries have been identified within the tree report. Two (T3 & T4) have been noted as being high value (Cat A) specimens, with T2 a second Oak (Cat B) of moderate value. As an overview all three trees are considered to present at best in terms of BS5837:2012 only moderate value, none considered worthy of formal protection.

Hedgerows

The amended plans show that the hedgerows which bound the site would be retained as part of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the proposal would have a density of 27 dwellings per hectare this is consistent with the surrounding residential areas of Haslington.

As part of this application there have been negotiations with the applicant in relation to the design and layout of the proposal and the following amendments have been secured as part of this application:

- The 2.5 storey dwellings have been reduced in height to 2 storeys. All dwellings are now 2-stories in height.
- The urban appearance of the development from The Dingle has been reduced with the retention of the hedgerow and the driveways and dwellings set behind the hedgerow.
- Design improvements when viewing the site from the junction of The Dingle and Clay Lane due to concerns that rear/side elevations were prominent from this side.
- A reduction in the formality of the street design with the introduction of home zones and shared surfaces.
- An increase in the amount of soft landscaping on the site.
- The introduction of plots with dual frontages

In terms of the detailed design of the dwellings the units are of a modern appearance with a traditional pitched roof design. The design includes modern design detailing in terms of

fenestration design and pattern. It is considered that the design approach which is simple but modern is appropriate on this site and would comply with Policy BE.2 (Design Standards) and guidance contained within the NPPF.

Ecology

Bats

A tree on site has been identified as having potential to support roosting bats however this tree is retained within the proposed open space area associated with the development. The Council's Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon bats.

Breeding Birds

If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

Other Protected Species

No evidence of other protected species has been recorded on site. However the woodland block located to the south of the application boundary has the potential to support a sett. In this case the applicant was unable to obtain access to this woodland to survey there area.

Given the findings of the original survey that recorded no evidence on the site the Council's Ecologist has concluded that Badgers are not reasonably likely to be present or affected by the development.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrance. The Council's Ecologist recommends that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

The existing tall hedgerows on site have potential to support foraging and commuting and foraging bats consequently the Council's Ecologist recommends that the hedgerows are maintained in their current form as part of the landscaping scheme for the site.

Reptile habitat/semi improved grassland

A small area of habitat located on the site's eastern boundary has been identified as having potential to support reptile species. This area will be retained as part of the proposed development and this issue could be controlled through the use of a planning condition.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,190sq.m and the layout plan shows that the developer will provide 1,600sq.m of public open space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this should be provided on site. It is not considered that the POS Officers request for improvements to the Gutterscroft play area can be secured as no costs or approval by the Parish Council have been provided by the POS Officer despite the request of the case officer. It should also be noted that a contribution to improve the Gutterscroft play area will be provided as part of the development on Vicarage Road which has recently commenced development.

In this case the provision of a LEAP with 6 pieces of equipment would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

Archaeology

A number of the representations make reference to the archaeological potential of the application site and an Archaeological Assessment has been submitted in support of this application.

This report considers the archaeological implications in the light of an examination of data held in the Cheshire Historic Environment Record. It also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the archaeological potential of the site is limited but does note that the line of a former trackway crosses the northern part of the site and that there is evidence of cultivation marks, in the form of ridge and furrow, across much of the site. Some further mitigation is proposed on these features.

It should be noted, however, that the report was prepared without access to the detailed master plan of the development. This shows that the northern part of the site will remain as open ground. A footpath will cross the area and a play area is proposed but the retention of an extant tree and the limited extent of these features means that the level of disturbance is unlikely to justify further archaeological mitigation in the is area. With reference to the ridge and furrow, the Councils Archaeologist has discussed the matter with the archaeological consultants and they have agreed that the narrow, regular nature of the ridges suggests a late date and that their description in the desk-based assessment represents an adequate consideration of these particular features.

As a result the Councils Archaeologist states that no further archaeological mitigation is required with regard to this development.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the Agricultural Land Assessment indicates that the whole of the site is Grade 3b and as a result is not classed as best and most versatile agricultural land.

Education

In this case there are capacity issues at local primary schools and mitigation could be secured through the provision of a contribution of £65,078. This would be secured through a S106 Agreement should the application be approved.

There are no capacity issues at the local secondary schools.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Groundwater flooding is considered to be the main source of flooding on this site. There are no records of flooding on this site.
- The existing site is currently greenfield. The proposed development increases the impermeable area of the site by approximately 45% through the introduction of new buildings, paved areas and roads. Surface water run-off calculations have shown that this results in increased surface water run-off rates and volumes.
- The increase will be taken into account in the surface water drainage design by including an attenuation tank and /or oversized pipes. Surface water run-off will be discharged into the Fowle Brook at a (provisional) maximum discharge rate of 6.33l/s.
- Foul flows will be allowed to discharge into the combined sewer adjacent to the Dingle Primary School entrance to the south-west of the site.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 6 medical practices within 3 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development is considered to be of an acceptable design and would comply with Policy BE.2 of the Local Plan.

The proposed development would not adversely affect the visual character of the landscape, in this location.

The proposed development would not provide a safe access and the development would have a detrimental impact upon highway safety or cause a severe traffic impact. Furthermore there would be inadequate parking provision on the application site.

Subject to conditions to secure mitigation there would be no significant impact upon ecology or protected species.

The proposed development would provide an over provision of open space on site.

The development would comply with the affordable housing requirements.

In terms of the education impact this could be secured through the provision of a contribution to be secured as part of a S106 Agreement. There are no issues at secondary schools within the capacity of the site.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National**

Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

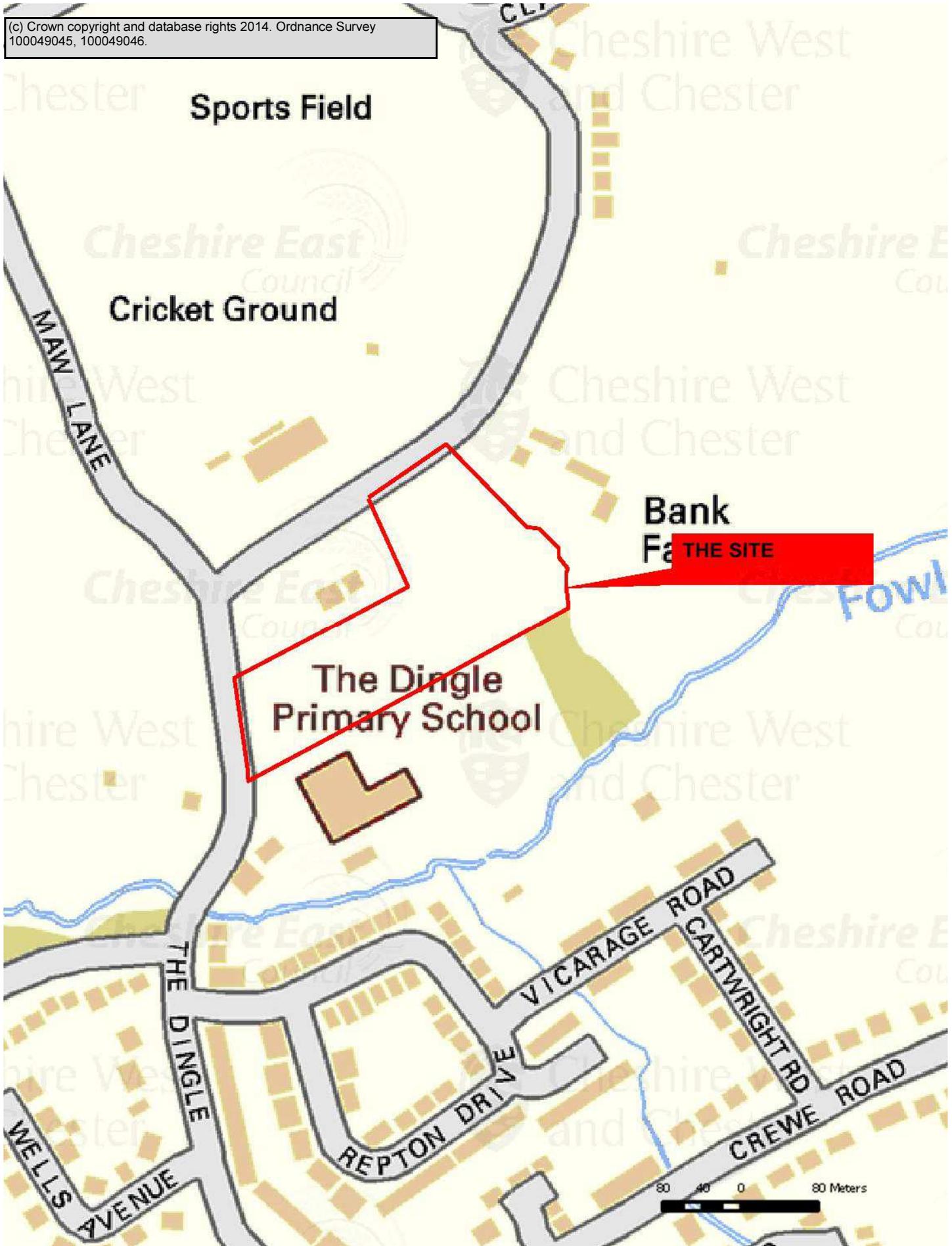
- 2. The proposed vehicular access would be in close proximity to the access which serves The Dingle Primary School. It is considered that the access proposed as part of this application would result in vehicular turning conflicts particularly at school arrival and dispersal times, the displacement of parking and compromised junction geometry to the detriment of highway safety. Furthermore the development would not provide an acceptable level of parking on the application site. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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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Application No: 14/1915N

Location: Kents Green Farm, KENTS GREEN LANE, HASLINGTON, CW1 5TP

Proposal: Resubmission of 13/4240N - Outline planning application for a housing development dwellings with associated car parking, roads and landscaped open space

Applicant: Renew Land Developments Ltd

Expiry Date: 14-Jul-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact of the development on:-

Principle of the Development

Housing Land Supply

Open Countryside Policy

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Agricultural Land

Education

Flood Risk and Drainage

Health

Other issues

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 2.67 ha and is located to the northern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is a tree lined watercourse known as Fowle Brook with residential development fronting Newtons Crescent and Fishermans Close beyond. To the west of the site is Kents Green Lane with the existing farmhouse and barns located onto this boundary. To the south west corner of the site are a number of trees which are protected by a Tree Preservation Order.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels drop to the northern boundary of the site.

2. DETAILS OF PROPOSAL

This is an outline planning application for the erection of 68 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the southern boundary of the site.

3. RELEVANT HISTORY

13/4240N - Outline planning application for the development of up to 60 dwellings with associated car parking, roads and landscaped open space – Refused 17th March 2014 for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
Pre-submission Core Strategy

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

United Utilities: No objection subject to the following condition:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For

the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. Surface water must drain to the watercourse. The development shall be completed, maintained and managed in accordance with the approved details.

Strategic Highways Manager: No comments received as part of this application. As part of the last application they stated that:

'Subject to the recommended conditions and s.38, s.278 and s.106 agreement requests indicated throughout this note, I would recommend that the application be approved.

The proposed location of a highway access from Crewe Road is preferable to an access on Kents Green Lane, due to the narrow width and the lack of footway provision on Kents Green Lane.

The Proposed Site Access Drawing SCP/13219/GA01, prepared by SCP indicates a simple priority junction with a 5.5m wide vehicular access; a 6m radius; and 2m footways. This is consistent with the typical geometries of a residential development of this scale, and is acceptable in principle. A junction capacity assessment undertaken in the 2018 future year suggests that the proposed layout would operate well within capacity.

A speed survey has been undertaken which suggests 85th percentile dry weather speeds of 39mph in the northbound direction and 36mph in the southbound direction. The Site Access Drawing SCP/13219/GA01 indicates that appropriate visibility is achievable in both directions from the access for these speeds.

The speed limit on Crewe Road adjacent to the site is 30mph. The speed surveys undertaken as part of the TS indicate average speeds of 34mph and 32mph, and maximum speeds of 45mph and 43mph, in the northbound and the southbound directions respectively. Therefore, there is evidence of vehicles operating above the speed limit adjacent to the site.

It is also noted that there are local concerns regarding vehicle speeds on Crewe Road. In light of this, it is recommended that Vehicle Activated Signs (VA signs) should be provided in the vicinity of the development access. These display the spot speed of a passing vehicle to the driver, and have been applied elsewhere in the borough as an effective way of encouraging drivers to consider and reduce their speeds in built-up areas.

Crewe Road forms part of National Cycle Network Route 451 from Wheelock to Crewe town centre and onwards to Nantwich. The section of Crewe Road which bounds the site to the south has on-street mandatory cycle lanes, which are legally-enforceable for use by cyclists only. The site is therefore considered to be suitably accessible by cycle.

Existing bus stops are located on the northern side and southern side of Crewe Road, approximately 150m to the south-west of the site, which is within the recommended walking distance. These stops are served by three bus services which provide hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. At present, only the northern bus stop is marked by a flag, while the southern bus stop is unmarked. There is no footway in place on the southern side of the carriageway and the southern bus stop exists within an unmarked lay-by.

It is recommended that, as part of any planning permission, pedestrian kerbing should be provided on the southern side of the carriageway, with bus stop lining and a pedestrian refuge island located in the vicinity of the stops, providing a crossing point to the new southern kerbing. These works should be subject to the technical approval of the SHM as part of a s.278 agreement.

It is also recommended that the cost of upgrading both bus stops to Quality Bus Corridor (QBC)-level sheltered facilities should be secured by s.106 agreement.

The trip rates derived from the TRICS database are broadly in line with what would be expected of a similar residential development, and indicate 29 trips leaving the site and 11 arriving during the AM peak hour, and 15 trips leaving the site and 28 arriving during the PM peak hour.

There are existing concerns on the local highway network, and at the Crewe Green roundabout in particular, the SHA has identified mitigation measures in the area. While this development will add some cumulative impact on the local highway network, this will only be in the order of approximately 1 vehicle per minute during the peak hours. It is therefore considered that the local footway, bus stop and VA signs identified are more appropriate highways and transport mitigation measures to be secured as part of this development'

Natural England: The proposed development is unlikely to affect any statutory sites.

For advice on protected species refer to the Natural England standing advice.

Environment Agency: No comments received. As part of the last application they stated that:

'The Environment Agency has no objection in principle to the proposed development however we would like to make the following comments.

The flood maps indicate that the northern boundary of the site is located in Flood Zone 3 and Flood Zone 2. Any lowering of existing ground levels on the proposed developable area of the site could increase the risk of river flooding to the proposed development. Any alteration of ground levels within Flood Zone 3 also has the potential to increase flood risk elsewhere through the loss of floodplain storage and conveyance.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken in the first instance to determine whether this would be a feasible method for the disposal of surface water post development. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. This has been calculated as 5.14 litres/sec/hectare within the submitted Flood Risk Assessment (FRA) prepared by Enzygo (dated September 2013, ref: SHF.1087.001.R.001.A). For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the following conditions are suggested:

- *The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that all built development is located in Flood Zone 1.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to ensure no alteration of existing ground levels across the site.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.*
- *No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook has been submitted to and agreed in writing by the local planning authority. The Buffer zone should be as wide as possible but must be a minimum of 5 meters wide measured from bank top.*
- *Contaminated land'*

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures, travel plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Public Open Space: There are no facilities for young persons in Winterley. I would like to see the attached on the open space area.

The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Public Rights of Way: The application documents show a pedestrian link from the site to the existing estate road Newtons Crescent over Fowle Brook. The legal status, maintenance and specification of the proposed path and bridge would need the agreement of the Council as Highway Authority.

The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

Education: The development of 68 dwellings will generate 12 primary school pupils and 9 secondary school pupils.

The Education Department is forecasting that both primary and secondary schools will be oversubscribed.

Therefore the following contributions will be required:

Primary = £130,155

Secondary = £147,084

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- Re-use and adaptation of existing buildings have an important role to play in meeting the demand for workspace in preference to the construction of new buildings on green field sites. This appears not to have been considered by the applicant, who proposes demolition of the existing farm house and buildings.
- The submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.
- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Kent's Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- Scale of development in relation to the existing community. Winterley scores very poorly for sustainability, adding 70 house to the existing 600 in Winterley is a major increase that could be further exacerbated by the potential for a further initial 45 at Pool Lane. The proposal is out of scale and character with the existing developed environment in Winterley.
- The site is in a very prominent location at the southern edge of Winterley, within the open countryside separating the village from Haslington. Development would be highly visible and undermine Winterley's mature village character and its identity as a separate settlement from Haslington.
- The length of Kent's Green Lane adjacent to the site is a quiet, narrow rural lane without footways and defined by hedges, trees and some low key, old farm buildings. The development would irretrievably alter this character, with proposed houses located very close to the lane. In addition to the landscape and visual impacts of the new houses, there is a high risk of losing the existing hedges surrounding the site.
- The proposed development should be restricted to single and two storey properties, there is an inconsistent reference to some three storey properties within the outline proposals.
- Trees covered by the TPO that are retained within public open space will need to be supported by an ongoing management scheme funded by the developer.
- Safe sewage disposal has not been fully considered. The sewers serving Winterley are known to have capacity and blockage issues resulting in contamination of farmland and watercourses

including Fowle Brook. The contaminated watercourse passes through various high risk areas including the gardens of properties in Haslington, alongside The Dingle primary school and other public open space within the parish of Haslington. Any further development in Winterley will require a major upgrade to the existing sewage infrastructure which appears not to be included within this application.

- The TRICS data used is not applicable for this location. The data used is for sites on the edge of town locations. This location is rural and would generate more trip movements due to being more remote from public transport, employment areas and other sustainability related issues such as lack of close local schools, medical facilities and shops. Rural locations have a higher dependency on car usage.
- Transport Strategy 5.5 is a broad statement and is incorrect. The Transport Statement does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once any approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road (Hazel Bank), Haslington be approved. The Statement should have considered an assessment of the effects of this proposal and other known proposals on the most sensitive nodes on the surrounding network. It is the Council's responsibility to consider these wider ranging issues and not solely the merits of this application in isolation.
- Point 6.4 - The distribution of flows from and to the site is flawed, as it is based on existing tidal flow created by local residents in Haslington. This is not representative of the local trips generated by this development, and which are influenced by the local school runs and local employment areas. It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe and via M6 Junction 16; all of which will influence turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout over that suggested in the Transport Statement
- Appendix 3 – this is meaningless as it does not give any indication of the times that the speed readings were carried out
- Overall the transport Strategy makes no reference whatsoever to the road network capabilities of either the 2 villages, or the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway. A robust transport strategy should address all of these wider, and integrated issues, and all of which are already significantly challenged by the existing weight of traffic let alone the inclusion of further developments
- There is no information of numbers and classification of vehicles to support the peak traffic flows
- There is no information to support the existing and generated trips on Kent's Green Lane. This lane is currently lightly trafficked. However it can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, lack of footpaths and street lighting, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane which is a narrow country lane approximately 5.5m wide with no footways. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of current parents and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also

be considered that the additional right turning out of the site and then into Kent's Green Lane could increase the likelihood of collisions.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, there have been numerous collisions; consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.
- Impermeable soils and rocks such as clay or shale do not allow water to infiltrate, this forces water to run off reducing river lag times and increasing flood risk. The area is known as heavy clay base (given the naming of the road 'Clay Lane') and the adjacent properties have a heavy clay base within a matter of 2 feet under the surface. This brook has already seen a significant rise in levels, in particular during 2012 when the brook was full to capacity along the strip adjacent to Fishermans Close. The applicant's assessment of the ground conditions in September 2013, following one of the driest and hottest summers on record is an unacceptable point in time to base the assessment of flood risk.
- Flood risk also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brook
- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future . These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for the Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the new occupants would easily fill any vacant local future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application could accommodate employment either in offices or workshops based around the existing Kent's Green farm buildings, utilising the existing access on Kents Green Lane. This would enhance one of the dimensions of sustainability of the proposed development. Any new residential housing is likely to require employment opportunities for the new occupiers.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 66 local households raising the following points:

Principal of development

- The application should be refused on the same grounds as the last application
- The site is within the open countryside
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site
- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is contrary to Pre-submission Core Strategy as it does not retain the gaps between the settlements
- There are no jobs in the village
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Lack of pre-app consultation
- Brownfield sites should be developed first
- Kents Green Farm should be listed
- Members of the Strategic Planning Board should visit the site
- Outside the settlement boundary for Winterley
- The applicant did not obtain pre-application advice from the LPA

Highways

- Increased traffic
- Pedestrian safety
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- The proposed access in at a dangerous location on a bend in the road
- The traffic survey was undertaken on 12th December 2012 and is not representative time of the year
- TRICS data is not applicable for this rural location
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The distribution flows from the development are flawed
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- There would be no increase in public transport

- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate
- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Water pollution will affect the Fowle Brook
- Increased water pollution
- Impact upon TPO trees
- Lack of detail about the maintenance of the open space

Infrastructure

- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village
- Insufficient medical services

Amenity Issues

- Visual impact
- Loss of outlook
- Noise and disruption from construction of the dwellings
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area

Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to Kents Green Lane
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans show housing side onto Crewe Road which is not an acceptable design solution

- The development would be harmful to the character of Winterley
- Little details on the outline application
- The layout of the open space is poor and not safe for children

Other issues

- Loss of agricultural land
- Impact upon property value

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Flood Risk Assessment (Produced by Enzygo)
- Design and Access Statement (Produced by Barrie Newcombe Associates)
- Planning Statement (Produced by Richard Lee)
- Phase 1 Geo-environmental Assessment (Produced by REC)
- Transport Statement (Produced by SCP)
- Ecological Scoping and Protected Species Survey (Produced by Solum Environmental Ltd)
- Arboricultural Impact Assessment (Produced by Enzygo)
- Outline Bat Mitigation Strategy (Produced by Solum Environmental Ltd)
- Landscape and Urban Design Appraisal (Produced by PGLA and BPUD)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states

that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough’s five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Landscape

Housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

With regard to the indicative layout there are the following issues:

- The wooded stream, mature trees, hedgerows and the existing farmstead provide scope to create an attractive housing development but the indicative layout is cramped and doesn't make the most of these assets/opportunities.
- The farmhouse and some barns/outbuilding are now to be retained but the layout should ideally provide them with a better setting/curtilage with appropriate boundary features and again this issue will be dealt with at the reserved matters stage.

- It is important to retain the rural character of Kent's Lane by retaining the existing walls, trees and hedges (where feasible) and by planting new hedges. Close board fencing along the lane should be avoided.

The above issues could be considered at the reserved matters stage.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 250m
- Public House (1000m) – 805m
- Public Right of Way (500m) – 300m
- Child Care Facility (nursery or crèche) (1000m) - 640m
- Community Centre/Meeting Place (1000m) – 640m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Outdoor Sports Facility (500m) – 960m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4300m
- Convenience Store (500m) – 1280m
- Primary School (1000m) – 1450m
- Pharmacy (1000m) – 1900m
- Post office (1000m) – 1900m
- Secondary School (1000m) – 5400m
- Medical Centre (1000m) - 1900m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban

dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a locationally sustainable site.

However, locational accessibility is one element in terms of sustainable development. Inspectors, have considered the 3 strands of sustainable development – economic, social and environmental in terms of the planning balance in recent appeal decisions.

Affordable Housing

The site is located in Winterley which is within the Haslington and Englesea sub-area for the SHMA Update 2013. In this SHMA area there is an identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings (total of 220 dwellings over 5 years).

In addition to this information taken from the SHMA Update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 77 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 37 x 1 beds, 22 x 2 beds, 11 x 3 beds and 7 x 4/5 beds.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social rent, 35% intermediate tenure. This equates to a requirement of up to 21 affordable units in total on this site, split as 14 for social (or affordable rent) and 7 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper-potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The IPS also states that the affordable housing should be provided no later than occupation of 50% of the open market dwellings unless there is a high degree of pepper-potting in which case it would be 80%.

Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The proposal in this application is for 14 rented units and 7 intermediate units which is line with the IPS and as such acceptable.

As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved the affordable housing details would be secured in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and confirming that the scheme meets the affordable housing

requirements detailed above and in the IPS.

Highways Implications

Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5m wide access and 2m wide footways. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. The surveys undertaken in support of this application indicate average speeds of 34mph and 32mph with maximum speeds of 45mph in the northbound direction and 43mph in the southbound direction. In this case the submitted plans indicate that visibility splays of at least 2.4m x 56m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets. Due to the issue of speeding vehicles it is considered to secure Vehicle Activated Signs within the vicinity of the site in an attempt to reduce vehicle speeds. This will be secured through the use of a planning condition.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

Traffic impact

The proposed development would generate 40 two-way trips during the AM peak hour and 43 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that whilst the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

Public Transport

The application site is site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. In this case it is considered appropriate to secure improvements to the bus stops from this development as well as accessibility improvements to the bus stop on the opposite side of Crewe Road. These improvements will be secured through the use of a planning condition.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'

Amenity

In terms of the surrounding residential properties, these are mainly to the north of the site. Between the nearby residential properties to the north are a linear area of public open space, Fowle brook and a belt of trees. Due to these intervening features and the separation distances involved there would be minimal impact upon residential amenity.

Due to the separation distances involved to the properties to the south there would not be a significant impact to the south.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control and to secure electric vehicle charging points.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Impact Assessment (AIS). The AIS incorporates a tree survey covering 19 individual trees and 20 groups of trees. The survey grades 7 individual trees and 14 groups of trees as grade A (high quality and value), 5 individual tree and 5 groups Grade B (moderate quality and value) and 7 individual trees and 1 group Grade C (low quality and value). The AIS indicates that the indicative layout would result in the removal of 7 individual trees and one group of trees afforded low grade and recommends that retained trees are afforded protection in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction - Recommendations.

As the application is outline with only the vehicular access from Crewe Road included, the full implications of development of the site would only be realised at Reserved Matters stage. The elements of the indicative proposals showing the prominent TPO trees retained in POS to the

south west of the site and the green corridor adjoining Fowle Brook are welcomed. In this case there were concerns raised over whether the application site can accommodate the proposed development without impacting upon the trees on the site but this has now been addressed through the submission of the amended plan.

Hedgerows

The consultation response from Cheshire Archives and Local Studies indicates 'both of the hedgerows appear to form part of a field system pre-dating the Enclosure Acts'. On the Tythe map it is clear boundaries where hedges affected by the development were present.

In this case the indicative plan shows that the historic hedgerows would be retained as part of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

In this case the density of the development is considered to be acceptable at 25.4 dwellings per hectare and would be consistent with the surrounding area of Winterley.

As part of the negotiations with this application the applicant has agreed to retain two of the existing barns and the farmhouse on the site.

There is a Grade II Listed Building opposite the site on Crewe Road. Given the intervening road and separation distance it is not considered that the proposed development would have a detrimental impact upon the setting of this Listed Building.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Ecology

Bats

The bat surveys undertaken to inform the determination of the application were constrained by the unsafe nature of some of the buildings on site, the lateness in the season when the activity surveys were undertaken and cold weather during some of the survey visits. Despite these constraints bat roosts have been recorded within a number of buildings on site.

The available survey results suggest roosts of two relatively common bat species being present on site. On balance considering the constraints of the survey the Councils Ecologist advises that the usage of the building by bats is likely to be limited to small-medium numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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 NE.9 states that development will not be permitted which would have an adverse impact upon protected species.

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 tests would be met as follows:

- If the development was approved it would be because the LPA cannot demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small bat roost on this site (with no evidence of a maternity roost) and there would be no detriment to the maintenance of the species population at favourable

conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of bats.

Other Protected Species

An outlying sett has been recorded just outside proposed development site. The submitted ecological assessment recommends that a 30m undeveloped buffer be maintained around the sett. Based on the revised plan and the submitted method statement the Councils Ecologist is satisfied that the outlying set which is located off-site can be retained.

Fowle Brook

Fowle Brook is located to the north of the application site. The submitted illustrative layout plan shows a retained area of open space between the development and the brook. A condition will be attached to secure a buffer along this water course.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that the much of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows to form the site access. Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Bluebells

Native bluebells have been recorded on site however it appears that they would be retained within the open space on the site. This would be secured through the use of a planning condition.

Breeding Birds

Conditions will be attached to safeguard breeding birds.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,380sq.m and the indicative plan shows that the developer would exceed the requirement for Policy RT.3 which is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan

- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the supporting planning statement identifies that this site is grade 3b.

Education

The proposed development would generate 12 primary school pupils and 9 secondary school pupils.

In terms of primary school education, the proposed development would generate 12 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £130,155. This would be secured via a S106 Agreement.

In terms of secondary school education, the proposed development would generate 9 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £147,084. This would be secured via a S106 Agreement.

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Fowle Brook is located within Flood Zones 2 & 3. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application. The submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

The submitted FRA identifies that a precautionary approach of raising floor levels of any building on the site by 150mm would mitigate any secondary flooding sources (in this case overland flow). The risk from all other types of flooding is considered to be negligible or low.

The proposed drainage system will be designed to accommodate the potential impact of this development and further details will be provided at the detailed design stage.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 3 medical practices within 2.5 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

10. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development would not adversely affect the visual character of the landscape, or result in a significant erosion of the physical gaps between built up areas.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local schools and this could be mitigated through the suggested contributions which could be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, the benefits of the scheme in terms of the addition to the affordable housing stock in the area, the economic and social benefits via the new homes bonus and spending in local shops by new residents and the jobs created during constructions; are considered to be insufficient to outweigh the harm that would be caused in terms of the loss of open countryside when there is no over-riding need to release the site for that purpose given the housing supply position of the

Council. The proposal is considered to be contrary to policies of the local plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping 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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Application No: 14/1129N

Location: LAND TO REAR OF, THE RECTORY, 44, CHURCH LANE, WISTASTON

Proposal: Development of 11 no new residential dwellings at land to rear of 44 Rectory, off Windsor Road, Wistaston

Applicant: Frazer Lloyd-Jones, Thomas Jones & Sons Ltd

Expiry Date: 04-Jun-2014

SUMMARY RECOMMENDATION

Approve; subject to S106 agreement

MAIN ISSUES

Principle
Design, layout, form & character
Residential Amenity
Highway implications
Landscape and forestry issues

REASON FOR REFERRAL

The application is to be determined by Southern Planning Committee as it represents a Major application as defined within the scheme of delegation.

DESCRIPTION OF SITE AND CONTEXT

The application site is currently the garden area to the Rectory located off Church Lane in Wistaston.

The application site is situated within the Crewe settlement boundary, and is surrounded by residential properties to the north, east and south and the village hall and church located to the west of the application site.

DETAILS OF PROPOSAL

The application seeks full planning permission for 11 dwellings on site.

RELEVANT HISTORY

None

POLICIES

Cheshire East Local Plan Strategy – Submission Version

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.

Cheshire East Local Plan Strategy – Submission Version

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land

Crewe and Nantwich Replacement Local Plan (2011)

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, utilities and resources
RES.2 Unallocated Housing Sites
RES.4 Housing in Villages and Settlement Boundaries
NE.5 Nature Conservation and Habitats

Other Material Considerations

National Planning Policy Framework
SPD: Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Housing Strategy:

No requirement for affordable housing

Education:

No comments at the time of writing this report

Environmental Health:

No objections subject to conditions relating to pile foundations, travel planning, electric vehicle infrastructure, dust control, condition relating to gas protection measures and an informative for the hours of construction and deliveries to the site.

Public Rights of Way (PROW)

No objections subject to informative relating to the PROW.

Highways:

No objections, request a sum of £5000 be paid for local traffic issues in the area relating to parking and junction turning moments, and condition relating to design and construction plans. An informative is also required for as a S38 agreement would be required

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston PC Object to the application on the following grounds;

- Overdevelopment of the site and over domination of existing properties on Rectory Close and Buckingham Close
- The development would exacerbate parking problems on Windsor Road and Church Lane
- The proposal does not offer anything towards the village community creating a loss of amenities – eg Village Fete and other functions

OTHER REPRESENTATIONS

To date, 124 representations have been received by the Council. A summary of the objections received is provided below, however the full documents can be viewed on file.

Several letters received were duplicates.

- Loss of green space / open space within village
- CEC already has 5-year HLS, so this site is not required for housing
- Site is not an allocated housing site within the CEC Local Plan Strategy, Submission Version
- Sufficient housing provided in Wistaston already
- Back land development
- Out of character with the village area
- Overdevelopment / high density development
- Site hosts village fete, used by brownies and guides to name a few
- Site currently used as overflow car park for church during weddings, funerals etc
- Site should be used to host charitable events
- Residents do not want additional housing in the area
- Housing would not be affordable & for local residents
- Represents garden grabbing
- Access issues, lack of visibility & blind spot on the road
- Impact upon traffic in the area
- Lack of parking proposed for new properties
- Increase amount of parking upon pavements
- Impact upon trees and hedges within and surrounding the site
- Ecological implications / impact upon wildlife
- Loss of privacy
- Loss of outlook
- Loss of light to neighbouring properties
- Increase in noise and pollution
- Carbon footprint of development
- Damage development would cause to existing roads
- Impact upon schools in local area
- Lack of bin storage
- Doesn't accord with code for sustainable homes
- No plan submitted for SUDs drainage
- Garage adjacent to neighbours boundary is a fire hazard
- Contaminated land issues
- Area should be / is designated village green
- Lack of infrastructure in area to support the development
- Impact upon services in the area
- Impact on sewage system
- Impact upon PROW
- Should application be approved, request a S106 agreement for contributions
- S106 agreement should seek to provide alternate site for village fete
- Loss of village space leading to anti-social behaviour
- No public consultation carried out
- Plans do not show how neighbouring dwellings have extended their properties
- Loss of view
- Proposal for financial gain only
- Proposed electric car charging points are gimmicks

- Revisions to layout do not improve the scheme

A letter was also received from the Diocese of Chester (land owner) who states the following;

- Land is private garden to the rectory, not public amenity space and as such no public right exists over the land
- Application has come forward to make other similar sites owned by the Diocese (some 300) more manageable and cost effective
- Would provide financial assistance for maintenance works etc

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement

Tree survey

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary line of Crewe, and therefore the principle of housing is acceptable subject to other considerations such as highways, visual impact, and the amenity of nearby residents.

Local Plan policy RES.4 states that housing within the settlement boundary of Crewe is accepted, subject to being in keeping with the area, and not conflicting with policies BE.1 – BE.4.

Design, Layout, Character of the Area

The application site is sited within the residential area of Wistaston, to the north of the site is Rectory Close, comprised of 1970s semi-detached properties, to the east is Buckingham Close, typified of 1970s semi-detached properties, and to the south of the site is Windsor Road, typified of 1970s detached dwellings. Within the application site is The Rectory, a residential property associated to the local church.

The layout proposes 11 residential dwellings, comprising 10 semi-detached units and 1 detached property. The density of the layout is considered to be acceptable within the residential area. Access to the site would be taken from Windsor Road, with two dwellings providing a gateway type frontage to the site. The layout of the proposed site would be off the main access road within the site, scattered in a cluster layout with either a driveway or garage provided to each dwelling.

The layout of the proposed development is considered to be acceptable, matching similar layouts of properties in close proximity to the site.

House Type A would provide 6 semi-detached units within the site. The dwellings would have gable frontage features and pitched roofs.

House Type B would provide one single detached dwelling within the site. The gable fronted dwelling with pitched roof would be of traditional design.

House Type C and B1 flank the entrance of the site providing a frontage onto Windsor Road and onto the main access within the site itself. The properties would be semi-detached, with part of the rear elevation of Type C attaching to the side elevation of type B1. The design of the properties would be traditional with gable frontages, measuring 8.4m in height.

Precise details of the scheme relating facing materials, hard and soft surfacing, landscaping and boundary treatment could be secured through appropriate conditions.

Residential Amenity

The Council's SPD: Development on Backland and Gardens gives spacing standards of 21m which should be retained between principal elevations and 13.5m between flank elevations and principal elevations.

The spacing distance of 21m would be retained between the proposed rear elevations of Plots 4 & 5 and No.30 and No.32 Rectory Close, and 24m between the rear elevation of Plot 3 and No.28 Rectory Close. These distances would prevent any adverse impact upon the residential amenities of the neighbours on Rectory Close in terms of loss of light, privacy, outlook or overbearing impact, and comply with the guidance within the Council's SPD.

A distance of 13.2m would be retained between the side elevation of Plot 7 and the rear elevation of No.10 Buckingham Close, again complying with guidance within the Council's SPD and preventing any adverse impact upon their residential amenity. Single storey garages are positioned 13m from the rear elevation of No.7 and 9 Buckingham Close, which again would be acceptable.

To the front of the site, a distance of 20m would be retained between No.10 Windsor Road and Plot 11, which on balance is considered to be acceptable. 24m would be retained between Plot 1 and No.6.

Spacing distances between the proposed dwellings within the site is considered to be acceptable and there would be no detrimental impact upon residential amenity.

The proposed rear gardens range from between 55sqm – 100sqm, therefore meeting the requirement within the Council's SPD of 50sqm.

The Rectory as proposed as being retained within the site. The layout and spacing distances within the site would prevent any loss of amenity to this dwelling. The remaining garden area to the dwelling would also exceed 50sqm.

Highways

Sufficient parking provision is proposed to each dwelling on site, complying with highway standards.

The Strategic Highway Manager (SHM) and states that the creation of 11 dwellings would not result in a material impact upon the public highway. As such, any impact caused by the development upon the highway could not be considered as 'severe' as is required by the NPPF.

The SHM requests that the developer enters into a S106 agreement in order to provide £5000 towards local traffic management and parking controls in the locality.

Ecology

The Council's Ecologist has viewed the application and does not envisage any issues arising as a result of the development, however does recommend that mitigation planting is carried out for the loss of the existing hedgerow. This and a condition protecting breeding birds should be attached to the Decision Notice.

Contaminated Land

The application is within 250m of a site which has the potential to create gas, therefore gas protection measures would be required on site. This information can be submitted as assessed as part of the planning conditions.

Air Quality

In order to reduce dust emission as part of the development, an Environmental Management Plan should be submitted to the Local Planning Authority, this information should form part of the planning conditions of the site.

In order to ensure that carbon dioxide emissions resulting from the development would be acceptable, a Travel Plan should be submitted to the LPA and approved, prior to the commencement of development.

The above controls, twinned with the provision of an electric vehicle charging point on the site would prevent the proposal from adversely affect the air quality of the area.

Forestry and Landscaping

The proposal would result in the loss of trees currently in place along the boundary to Windsor Road. Whilst some mitigation planting has been proposed by the applicant, this would reduce the adverse impact upon the landscape. However, it is of merit to note that the trees to this boundary are not protected, and that the site is within a residential area. Mitigation planting has been proposed, and the impact upon the landscape has to be weighed against the benefit of providing 11 residential units within the Borough. In terms of the planning balance, it is considered that the benefits would outweigh the slight harm.

The trees to the north of the site towards Rectory Close are held under TPO, the Council's arboriculturalist is satisfied that there would be no adverse impact upon these trees.

Other Matters

As the development seeks consent for 11 residential units, there is no requirement for a contribution for public open space.

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 development is likely to result in a minor increase upon traffic in the area, therefore it is justified to request a contribution for local area highway improvements.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed residential development is considered to be acceptable in principle, of suitable layout and design, would not adversely impact upon the amenities of neighbouring residents or the wider highway network. The proposal would comply with all relevant policies within the Local Plan, and the wider guidance within the National Planning Policy Framework. As such, the application is recommended for approval, subject to conditions and a S106 agreement for £5000 for the improvement of the local highway network.

Approve subject to S106 agreement for £5000 for improvements to the local highway & following conditions;

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A05TR - Arboricultural method statement
10. A07TR - Service / drainage layout
11. A22GR - Protection from noise during construction (hours of construction)
12. A01GR - Removal of permitted development rights
13. A25GR - Obscure glazing requirement
14. Breeding bird protection
15. Breeding bird mitigation planting
16. Pile Foundations
17. Travel Plan
18. Electric Vehicle Point
19. Environmental Mgt Plan - Dust
20. Minimise dust
21. Contaminated Land - gas

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Application No: 14/1975N

Location: LAND OFF WRENS CLOSE, NANTWICH, CHESHIRE

Proposal: Full planning permission for 11 dwellings including access and associated infrastructure (resubmission of 13/4904N)

Applicant: Mr F Lloyd-Jones, Thomas Jones and Sons

Expiry Date: 16-Jul-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-**

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of land approximately 0.33 hectares in size, to the south of Wren's Close, Nantwich. It is a predominantly flat site with the southern and western boundaries adjacent to properties on Audlem Road, the northern boundary is adjacent to the 5 properties that make up Wrens Close and to the east is open countryside.

The land to the east is currently subject to an appeal against refusal for 189 dwellings contrary to open countryside policies (12/3747N).

The site is designated as being within the Open Countryside in the adopted local plan.

DETAILS OF PROPOSAL

This is a re-submission of a full planning application for the erection of 11 dwelling houses on land south of Wrens Close, Nantwich. The development would consist of 10 semidetached properties and 1 detached. The properties would be accessed from Peter Destapleigh Way, passing Wrens Close and each property would have 2 parking spaces.

The application layout is unaltered from the previous one that was refused and simply seeks to address the reasons for refusal.

The previous application was refused for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. Insufficient information has been submitted with the application relating to ecology in order to assess adequately the impact of the proposed development having regard to reptiles. In the absence of this information it has not been possible to demonstrate that the proposal would comply with Policy NE.9 of the Crewe and Nantwich Replacement Local Plan 2005 and the NPPF.

RELEVANT HISTORY

13/3904N	2014	Refusal for 11 dwellings, access and associated infrastructure
P05/0033	2005	Approval for 5 dwellings.

POLICIES

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:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan** are:

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

CONSULTATIONS (External to Planning)

Environment Agency:

No comments.

Strategic Highways Manager:

The Strategic Highways Manager SHM provided a consultation response to the original application, which identified the following potential key issues in relation to the application:

1. Providing appropriate parking provision;
2. Ensuring appropriate access, including for service and refuse vehicles; and
3. Ensuring access by non-car modes.

It was concluded that Points 1 and 2, parking and access, did not raise sufficient concerns for the SHM to object to the application.

In relation to Point 3, Pedestrian Access, the following comments were made:

Connectivity to the nearest public footway in the plans provided would require residents to walk on the private shared surface on Wrens Close to reach a gate, which in turn provides access to a public footway located outside of the site. The use of this space as a pedestrian route to the new dwellings is not considered appropriate due to its use for parking and manoeuvring combined with its restricted width. In addition, it is not clear whether residents of the new development would have a right of access over this land to reach the gate connecting to the public footway.

To alleviate this concern, I would recommend that the existing pedestrian footway outside the site should be extended along the to the vehicular access, to run parallel to the metal fencing on Wrens Close. A recommended condition/informative wording is provided below:

Prior to first occupation the developer will construct and provide a 2.0 metre wide footpath fronting Peter Destapleigh Way to connect the joint use surface of Wrens Close to the existing footpath at the junction of Peter Destapleigh Way with Audlem Road.

Prior to first development the developer will enter into and sign a Section 278 agreement under the Highways Act 1980 with regard to the provision of a

footpath within the highway verge to link Wrens Close to the signal junction at Peter Destapleigh Way/Audlem Road.

The plans received with the resubmission do not appear to show any such footpath and no reference appears to have been made to satisfying this concern.

The SHM would reaffirm that the provision of a new footway will be required to ensure that the site is accessible by sustainable modes of travel, and would maintain the previous recommendation that a condition to this effect should be attached to any planning permission granted.

Subject to this recommendation, the SHM would raise no objection to the proposals.

Environmental Health:

Recommend conditions/informatives relating to contaminated land, noise generation, bin storage, electric vehicle infrastructure and travel plans.

Sustrans:

Would like to see contributions to a pedestrian/cycle track and travel planning.

United Utilities:

No objection subject to conditions.

VIEWS OF THE PARISH AND TOWN COUNCIL

Stapeley Parish Council has considered the above planning application and its comments are as follows:

(1) Concern that the application made no reference to Great Crested Newts, especially in view of the recent development of newt mitigation areas in the former Stapeley Water Gardens development.

(2) Requests Cheshire East Highways to examine the effect of this development, together with that at 69 Audlem Road, Nantwich as the Parish Council is concerned about increased traffic movement.

Nantwich Town Council object on the grounds that the site was not identified in the Town Strategy, is not a preferred site in the Core Strategy, it is not brownfield land, it will increase the housing figure for Nantwich and it would be detrimental to highway safety.

OTHER REPRESENTATIONS

At the time of report writing, approximately 8 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety

- Inadequate parking provision
- Access issues
- Problems on bin collection day
- Flood risk and drainage
- Noise generation
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- The site is not a windfall site
- Impact on wildlife
- No affordable housing provision
- Loss of privacy and overlooking
- Overbearing development
- Loss of light
- Cramped development
- There is no common right of way along Wrens Close
- Too much development going on in the local area
- Poor design and boundary treatments
- Access should be provided to allow residents on Audlem Road to park to the rear of their properties
- Further development is not needed in Nantwich but in the north of the borough

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough’s five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the ‘Sedgefield’ methodology and a 5% ‘buffer’ the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% ‘buffer’ was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council’s defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to

significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF— and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the

toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The application has not included such an assessment, but puts forward the argument that the site is in close proximity to Nantwich Town Centre and the facilities and services available there.

It is considered that as the site lies adjacent to existing residential development in Nantwich, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Affordable Housing

The Interim Planning Statement on Affordable Housing (IPS) states that in settlements of 3000 or more affordable housing provision will be sought on sites of 0.4 hectares or more or 15 dwellings or more. The site is in Nantwich and is a proposal for 11 units on a site of 0.33 hectares. The site size and dwelling numbers do not meet the threshold to trigger an affordable housing requirement.

Highways Implications

The Strategic Highways Manager (SHM) is satisfied that there is adequate parking provision within the site and that the access is acceptable. A Swept Path Analysis has also been provided to demonstrate that a refuse vehicle could enter and leave the site in a forward gear.

Having regard to pedestrian access the SHM has concerns that pedestrian access along Wrens Close would not be appropriate and that there may not be right of access across that land. He therefore recommends that the developers should provide a pedestrian footway to Peter Destapleigh Way. Private access rights are not a planning matter and it would not be possible to require the provision of the footpath as the land is not in the control of the applicant.

It is not considered that the concerns about pedestrians using Wrens Close are severe given that it is a small street with just 5 dwellings. As such it would not be reasonable to refuse the application on these grounds.

Amenity

The proposed layout of the site means that the dwellings on plots 6-11 would have rear elevations directly facing the existing properties on Wrens Close. Some of these properties have conservatories and it is considered that adequate screening is proposed by the 1.8m screen fence shown on plan number 110. The distances between first floor windows to main rooms would fall just short of what is generally accepted as an acceptable separation distance (21m) by 1 metre and whilst this is not ideal, these distances are used as a guide and it is considered that a reason for refusal on these grounds would be difficult to sustain.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could bin storage. The proposal is therefore considered to be acceptable in these terms.

Trees & Landscape

The site adjoins the gardens of existing residential properties to the north and west with a mix of hedged and fenced boundaries and is contained by a hedgerow on the eastern boundary although this hedge is gappy and contains a high proportion of Elm. It is considered the site has the landscape capacity to accommodate the development proposed although there would be impacts on the outlook from some adjoining properties.

In the event of approval it would be important to secure appropriate boundary treatments with the retention of existing boundary hedges where possible and in particular a green edge to the east.

Should it be necessary to provide a secure boundary to the east of plot I until the hedgerow is re-established following coppicing/replanting (see below), a temporary fence may be required but the Council would not wish this to be prominent or permanent. The site plan shows a 1.8 m fence on the side of the recently established northern hedge bordering gardens in Wren Close. If the hedge is not within the curtilage of these properties, this proposal may cause problems for long term management and retention.

A comprehensive landscape scheme would be required. This could be dealt with by condition.

The submission is supported by an Arboricultural Implications Assessment (AIS) dated 15/11/13. A tree survey covers 4 lengths of hedge and 5 trees. The AIS suggests the tree and hedgerow cover that exists is predominantly poor with the exception of the recently established boundary planting to the rear of 1-4 Wrens Close. The AIS indicates that two small fruit trees would be

retained and the remaining trees removed as part of the development (although the submitted site layout plan 1851-110 shows all retained). Hedges would be retained (where these are in the control of the applicant) and protected however, there is a recommendation that the eastern boundary hedge (a gappy remnant hedge dominated by elm regeneration) is coppiced and gaps planted up.

Officers agree that the tree quality is low and have no concerns regarding the removal of the specimens identified. Coppicing the eastern boundary hedge would reduce its screen value in the short term however; there would be an opportunity to secure management and replanting on this boundary by condition.

A condition would also be appropriate to secure the protective fencing for the retained vegetation as indicated in the AIS.

Design

This is a full planning application that should be assessed in terms of its design and proposed layout.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The proposed dwellings would be of a relatively traditional design with pitched roofs and gable features and would be constructed from brick and tile. This is considered to be appropriate and in keeping with the character and appearance of the local area, specific details of the materials should be controlled by condition.

Ecology

Great Crested Newts

Whilst great crested newts are known to widespread in this part of Nantwich however the proposed development is too remote from any ponds for great crested newts to be likely to be present on site. No further action is required in respect of this species.

Grassland Habitats

The grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity. It is therefore recommended that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund off site habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

The suggested method of calculating an appropriate commuted sum is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 0.3ha.

Cost of creation of Lowland Grassland 0.3ha x £11,291.00 (cost per ha) = £3,387.90 (Source UK BAP habitat creation/restoration costing + admin costs)

Hedgerows

Hedgerows are a Biodiversity Action Plan priority species and hence a material consideration. The existing hedgerow on the eastern boundary of the site will be retained and enhanced as part of the proposed development.

Bats

The application site is likely to support foraging and commuting bats however it is considered that the site is unlikely to be significantly important for this species group.

Reptiles

Grass snakes have been recorded within the broad location of the proposed development site and the submitted report identifies the application site as having potential to support reptile species. The subsequent report stated that there was no evidence of reptiles recorded during the survey and as such Officers are satisfied that this species group is unlikely to be present on site or affected by the proposed development.

Hedgehogs

The submitted report has identified the potential for Hedgehogs a UK Biodiversity Action Plan species to occur on site, however no evidence of this species was recorded during the submitted survey. The submitted report includes suitable mitigation proposals to address the potential impacts of the proposed development upon this species.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Education

The Education Department have been consulted on this application but as yet a response has not been received. This is being pursued by the case officer and an update will be provided prior to Committee debating the application.

Agricultural Land

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The supporting statement submitted with the application states does not address this issue. However; given the scale of the proposal and limited size of the site, it is not considered that its loss would be significantly detrimental.

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.

As explained within the main report, off-site contributions to habitat creation/enhancement would help to make the development sustainable and is fair and reasonable.

Other issues

The objectors have raised issues relating to rights of way across land. This is a private matter and not a material planning consideration.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply. This issue will form a reason for refusal.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version.

The scheme is acceptable in all other forms apart from open countryside policy and housing land supply and the previous reason for refusal relating to lack of information on reptiles has satisfactorily been addressed.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of**

the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development 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 Chair/Vice Chair 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 Chair/Vice Chair 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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Application No: 14/2457N

Location: LAND AT CREWE ROAD, SHAVINGTON CUM GREY, CREWE, CW2 5AD

Proposal: Application for reserved matters approval pursuant to outline planning permission 11/3010N for the construction of 40 dwellings and associated works

Applicant: Mr Gareth Bancroft, Taylor Wimpey UK Ltd

Expiry Date: 20-Aug-2014

SUMMARY RECOMMENDATION**APPROVE** subject to conditions**MAIN ISSUES**

Impact of the development on:-
Principle of the Development
Appearance, Layout and Scale
Landscape
Trees and Hedgerows
Affordable Housing
Highways & Parking
Residential Amenity
Ecology
Public Open Space
Education
Flood Risk and Drainage
Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Sothern Planning Committee as it is a small scale major development.

1. DESCRIPTION OF SITE AND CONTEXT

The site is located to the southern side of Crewe Road, beyond the settlement boundary of Crewe, and to the north-west of the Basford West employment allocation within the

open countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site is also allocated as an area of new woodland planting and landscaping under Policy NE.10 (New woodland planting and landscaping). The proposed development of the Basford Employment Areas in Crewe was identified as affecting the appearance of a main approach to Crewe and, in respect of Basford West, the NE10 designation wraps around its north-western, western and southern boundaries,

The application site is split into 2 separate parcels of land which are located to either side of 344 and 346 Crewe Road. Both plots of land are currently undeveloped and are bound by traditional hedgerows and a number of large trees. Adjacent to 344 Crewe Road is a haulage and plant hire depot (Frizells).

1. DETAILS OF PROPOSAL

This is a Reserved Matters application for the construction of 40 dwellings. The outline application ref; 11/3010N was recently allowed at appeal and included details of access. The access points would be taken from Crewe Road.

The Reserved Matters to be determined as part of this application relate to appearance, landscaping, layout and scale.

2. RELEVANT HISTORY

11/3010N - Outline Application for Residential Development with Associated Infrastructure and Open Space Provision – Allowed at Appeal on 29th January 2014

The above application was refused on the grounds that the proposal would have an unsatisfactory relationship with the surrounding existing and proposed business and industrial uses and was therefore not compatible with surrounding land uses. However, in determining an appeal against the refusal, an Inspector appointed by the Secretary of State concluded that with appropriate mitigation (which was supplied at the appeal), the proposal “*should ensure a good standard of amenity for future residents*”. As such, the appeal was allowed and it is the detail which now must be considered.

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.10 - New Woodland Planting and Landscaping
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

4. CONSULTATIONS (External to Planning)

Environment Agency: No objection

United Utilities: No objection subject to the site being drained on separate system, with only foul water connected to the main sewer and the use of permeable surfaces to assist with surface water drainage.

Strategic Highways Manager: No comments received at the time of report preparation.

Environmental Health: Conditions suggested in relation to noise mitigation, hours of construction, piling works, air quality, contaminated land and submission of an environmental management plan.

Public Open Space: No comments received at the time of writing this report. As part of the outline application they stated that:

'An equipped children's play area, conforming to LEAP Standard is required. Equipment to be inclusive, conform to BS EN 1176, and constructed predominantly of metal. Safer surfacing to be wetpour, conforming to BS EN 1177 is required. The play area to be surrounded by 1.4 metre high, 16mm diameter steel bowtop railings, hot dip galvanised and polyester powder coated in green. Two single leaf self-closing pedestrian access gates in yellow, plus one double leaf vehicular access gate in green to be provided within the railings. A private management company to be responsible for the maintenance of the play area/open spaces.'

Education: No comments received at the time of writing this report. As part of the outline application they stated that:

'There is sufficient available provision within the local schools not to require a contribution from application 11/3010N'.

PROW: No objection.

5. VIEWS OF THE SHAVINGTON PARISH COUNCIL

The Parish Council have raised the following concern:

*'Both proposed entrances to the sites are onto a narrow and busy stretch of Crewe Road and the Parish Council would require a condition of any approval to be that **no** access be permitted from Crewe Road until such time as the new spine road onto the Basford West site is completed and opened.'*

6. OTHER REPRESENTATIONS

Letters have been received from 3 addresses objecting to this proposal on the following grounds:

- Overlooking and loss of privacy
- Loss of wildlife and ecological mitigation for business parks
- Headlamps from vehicles coming out of the access would shine into neighbouring properties
- Access is not safe and will lead to further congestion
- Without further noise mitigation will result in further problems between residents and locals businesses
- The submitted noise surveys are not up to date and do not account for noise generated by local businesses / uses (Frizells, Network Rail, Mornflake)
- Loss of amenity by reason of noise, vibration, dust, smells
- The existing pavements are too narrow

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement
- Design & Access Statement
- Noise Assessment / Mitigation
- Tree Protection and Arboricultural Impact Assessment
- Building for Life Document
- Travel Plan Framework
- Biodiversity Statement
- Great Crested Newt Method Statement

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The principle of 40 residential units on the site has already been established following the approval of outline application 11/3010N, which was recently allowed at appeal. The points of access were also considered at outline stage and have therefore already been approved. This application does not provide an opportunity to re-examine the principle of development or the points of access. The purpose of this application is to consider the appearance, landscaping, layout and scale of the scheme (the reserved matters).

Appearance, Layout and Scale

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The surrounding development comprises of a mixture of ages and architectural styles, ranging from modern suburban development to larger inter-war properties, within substantial curtilages. There is a ribbon development along Crewe Road but more modern housing has recently been accepted at Gresty Green Farm. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles with some rendered examples.

This proposal would introduce a mixture of 2-4 bed properties across both parcels that make up the site. The dwellings would be two-storey and would be commensurate with the size and scale of properties within the vicinity. The general design and style of the

properties is considered to be acceptable and the materials would not deviate from those which characterise the local area.

With respect to layout, the properties on the western portion would be arranged around a rectangular form with the access road circulating the perimeter of the plot. The layout would enable properties to front out over the Crewe Road boundary and the internal roads within the site. The main corner plots would have dual-frontage house types so as to avoid long stretches of blank elevations and to improve surveillance provide an improved street scene. This would also be the case for the eastern parcel of the site.

The eastern parcel of the site would be laid out in a more linear pattern in order in order to account for shape of the plot where it tapers off. Properties would be arranged around the main spinal road and the nearest properties fronting the access to Crewe Road would be well designed and would provide frontage. The detailed design, scale and layout is considered to be appropriate in this location and would comply with Policy BE.2 of the Local Plan, the NPPF and the relevant design policies of the Cheshire East Local Plan Strategy – Submission Version.

Landscape

The site is subject to Policy NE.10 (New Woodland Planting and Landscaping). This Policy states that tree planting, landscaping and subsequent management arrangements will be secured through conditions or S106 Agreements for the Basford Employment Areas.

Although Policy NE.10 does promote tree planting/landscaping, it does not state that development within this area is precluded. In this case, it is considered that the proposed level of housing development could be brought forward on these sites together with appropriate tree planting and landscaping which would still meet the aims of Policy NE.10. The principle of residential development on this site has already been accepted and the majority of the existing boundary trees and hedgerows would be retained and respected as part of the proposals.

Trees and Hedgerows

Existing protected trees are respected and shown for retention within the proposed layout. Proposed tree losses are negligible, principally 'U or 'C' category (BS5837:2012) trees in decline or of poor quality with little contribution to the wider amenity. The application proposes the removal/partial removal of three hedgerows. Hedgerow 9H3) to the southern boundary comprising of Hawthorn and Hazel which is not deemed 'Important' under the Hedgerow Regulations 1997. A section of Hedgerow (H4) and (H10) fronting Crewe Road will require removal to accommodate access into the two sites. Both are not deemed to be Important Hedgerows and as such the scheme is acceptable in this regard.

Affordable Housing

The proposed development will provide 14 affordable units in accordance with the requirements of the Unilateral Undertaking that was agreed at outline stage. However, the Housing Strategy and Needs Manager has sought clarification regarding the tenure splits

proposed and a discrepancy with the Unilateral Undertaking. As such, whilst the proposal does provide a sufficient quantity of affordable housing, negotiations are underway to agree the detail and type of affordable housing to ensure that it meets the terms of the Unilateral Undertaking and the Council's Interim Affordable Housing Statement. The outcome of these discussions will be reported to Members by way of an update.

Highways & Parking

Access was determined at outline stage with the 2 plots each benefitting from their own independent access points directly off Crewe Road. As such, this application does not provide the opportunity to revisit the merits of the access proposals. proposed residential units being served via a new access onto the A54 Marsh Lane.

In terms of the internal road layouts, these has been designed to meet adoption standards and are considered to be acceptable. In terms of the proposed parking, the development will include a minimum of 200% parking which is considered to be acceptable in this location.

With respect to traffic generation, which has been mentioned by an objector, this issue was discussed as part of the outline application. As the principle of 40 dwellings at the site has already been accepted, it is not possible to revisit this issue. However, it should be noted that in terms of increased traffic movements from the site, the original Transport Assessment stated that there will be approximately 27-29 vehicle movements from the site (in and out) per hour between the weekday AM peak hour and the weekday PM peak hour.

It was determined that subject to a contribution towards securing capacity improvements at nearby junctions, which was secured as part of the outline consent. Overall given the scale of the development and its impact, it was considered that the development would not have a detrimental impact upon the wider highway network.

Residential Amenity

The main properties affected by the proposed development are 344 & 346 Crewe Road, which are pair of semi-detached dwellings located between the two parcels of land. The proposed layout shows that adequate separation distance would be achieved between primary elevations and the relationship would be such that no instances of direct overlooking, loss of light or visual intrusion would result.

With respect to the properties on the opposite side of Crewe Road, the nearest proposed dwellings would exceed the separation distance of 21.3 metres that is expected between primary elevations. As such, there would be no be no detrimental impact upon these properties in terms of direct overlooking, loss of light or visual intrusion.

As the Council's main concern leading to the refusal of the outline application was the incompatibility of the proposals with neighbouring business uses, the impact on the amenity afforded to the future residents of the proposal was discussed at length during the Public Inquiry. This was mainly in respect of noise and vibration from the nearby land uses such as the Frizell Haulage and Plant Hire Depot at Greenbank Farm but did also

include other neighbouring uses such as Morning Foods. However, in reaching his decision, the inspector found that with mitigation, the proposal would not give rise to unacceptable levels of residential amenity and in doing so, allowed the appeal.

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from nearby industrial activities. The recommended mitigation comprises of acoustic fencing and enhanced glazing with a 'whole house mechanical ventilation' system. The submitted noise assessment and mitigation is accepted by the Environmental Protection and is in accordance with the details which were agreed by the Inspector. As such, the proposal is found to be acceptable in this regard and a refusal could not be sustained as it was considered previously.

Ecology

As was considered during the determination of the outline application at this site, the proposed development is located to the north of the Basford West ecological mitigation area which is known to support a medium sized meta-population of great crested newts.

In the absence of mitigation the proposed development would result in the loss an area of terrestrial habitat likely to be utilised by great crested newts and pose the risk of killing or injuring any great crested newts present on site when the proposed works were undertaken.

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 whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

The Council's Nature Conservation Officer has advised that the mitigation strategy submitted in support of this reserved matters application is in accordance with what was agreed at the time of the determination of the outline application. If planning consent is granted the proposed mitigation and compensation is likely to maintain the favourable conservation status of the local great crested newt metapopulation. And therefore does not undermine the Habitat Regulations.

To avoid any adverse impacts on the adjacent ecological mitigation area from occurring it is imperative that public access from the development site into the mitigation area be limited. Whilst a boundary treatment plan has been submitted in support of the application it is not currently clear how this would be achieved. As such, it is advised that a condition be attached requiring the submission of a detailed plan demonstrating how public access into the adjacent mitigation area would be prevented. Subject to this, the favourable conservation status of species in the vicinity of the site would be maintained.

Public Open Space

In accordance with the outline application, a green corridor has been incorporated into the proposed design of the western parcel of land as well as peripheral open space in key locations. A new LEAP (Local Equipped Area of Play) is proposed on site within the Public Open Space and will contain at least five different fixed items of play equipment (including one multi-play unit) which accords with the requirement of the Open Space Officer. Whilst this accords with the Unilateral Undertaking, there are no details of future management and maintenance and as such a request has been made for this information. This information will be reported to members by way of an update.

Education

At the time that the outline application was considered, the Education Department were in receipt of revised school capacity figures and considered that there was sufficient capacity in local schools to serve this development. As the principle of the development has already been established without such, it is considered that no contribution is required.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. Consequently, the Environment Agency has offered no objection to the proposed development and in the absence of any objection from United Utilities, the development is considered to be acceptable in terms of its flood risk/drainage implications.

10. CONCLUSIONS

The principle of residential development on this site has already been accepted following the approval of outline planning application 11/3010N at appeal.

The general layout and design is found to be acceptable with suitable Public Open Space. The impact on the local landscape would change as a result of the proposal, however, the proposed density and scale of development would not be significant and the proposal would be respectful of existing hedgerows and boundary trees. Accordingly, the visual impact would be minimised.

With regard to the highways safety and traffic generation from this site, such impacts were considered and dealt with at outline stage and this proposal does not result in any change to these considerations. Sufficient off road parking provision would be provided.

The scheme complies with the relevant local plan policies in terms of residential amenity and in all cases the proposed dwellings would exceed the separation distances set out in the Councils SPD. The impact upon residential amenity is therefore acceptable.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed development subject to conditions and policy requirements in respect of public open space provision have been met within the site, and provision for children's play space has

been secured. Subject to the submission of details of management, the POS is deemed to be acceptable and subject to clarification on the type of affordable housing to be delivered, the quantum to be provided is acceptable.

The proposal is acceptable in all other matters relating to flooding and drainage and education.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Consequently there is a presumption in favour of the development. Accordingly the application is recommended for approval.

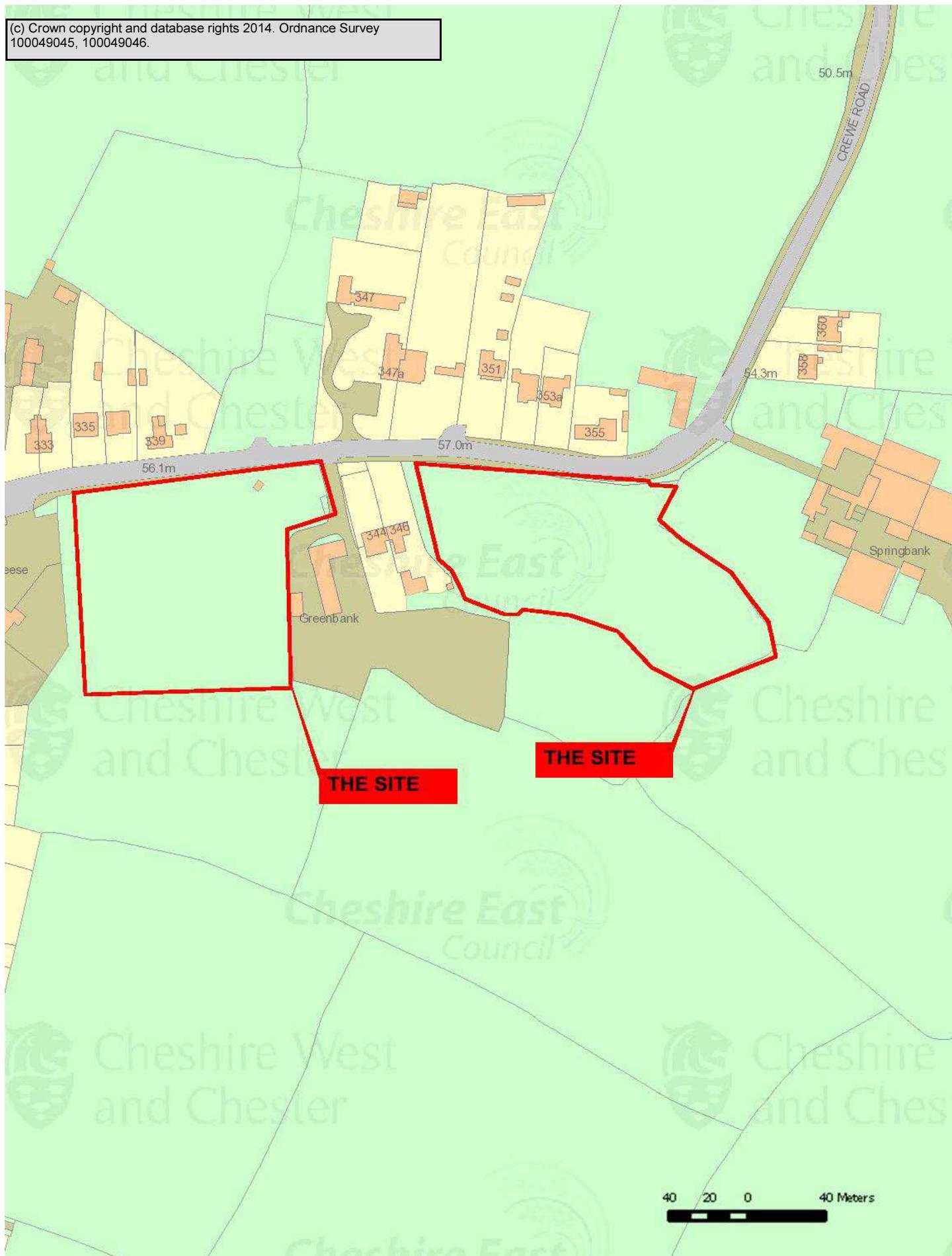
11. RECOMMENDATIONS

APPROVE subject to issues relating to the future management / maintenance of the POS and tenure split of the affordable housing being addressed and the following conditions:-

- 1. Time Limit**
- 1. Accordance with approved plans**
- 2. The development shall be carried out in accordance with the noise assessment and mitigation and condition 8 of the outline approval**
- 3. Landscaping accordance with submitted details**
- 4. Implementation of Landscaping scheme ref 4770.01 REV A and 4770.02 REV A**
- 5. Accordance with submitted Arboricultural Assessment / Method Statement**
- 6. Removal of Permitted Development Rights Classes A+E**
- 7. Materials in accordance with submitted detail**
- 8. The proposed development to proceed in accordance with the submitted badger survey and mitigation statement**
- 9. Submission of Environmental Management Plan**
- 10. Submission of existing and proposed levels survey**
- 11. Notwithstanding submitted detail, details of boundary treatment to be provided**
- 12. Drainage - foul water connected to main sewer etc**
- 13. The Parking areas to be provided prior to occupation of respective plot**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/2594N
Location: Red Hall Farm, Alvaston, Nantwich, Cheshire, CW5 6PB
Proposal: Proposed steel portal frame building for a cow cubicle shed
Applicant: Mr P Vaughan
Expiry Date: 26-Aug-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Green Gap;
- Design;
- Use of the Building;
- Amenity;
- Highways;
- Ecology; and
- Drainage

REFERRAL

This application is included on the agenda of the Southern Planning Committee as the proposed cumulative floor area of the development exceeds 1000m² and therefore constitutes a major proposal.

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application is within the green gap located between Crewe and Nantwich and accessed off the A530 Middlewich Road. It is on the periphery of the existing farm complex. To the south is Wistaston Foot Path 6 and Colleys lane beyond that to the south/west. To the east are a number of existing farm buildings. To the north is an area of grazing land running up to Middlewich Road. The current proposal is for a portal frame building which will be used for a cow cubicle.

PREVIOUS RELEVANT DECISIONS

P93/0035 – Cubicle Building – Approved – 11th February 1993
P99/0232 – Agricultural Buildings – Approved – 29th April 1999
09/0752N – New above ground slurry store to collect slurry from existing dairy herd – Approved – 26th May 2009

10/0596N – New agricultural livestock building – Approved – 26th May 2010

PLANNING POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
NE.2 Open Countryside
NE.4 Green Gaps
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.13 Rural Diversification
NE.14 Agricultural Buildings Requiring Planning Permissions
NE.17 Pollution Control

Cheshire East Local Plan Strategy – Submission Version

SE.1
SE.2
SE.3
SE.4
SE.6
SE.7
SE.8
SE.9

The above policies are consistent with the Crewe and Nantwich Replacement Local Plan 2011.

OBSERVATION OF CONSULTEES

Environmental Health: No objections

Air Quality: No objections

Contaminated Land: No objections

Environment Agency: No comments received at the time of writing this report

PROW: No comments received at the time of writing this report

United Utilities: No comments received at the time of writing this report

VIEWS OF THE PARISH COUNCIL

No objections

OTHER REPRESENTATIONS

1 letter of objection has been received from the occupier of 176 Colleys Lane. The salient points raised are as follows:

- Public consultation has been requested from four households only, yet the environmental impact will affect a considerable number of residents;
- The building will be visible from a considerable distance and could be screened;
- There is no arrangement listed for the disposal of waste which will be considerable given the extended facility. It is also difficult to gauge whether it will be sited 200m from the stream/beck which runs immediately alongside several properties;
- There is no indication in the plan of the level of nuisance from the proximity of the additional livestock.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

A Design and Access Statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

OFFICER APPRAISAL

Principle of Development

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of agricultural buildings that are essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 28 of the National Planning Policy Framework states that Local Planning Authorities should:

‘promote the development and diversification of agricultural and other land based rural businesses’.

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

These policies aim to protect the openness of the open countryside and safeguard it from inappropriate forms of development and ensure that the design of the new buildings are sympathetic to the existing agricultural character of the site, surrounding landscape and the wider area by virtue of being appropriate in form and scale and utilising sympathetic building materials. They also seek to ensure that neighbouring amenity nor highway safety is adversely affected.

Green Gap

The application site is located wholly within the Green Gap and needs to be assessed against Policy NE.4 (Green Gaps). This policy states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would result in the erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. It is noted that whole of the farm is located within the Green Gap and the proposal is located on the periphery of the site. It is considered that this is the best location for the building and it is considered that the proposal would have a minimal impact on the Green Gap.

Design

In respect of new agricultural buildings, policy NE.14 states that development will only be permitted provided that the building is required for the use of the land for agricultural purposes and provided that it is essential. Policy NE.17 (Pollution Control) states that all development proposal should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed agricultural building will be located on the periphery of the existing farm complex adjacent to a number of existing buildings. The proposed agricultural building is rectangular in footprint terms and is commensurate in size with other buildings in the immediate locality. According to the submitted plans the proposal measures approximately 50.29m long by 28.04m wide which equates to a footprint of 1,410msq.

It is considered that the proposed building is appropriately scaled and designed for its purpose and would be in keeping with the adjacent agricultural buildings and the rural setting. The building is of typical construction and comprises a steel portal frame building with concrete panels and Yorkshire boarding above under a fibre cement panel roof, a condition relating to materials will be attached to any decision, in the event that planning permission is approved. According to the submitted plans there will be a number of rooflights and large openings in either end of the building to allow access/egress. It is noted that the proposed building will be clearly visible from the wider countryside environ and footpaths etc. However, it will be seen against a backdrop of existing agricultural buildings of various styles and design.

Given the location, use of the building, and the surrounding nature and use of the land the proposal will not appear as an alien or obtrusive feature. There is sufficient space within the site to accommodate this development. It is considered that the proposed building relates well to its surroundings. The development is therefore considered to comply with policy BE.2 (Design Standards).

Use of the building

According to the applicant the building will be used for housing livestock, namely, cattle. The proposed building will incorporate 120 cow cubicles with a central feed passage along with providing space for 2 robotic milking machines towards the southern end of the shed, in line with the existing milking parlour in the adjacent shed. It is considered that the proposal is used for an agricultural purpose and is in accordance with policy NE.14 (Agricultural Building Requiring Planning Permission).

Residential Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of the land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are approximately 125m away on Colleys Lane. Therefore, it is considered given the separation distances and the intervening boundary treatment will help to mitigate any negative externalities caused by the proposal, It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

Highways

No comments have been received at the time of writing this report from the Highways Officer. Members will be updated in the update report once these comments have been received.

Ecology

No comments have been received at the time of writing this report from the Council Ecologist. Members will be updated in the update report once these comments have been received.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that

surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Overall, it is considered given the scale and nature of the proposed and the adjacent built form that the development is in accord with policy BE.4 (Drainage, Utilities and Resources).

CONCLUSIONS AND REASON(S) FOR THE DECISION

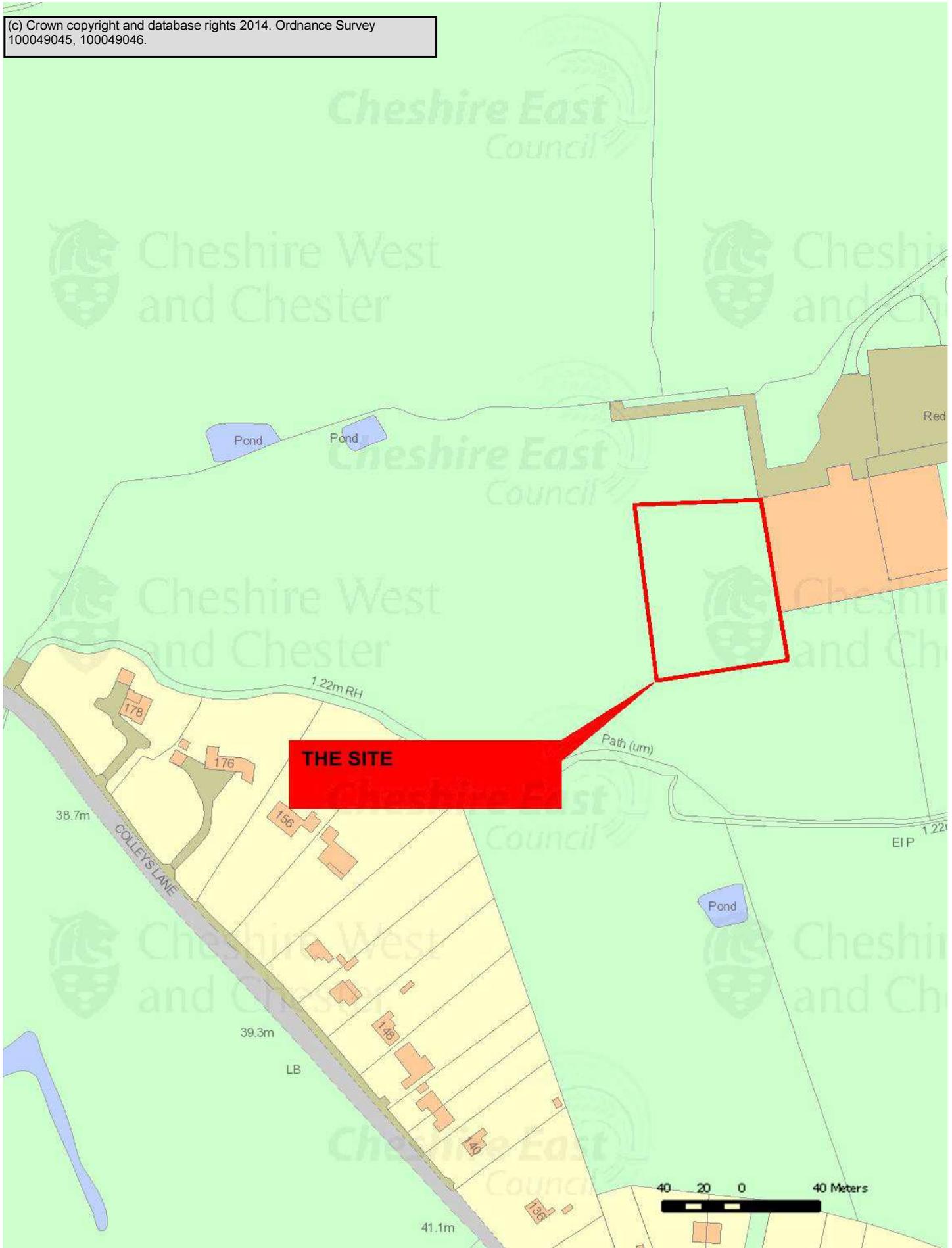
In the opinion of the Local Planning Authority the proposed development would not cause any significant harm to the character and appearance of the surrounding area. Furthermore, the proposal would cause no harm to the amenities of residential properties. It is therefore considered that the proposals would be in compliance with policies NE.2 (Open Countryside), NE.4 (Green Gaps), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials used shall be in accordance with those specified in the application unless different materials are first agreed with the Local Planning Authority;**
- 4. No External Lighting**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**
- 7. Details of how waste is to be treated**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/2649N
Location: The Warehouse, Mary Street, Crewe, Cheshire, CW1 4AJ
Proposal: Variation of condition no.7 the hours of operation on application 12/2619N
Applicant: Dawn Read, Good Time Charlies Ltd
Expiry Date: 23-Jul-2014

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

Principle
Impact upon residential amenity
Highway Implications

REASON FOR REFERRAL

The application has been called-in to Southern Planning Committee by Cllr Thorley for the following reason;

"I share and understand Ms Flannigan's concerns and if there is the slightest chance of this application being approved I wish to call-in the application on the following grounds:-

1. Noise and disturbance.
2. Parking hazards for residents"

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of an indoor play centre known as 'Good Time Charlies'. The site is located within the Crewe Settlement Boundary and is surrounded by residential development.

DETAILS OF PROPOSAL

This application is a section 73 planning application that seeks permission to vary existing conditions attached to planning consent 12/2619N.

The proposal seeks to vary conditions 7, relating to the hours of operation.

Condition 7 currently reads;

The hours of operation of the use hereby approved shall be limited to Monday to Friday 08.00 - 21.00. Saturday and Sunday 09.00 - 18.00

The proposed condition would read as

The hours of operation of the use hereby approved shall be limited to Monday to Friday 0800 – 2100 and 0800 – 2000 on Saturdays and Sundays.

The proposal seeks to extend the operating hours at the weekend.

RELEVANT HISTORY

12/3501N Removal of condition 6 on planning application 12/2619N
Approved 2012
12/2619N Variation of Conditions 5 and 9 on Planning Application P96/0483
Approved 2012
P96/0483 COU from industrial to fitness centre
Approved 1996

POLICIES

Local Plan Policy

Crewe and Nantwich Replacement Local Plan 2011

BE.1 Amenity
BE.3 Access and Parking
TRAN.9 Car Parking Standards

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health: No objections

Highways: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council: Strongly object to the application due to the impact of the existing operation on the area in terms of traffic, parking, noise, litter, odours, and to the extended hours that can only worsen parking problems currently faced by residents.

OTHER REPRESENTATIONS

16 letters of objection have been received with regards to the application. A summary of the objections is provided below, however the full documents can be viewed on file.

- Location not suitable for this use, should be located on an industrial estate
- Business expansion has been done in an incremental way
- Proposal would not alleviate traffic in the area
- Parking issues – insufficient parking on site resulting in dangerous on road parking
- Noise disturbance from business – screaming children
- Pollution from traffic fumes and cooking food
- Overlooking and loss of privacy from the existing parking area
- Alleyway not suitable for a footpath
- Deliveries to the site cause problems
- Don't want additional building work and lighting
- Disabled residents unable to park outside front of their property due to on street parking

One resident within an objection letter requested an FOI for Cheshire Police which the Council cannot respond to.

APPLICANT'S SUPPORTING INFORMATION

A Supporting Statement was submitted during the course of the application. The document states that the longer opening hours are to reduce the amount of parties held at weekends, from three time slots to two.

The statement also says that the building has been soundproofed.

The full document can be viewed on file.

OFFICER APPRAISAL

Background Information

Planning permission was granted for the change of use from Industrial to fitness centre in 1996. This permission was subject to a number of conditions relating to design, internal configuration and a condition restricting the use of the gym etc. A further application was submitted in 2012 to agree to the use of the site as a children's indoor play centre. Further consent was granted under planning application 12/3501N agreeing to the provision of a

hairdressers and stationary business on site, which run ancillary to the main business use on site.

Principle of Development

This S.73 application seeks to vary condition 7 in order to lengthen weekend opening hours on site. The application seeks to increase the hours in the form of starting operations at 8am on site, and closure at 8pm. This would amount to an extension of 3 hours per day.

The principle of the indoor play centre on site has been established since 2012, therefore the principle of the development is accepted. The key issues in the assessment of the application are whether the extending operating hours would adversely affect residential amenity, or result in significant highway issues.

Residential Amenity

The proposal seeks to increase the opening hours of the business during the weekend of between 8am – 8pm. The supporting statement submitted with the application states that the intention of the increased opening hours on a Saturday and Sunday is to stagger trade in order to alleviate some of the residents exiting concerns.

The statement highlights that the existing building has been soundproofed to the specification of Environmental Health, therefore the proposed opening hours should not adversely affect the amenities of neighbours in terms of noise. The existing noise control conditions attached to planning application 12/2649N would also remain in effect.

Environmental Health has assessed the application and raise no objections to the increase in opening hours.

Several objections have been raised regarding cooking odours emanating from the building, however, extraction equipment has been fitted.

The increase in opening hours is considered to be acceptable, and would not materially affect the amenities of neighbouring dwellings.

Highways

The existing parking arrangements on site would remain unchanged, with 34 parking spaces provided on site.

The site is also a 10 minute walk from the Thomas Street car park that offers free parking within Crewe.

Given the level of parking available on site and the surrounding area, nuisance or illegal parking is not necessarily a matter which can be addressed within this planning application.

Due to the reasons above it is not considered that a refusal on highway grounds could be sustained.

Other Matters

Many of the objections received relate to visitors to the play centre blocking local residents drives, parking on verges, and on street in front of other peoples properties. This is not a matter to be controlled by the Local Planning Authority, and is a matter for the Police.

Other objections received regarding the changes to the building have been noted, however no alterations are proposed under this planning application, the proposal seeks to extend the weekend opening hours of the business only.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed extension of the business opening hours on Saturdays and Sundays in considered to be acceptable in principle, and would have an acceptable impact upon residential amenity and the highway. As such, a recommendation for approval is made.

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Approve, subject to following conditions;

- 1) No outdoor play areas**
- 2 Acoustic measures retained**
- 3 Doors and windows to remain closed at all times (play area and hairdressers)**
- 4 The hours of operation of the use hereby approved shall be limited to Monday to Friday 08.00 - 21.00. Saturday and Sunday 08.00 – 20.00**



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Application No: 14/2671C

Location: HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE,
HOLMES CHAPEL, CHESHIRE, CW4 7DX

Proposal: New 3G artificial sports pitch facility

Applicant: Tony Halsall

Expiry Date: 02-Sep-2014

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The principle of the development
- The impact upon Recreational and Community Facilities
- The impact upon the character and appearance of the site
- The impact upon the amenity of the surrounding uses
- The impact upon Ecology
- The impact upon highway safety
- The impact upon Jodrell Bank
- The impact upon drainage and flooding

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it involves development over 1 hectare in size.

DESCRIPTION OF SITE AND CONTEXT

The application site forms part of a playing field located within the grounds of Holmes Chapel Comprehensive School. The site is within the Settlement Zone of Holmes Chapel and is designated as a Protected Area of Open Space/Recreational Facility.

DETAILS OF PROPOSAL

Revised plans have been submitted for an artificial surfaced sports pitch with associated works including;

- Access paths
- Recreational viewing area
- Fencing

- Floodlights
- Goals
- Drainage
- External store

The proposal would measure approximately 107 metres in length, 64.5 metres in width and would be enclosed by a mixture of fencing which would range between 4.5 and 1.2 metres in height.

Two earth bunds are proposed at either end of the site, as shown on the revised General Arrangement plan, in order to visually screen the development and provide a noise buffer. These bunds would measure 1 metre in height (eastern bund) and 1.8 metres in height (western bund).

The original submission did not include the proposed earth bunds or show the retention of a playing pitch to the rear of the site.

A further revised plan was received during the application reducing the height of the bund proposed to the east, closest to the properties on Dunoon Close from 1.5 metres to 1 metre in order to address local amenity concerns. In addition, the bund to the west has been increased in height from 1.4 to 1.8 metres in height.

RELEVANT HISTORY

11/3345C - Extension to Time Limit on Planning Permission 08/1514/FUL – Approved 30th November 2011

08/1514/FUL - The provision of an Astro turf pitch and associated works – Approved 2nd December 2008

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS5 - Holmes Chapel Plan Strategy

GR1 - General Criteria from Development

GR2 - Design

GR6 & GR7 - Amenity & Health

GR9 - Accessibility and Parking Provision

GR20 – Public Utilities

GR21 – Flood Prevention

RC1 - Recreation and Community Facilities

RC10 - Outdoor Formal Recreational and Amenity Space Facilities

Cheshire East Local Plan Strategy – Submission Version

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.

Cheshire East Local Plan Strategy – Submission Version

SC1 – Leisure and recreation
SC2 – Outdoor sports facilities
SC3 – Health and well-being
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Geodiversity and Biodiversity

CONSULTATIONS (External to Planning)

Sport England – No objections, subject to a number of conditions including; the replacement siting of a cricket square; that the development is implemented in accordance with Sport England/National Governing Body Technical Design Guidance Notes; the submission of a community use agreement within 6 months of the determination; the submission of a management and maintenance plan before first use; a restriction on the use of the site to sport.

Strategic Highways Manager - No objections

Environmental Protection - No objections, subject to an 'hours of construction' informative

Manchester University (Jodrell Bank) - No comments received at time of report

United Utilities - No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Holmes Chapel Parish Council – No objections

OTHER REPRESENTATIONS:

7 letters of support have been received for this application.

4 letter of objection have been received. The main areas of concern relate to;

- Amenity – Loss of privacy, light and increased noise concerns
- Highway safety
- Drainage and Flooding

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

Habitat Survey

Levels Plan

Lighting proposals

Badger survey

Great Crested Newt Survey

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside where, according to Policy PS8 of the Local Plan, development will only be permitted if it is for a particular type of development. One of the acceptable types of development listed is outdoor sport. As the proposed development is would be used for outdoor sports, subject to other Local Plan Policies the development is deemed to be acceptable in principle.

The relevant policies within the Cheshire East Local Plan Strategy – Submission Version, and the NPPF, support the Local Plan policies that apply in this instance.

Recreational and Community Facilities

As the proposal is for a recreational facility in the Open Countryside, the development is subject to Policies RC1 (General) and RC4 (Countryside Recreational Facilities) of the Local Plan.

The relevant aspects of Policy RC1 advises that proposals should be of a scale and nature that is suitable for a reasonable catchment area, the development is situated where it is accessible to public transport, it would not have a detrimental impact upon nature conservation and would not result in a loss in agricultural land.

As the development would be for the use of the School, the development would have an immediate catchment area of the pupils at the school and pupils from visiting schools that come to participate in sport. Also because the development relates to a school it is accessible by public transport.

Furthermore, it is advised within the submitted Design and Access Statement that *'Not only will the new facility benefit the school, but the 3G pitch is intended to be used for community use at evenings and weekends.'*

With regards to the impact upon nature conservation, the Council's Conservation Officer has advised that he has no objections to the development subject to the mitigation measures proposed within the submitted survey's being adhered to.

As such, the development is not considered to have a detrimental impact upon any sites of nature conservation.

In relation to loss of agricultural land, because the development would replace an existing grassed sports pitch, no loss of agricultural land would occur.

As a result of the above reasons, it is considered that the proposed development would adhere with Policy RC1 of the Local Plan.

The relevant aspects of Policy RC4 advise that proposals should not unacceptably affect the amenities and character of the surrounding area, sufficient car parking should be available and access should be gained to the site from a public highway.

As there are no dwellings within the vicinity of the proposal that could view the sports pitch development, it is not considered that the neighbouring amenities of the area would be impacted. Because the development would replace an existing sports pitch, it is not considered that the character of the site would be significantly impacted.

In relation to the proposed lighting columns, the proposal seeks the inclusion of 8, Olympic standard, raise and lower columns.

Given that these columns can be lowered, and as the site is well screened to all sides by mature boundary treatment and trees and 2 proposed earth bunds and new planting, and in the absence of any objections from Environmental Protection, it is considered that the lighting proposed would be acceptable in this instance.

With regards to the parking and highways issues, because the proposal is positioned to the rear of the school away from the adopted highway, and because the development would replace an existing playing field and would therefore should not

create any additional parking issues than the existing situation, it is not considered that the proposal would have a detrimental impact upon parking or highway safety.

As a result of the above, it is considered that the proposed development would adhere with Policy RC4 of the Local Plan.

Sport England were consulted on the proposal and have advised that they have no objections to the development, subject to a number of conditions. These conditions include; the prior submission of a plan to show the alternative location of the cricket square; the sports pitch shall be constructed in accordance with Sport England's technical guidance; the submission within 6 months of a community use agreement; the prior submission of a management and maintenance plan and a restriction on the use of the pitch as a sports facility only.

In response to these conditions;

The prior submission of a plan showing the re-positioning of the cricket square is proposed *'to protect the continuation of cricket on site from damage, loss of availability of use and to accord with the NPPF.'*

It is the decision of the applicant whether they choose to replace the existing cricket square, as such, this condition is not considered to be reasonable. It should be noted that although the cricket square is visible on the aerial photographs, it was not laid out at the time of the case officer site visit. In this case, the development would improve the quality of the sports provision on the site.

The proposed condition that the facility is to be implemented in accordance with Sport England's technical guidance shall be added as an informative.

The submission of a community agreement to be made within 6 months of the use of the site is not considered to be a necessary or reasonable condition given that the applicant has clearly stated that the facility will be used for community uses at the evenings and weekends.

The prior submission of a management and maintenance plan is not considered to be necessary as the facility would be under the control of the school, an existing responsible body.

The restriction on the use of the facility to sports only is deemed to be a necessary condition and is proposed for inclusion.

Design

Policy GR2 of the local plan states that any new development should be sympathetic to the character, appearance and form of the site in terms of its height, scale, choice of materials and external design features.

Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version, support this Local Plan policy.

The proposed location of the sports facility would be sympathetic as it would be constructed to the immediate rear of an existing school and leisure centre. It is well screened on the remaining sides by mature shrubbery and trees, 2 proposed new earth bunds and be away from any public vantage points.

It is advised within the submitted design and access statement that the pitch would be surfaced in green '3G surfacing' within a 60mm pile height.

Enclosing the pitch would be twin bar weldmesh fencing with reinforced rebound mesh in green. There would be double lockable gates of the same construction and finish.

The football goals will comprise of aluminium frames and would be self-weighted with wheels.

The proposed long-jump runway would be constructed from Polymeric EDPM rubber crumb with jump indicators.

The landing pit would be clean washed silica sand with smooth rounded particles, with surrounding sand traps.

There would be 8 flood light columns.

The proposed store room building would be located on the northern side of the site and would measure approximately 6.5 metres in width, 2.9 metres in depth and would consist of a mono-pitched roof approximately 3.5 metres in height at its maximum height.

It would have exposed brickwork walls and a seeded roof.

It is considered that this choice of materials and finish of the development sought would be appropriate for the purpose they would serve and would not appear incongruous within this well screened, countryside location. The green coloured mesh designed fencing would ensure that the development would appear largely open.

The 2 proposed earth bunds are sought at the far east and far west of the site.

The bund proposed to the west would measure 1.8 metres in height and extend 67 metres in width and 13.5 metres in depth at its maximum points.

The bund proposed to the east would measure approximately 1 metre in height and extend 44 metres in width and 17 metres in depth.

This height has been reduced from 1.5 metres in order to address amenity concerns raised during the application process.

It is advised on the submitted plan that these bunds will be formed from the excavated top soil where the facility is constructed and would be seeded.

Given the minor height of these bunds and because they would be seeded, it is considered that the impact of these bunds upon the wider landscape would not be significant.

As a result of the above, it is considered that the proposal is of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light, visual intrusion or environmental disturbance.

The closest residential properties to the proposed pitch facility would be those on Dunoon Close, which would be over 120 metres away.

As a result of this large distance, it is not considered that the proposal would create any issues with regards to privacy, loss of light or visual intrusion.

Environmental Protection have advised that they have no objection to the proposal subject to an hours of construction informative.

Concerns have been raised regarding the presence of the proposed earth bund to the east by the occupiers of the closest dwellings.

According to the submitted plans, the bund would be inset from the rear boundaries of these properties by approximately 6 metres at its closest point and approximately 22.5 metres from the rear elevations of No.1 and No.2 Dunoon Close and 9 metres away from the side elevation of No.6 Dunoon Close.

Given the revised low height of the bund to the east, subject to the implementation of the submitted landscaping as detailed on the submitted revised cross-sectional plan, it is not considered that the creation of this bund would cause any loss of privacy for the occupiers of these closest dwellings.

As such, subject to a landscaping condition and an hours of construction informative, it is considered that the proposal would adhere with Policy GR6 of the Local Plan.

Ecology

The application is supported by a habitat survey, a badger survey and a Great Crested Newt survey.

The council's Nature Conservation Officer has advised that protected species habitats were identified just outside of the red line boundary. The applicant has submitted a method statement of 'Reasonable Avoidance Measures' to mitigate the potential impacts.

Should the application be approved, it is recommended that the mitigation measures identified by conditioned for implementation.

Subject to this condition, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan and Policy SE3 of the Local Plan Strategy-Submission Version.

Highway safety

It has already been established that because the proposal is positioned to the rear of the school away from the adopted highway, and because the development would replace an existing playing field and would therefore should not create any additional parking issues than the existing situation, it is not considered that the proposal would have a detrimental impact upon parking or highway safety.

The Strategic Highways Manager has advised that they have no objections to the proposed development.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Jodrell Bank

Manchester University have not commented at the time of report suggesting that they have no objections to the development with regards to its potential impact upon Jodrell Bank.

Drainage / Flooding

Concerns have been raised by local residents regarding drainage and flooding, particularly around the proposed earth bunds.

Given that additional planting is proposed around these bunds and subject to the condition requiring the prior submission of a drainage scheme to ensure that adequate drainage is secured, it is considered that the proposal would adhere with Policies GR20 and GR21 of the Local Plan.

United Utilities and the Council's Flood Risk Officer have been consulted on the application, but no response had been received at the time of report preparation. A further update on this matter will be provided to Members prior to their meeting.

CONCLUSIONS

The proposed development is a use appropriate within the Open Countryside, would not result in a loss to an existing recreational area and its proposed siting would not cause demonstrable harm to neighbouring amenity subject to conditions. Furthermore the materials proposed in the development would respect the countryside location. As such, the proposal complies with Policies PS8 (Open Countryside), PS10 (Jodrell Bank Radio Telescope Consultation Zone), RC1 (Recreational and Community Facilities Policies (General)), RC4 (Countryside Recreational Facilities), GR1 (New Development), GR2 (Design), GR6 (Amenity and Health), GR9 (Accessibility and Parking Provision), GR20 (Public Utilities), GR21 (Flood Prevention) of the Congleton Borough Local Plan First Review 2005.

The proposal would also adhere with the relevant policies within the Cheshire East Local Plan Strategy – Submission Version and those within the NPPF.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**

- 3. Materials as per application**
- 4 Landscape (Implementation)**
- 5. Protected species mitigation measures**
- 6. Use restricted to sports facility**
- 7. Prior submission of a drainage scheme**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/2839N

Location: 1-52 Abbey Place, 27-29 Sherbourne Road, Crewe, Cheshire, CW1 4LA

Proposal: Residential Estate Improvement Works of 55 Houses, Including the Remodelling of Existing Properties (55 Houses) and Other Environmental Works.

Applicant: Mr Nick Powell, Wulvern Housing

Expiry Date: 08-Sep-2014

MAIN ISSUES

- Principle of Development
- Amenity
- Design
- Flood Prevention
- Footpaths
- Highways
- Trees
- Other Issues

SUMMARY RECOMMENDATION

Approve with conditions

REFERRAL

The application is referred to the Southern Planning Committee as the application relates to a residential development of between 0.5ha and 4ha.

1. SITE DESCRIPTION

This application relates to the third phase of five for improvement works to the Sherborne Road Housing Estate which is located within the Crewe Settlement Boundary. The application site covers parts of Sherborne Road and Abbey Place. The area is characterised by 1970's two-storey terraced dwellings, cul-de-sacs, parking areas, grassed areas and footpaths. Many of the dwellings appear to be positioned tightly together with flat roofed porches to the front elevation and the dwellings often lack windows to the front elevation at ground floor level overlooking the public areas. To the north of the site are residential properties fronting Stamp Avenue and to the east are properties fronting Middlewich Street. The site contains a number of trees the details of which have been assessed in an Arboricultural

Impact Assessment. This application covers a total of 55 dwellings within the site. Of these 41 are owned by Wulvern Housing and 14 are owner occupied.

2. DETAILS OF PROPOSAL

This application relates to phase 3 of a wider scheme by the applicant's Wulvern housing. Phase 1 has been completed following the approval of planning application P08/0275. Phase 2 has been completed following the approval of application 11/4530N. Phase 3 is directly to the north of phase 1 and includes properties on Abbey Place and Sherborne Road.

The proposed development is for alterations to 55 dwellings on the application site with the following external alterations to front elevations of the dwelling types;

Dwelling type A – Sloping roof to porch, porch to be rendered, new front door and additional window to the front of the porch

Dwelling type B – Sloping roof to porch, new window to replace door (storage room converted to downstairs WC), porch to be rendered and a render panel to the front elevation

Dwelling type D - Sloping roof to porch, porch to be rendered and new front door.

Dwelling type G (Bungalows) – Timber cladding panel to the front elevation..

The development would also include new landscaping, boundary treatment including the provision of small front gardens to some properties, the creation of car-parking spaces and the closing off or gating of some of the alleyways.

3. PREVIOUS RELEVANT DECISIONS

12/4679N - Non-Material Amendments to Application 11/4530N in relation to road link, car parking and tree removal – Approved 13th December 2012

12/3061N - Non-Material Minor Amendment to Approval 11/4530N - Changes to Site Plans – Approved 24th September 2012

11/4530N - Residential Estate Improvement Works of 106 Houses, Including the Demolition (12 Houses), New Build (4 Houses), Remodelling of Existing Properties (90 Houses), New Access Roads, Traffic Calming and Other Environmental Works – Approved 16th February 2012

P09/0042 - Remodelling of 5 Existing Properties at 5 & 15 Cranborne Road, 7 Sherborne Road, 5 & 29 Abbey Place – Approved 11th March 2009

P09/0003 - Residential Development and Improvement including Demolition (30 Houses), New Build (30 Houses), Remodelling of Existing (70 Houses), New Access Roads, Traffic Calming and Other Environmental Works – Approved 6th March 2009

P08/0275 - Residential Estate Improvement Works Including Demolition (13 Houses) New Build (9 Houses) Remodelling of Existing Properties (53 Houses)

New Pocket Park Traffic Calming and Other Environmental Works – Approved 2nd June 2008

4. PLANNING POLICIES

Local Plan Policy

RES.2 (Unallocated Housing Sites)
RES.11 (Improvements and Alterations to Existing Dwellings)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
NE.5 (Nature Conservation and Habitats)
NE.20 (Flood Prevention)

Cheshire East Local Plan Strategy – Submission Version

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design

National Policy

National Planning Policy Framework

5. OBSERVATIONS OF CONSULTEES

United Utilities: No comments received at the time of writing this report.

Highways Authority: The Strategic highways Manager has no comment or objection to make regarding the above development proposal.

Environment Agency: Refer to Environment Agency Standing Advice.

6. TOWN COUNCIL

No comments received at the time of writing this report.

7. OTHER REPRESENTATIONS

One letter of objection has been received from the occupants of 6 Stamp Avenue raising the following points;

- The trees/ hedgerow and ditch are within the ownership of the properties which front Stamp Avenue and not Wulvern Housing

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Triangle Architects)
Arboricultural Impact Assessment (Produced by TEP)

Flood Risk Assessment (Produced by Triangle Architects)

These documents are available to view on the Councils website.

9. OFFICER APPRAISAL

Principle of Development

The remodelling of the existing properties is acceptable in principle and needs to be considered against Policy RES.11 (Improvements and Alterations to Existing Dwellings), the requirements of policies BE.1 – BE.5 and the Council's Supplementary Planning Document on Extensions and Householder Development.

Amenity

The existing estate is characterised by short separation distances between elevations and small rear garden areas.

The alteration to the external appearance of the dwellings is considered to have minimal impact upon neighbouring residential amenity through loss of privacy. The scheme is considered to raise numerous benefits in terms of the increased natural surveillance of the public realm.

Design

The proposed alterations to the existing dwellings will help to increase surveillance and would also improve the appearance of the existing dwellings on the estate.

It is proposed that small front garden areas will be created and will be defined by low metal railings and gates to create a defensible space, whilst the new gardens which will be created will mainly be paved with some planting which will be chosen by the residents of the dwellings. The rear gardens are proposed to have tall boundary treatments, against highway boundaries this is proposed to be brick pillars with a low wall and fencing panels between.

Overall it is considered that the design and layout of the proposed development is an improvement on the current situation.

Flood Prevention

The application site is over 1 hectare and located within Flood Zone 1 and should ordinarily be accompanied by a Flood Risk Assessment.

Given the minor scale of the development it is unlikely to have any significant on flood risk/surface water drainage matters. It should also be noted that the Environment Agency raised no objection to earlier applications on Phase 3 as part of 11/4530N and P09/0003.

Footpaths

In terms of the closure of some of the alleyways within the application site it is considered that these are acceptable and would not dramatically affect pedestrian circulation on the site. The alley gating scheme will affect alleyways between 3 and 4 Abbey Place, 9 and 10 Abbey Place, 15 and 16-18 Abbey Place, 30 and 31 Abbey Place, to the rear of 27, 28, 29 Sherborne Road and 50, 51, 52 Abbey Place.

Highways

In terms of the highway implications there would be no increase in the number of dwellings on the site which would result in no change in the number of vehicular movements from the site. In terms of parking provision this will be no change in the numbers on the site and parking has been designed to integrate into the design and moves away from the existing large, unbroken and underused car parking areas. This view is supported by the Strategic Highways Manager who has raised no objection to this proposal.

Trees

The application is supported by an Arboricultural Implication Assessment which identifies 17 trees and one group of trees within the Phase 3 application site. Of these; six individual trees and one group will require removal to facilitate the development. Of these two are individual Birch trees (Grade A and B category) and one group of three roadside Norway Maple (Grade B). The remaining 4 trees identified for removal are Grade C or R (U) category specimens.

In terms of the overall impact of the proposed removals upon the wider amenity of the area, the proposed removals are considered to be of relatively low magnitude with impacts restricted to the immediate locality.

The rooting environment of one tree, a Grade C category Norway Maple will be impacted by a proposed parking bay, although given that the tree is not significant its importance in terms of its long term retention is not considered to warrant particular attention.

There are no principle objections from an arboricultural perspective to this proposal.

Other issues

The proposals involve a number of alterations to properties under private ownership. It is a private matter between Wulvern Housing and these private owners as to whether these works ever take place and the issues of ownership will not be considered as part of this application as the required ownership certificates have been signed and served as part of this application.

This development would not affect the existing boundary with No 6 Stamp Avenue and the trees to this part of the site would be retained.

10. CONCLUSIONS

The proposed development would bring numerous benefits to the estate, including improved layout and design, increased surveillance, increased parking provision, provision of public open space, traffic calming measures, improved landscaping and the closure of a number of unsecure alleyways which lack surveillance.

11. RECOMMENDATIONS

APPROVE Conditions

- 1. Standard time limit 3 years**
- 2. Materials as per the application forms**
- 3. Boundary treatments to be in accordance with the submitted plans**
- 4. Landscape to be submitted and approved in writing**
- 5. Landscape to be completed in accordance with the approved details**
- 6. Tree protection in accordance with BS5837:2012**
- 7. Development to proceed in accordance with the approved plans**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/2840C
Location: Land off New Platt Lane, Allostock, Cheshire
Proposal: Formation of a new access road from New Platt Lane
Applicant: Mr Peter Kilshaw, Bloor Homes Ltd
Expiry Date: 05-Sep-2014

SUMMARY RECOMMENDATION:**APPROVE subject to conditions****Main issues:**

- The principle of development
- The impact of the design of the development
- The impact upon neighbouring amenity
- The impact upon highway safety
- The impact upon trees and landscape
- The impact upon ecology
- Drainage and flooding

REFERRAL

The application has been referred to Southern Planning Committee because its predecessor, application 13/2631C, was also considered at this committee as it presented a 'departure' from policy.

SITE DESCRIPTION

The application site predominantly relates to the residential plot of No.2a New Platt Lane, Goostrey within the Goostrey Settlement Zone Line.

The residential plot lies to the western side of the road and is elongated in shape and comprises of a detached bungalow.

To the rear (north) and side (west) of the plot is the boundary with Cheshire West and Chester.

A small parcel of land, approximately 8 metres squared, falls outside of the applicant's residential curtilage within the Open Countryside.

DETAILS OF PROPOSAL

Full planning permission is sought for the creation of a new access road from the western side of New Platt Lane to serve a recently approved residential development in Cheshire West and Chester.

In addition, the change of use of a small parcel of land approximately 8 metres squared from agricultural use is sought to the rear of the site in order to reflect the Cheshire East boundary.

The application has been submitted following the resolution to refuse application 13/2631C on the 11th December 2013, for the following reasons;

- 1. The Local Planning Authority has significant concerns regarding the build ability of the access road through the chicane. On the basis of the information submitted, it is considered that the applicant has failed to demonstrate that, sufficient space would exist for adequate service strip and flood mitigation provision, and which could cause a situation to arise where it would not be possible for vehicle and pedestrian access to be safely maintained. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review.*
- 2. The proximity of the proposed access road and subsequent vehicular traffic to serve the development would have an unsympathetic relationship and therefore a detrimental impact on the amenity of the occupiers of the adjacent dwelling. As a result the development would be contrary to Congleton Local Plan Policy GR2 and GR6.*

It was also resolved that;

- 1. That authority be DELEGATED to the Interim Planning and Place Shaping Manager to make representations to CWAC in the event that they decide to approve the application to them, requesting that they secure the following.*
 - S106 contributions to increase the capacity of the existing play area at Boothbed Lane within Cheshire East:*
 - Enhanced Provision: £11,812.53*
 - Maintenance: £38,506.50*
 - S106 contribution of £40,000 toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey.*

The applicant now seeks to address the 2 reasons for refusal with the submission of this application following the approval of the associated housing development by Cheshire West and Chester (CWAC).

It should be noted that a revised Location Plan has been received during the application process to ensure that the 'red line' plan absolutely reflects the district boundary between Cheshire East Council (CEC) and CWAC, which was at a slightly different angle to that which we originally submitted.

This minor change was not considered significant enough to warrant a re-consultation.

RELEVANT PLANNING HISTORY

13/2631C - Full Planning Application For A Residential Development Comprising Demolition Of Existing Poultry Houses And Erection Of 38 Dwellings With Associated Access And Landscaping. (Access Road Only Within Cheshire East. Main Part of Development In Cheshire West And Chester) – Refused by Planning Committee but no decision notice issued to date.

13/02468/AI (Cheshire West and Chester) – Full Planning Application for a residential development comprising demolition of existing poultry shed and erection of 38 dwellings with associated access and landscaping – Approved 16th May 2014.

PLANNING POLICIES

Policies in the Local Plan

PS5 – Villages in the Open Countryside and Inset in the Green Belt

GR1 - New Development

GR2 - Design

GR5 - Landscaping

GR6 - Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

NR1 - Trees and Woodland

NR2 - Statutory Sites (Wildlife and Nature Conservation)

NR3 - Habitats

NR5 - Habitats

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version

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.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Policy Considerations

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010

OBSERVATIONS OF CONSULTEES

Strategic Highways Manager – No objections, subject to conditions that the developer providing a detailed design and construction drawing of the junction and access road prior to commencement of development and that the development be constructed in accordance with the approved plans. An informative requesting that the developer sign a S38 Agreement under the highways act 1980 has also been proposed.

Environment Agency - No comments received at time of report

United Utilities - No comments received at time of report

Environmental Protection – No comments received at time of report

VIEWS OF THE PARISH COUNCIL

Goostrey Parish Council – Object to the proposal on the following grounds;

- Highway safety – dangerous access point, pedestrian safety, cycle safety, poor visibility,
- Procedural – Question the low figures detailed within the traffic statement

OTHER REPRESENTATIONS

Letters of objection to the development have been received from 19 households and groups. The main areas of concern relate to

- Principle of development
- Application has already been refused
- Loss of open countryside
- Sustainability – impact upon local public services, insufficient public transport links
- Impact of already having a 5-year housing land supply
- Procedural matters – Not been consulted
- Highway safety – visibility insufficient, dispute over measurement of access width, pedestrian safety, increased traffic, impact upon cyclists, impact upon emergency and refuse vehicles, road too narrow, speeding concerns
- Amenity – Noise & light pollution, loss of privacy
- Ecology
- Trees
- Drainage and flooding

APPLICANT'S SUPPORTING INFORMATION:

- Arboricultural Impact Assessment
- Bat and Badger Survey
- Transport Statement

OFFICER APPRAISAL

General Information

A thin slither of land to the rear of the properties on Lea Avenue lies within the CEC boundary and formed part of the previous planning application 13/2631C. This slither of land does not form part of this application.

Main Issues

The application site falls almost exclusively within the CEC boundary. The associated housing to which the access would be for lies within the CWAC boundary.

It was therefore for CWAC to determine whether or not to grant planning permission for the proposed dwellings and it was within the jurisdiction of CEC to grant or refuse planning permission for the associated access road.

On the 11th December 2013, Cheshire East Council's Southern Planning Committee resolved to refuse planning application 13/2631C for the access and an associated change of use of a strip of agricultural land to the rear of the properties on Lea Avenue (which does not form part of this application).

On the 16th May 2014, CWAC resolved to approve the associated housing development.

Southern Planning Committee resolved to refuse the previous application for the following reasons;

- 1. The Local Planning Authority has significant concerns regarding the build ability of the access road through the chicane. On the basis of the information submitted, it is considered that the applicant has failed to demonstrate that, sufficient space would exist for adequate service strip and flood mitigation provision, and which could cause a situation to arise where it would not be possible for vehicle and pedestrian access to be safely maintained. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review.*
- 2. The proximity of the proposed access road and subsequent vehicular traffic to serve the development would have an unsympathetic relationship and therefore a detrimental impact on the amenity of the occupiers of the adjacent dwelling. As a result the development would be contrary to Congleton Local Plan Policy GR2 and GR6.*

This application has been submitted in an attempt to address the above.

The main issues in the determination of the application are the acceptability in principle of the proposed access road and its impact in terms of highway safety, design, amenity, ecology, drainage, trees and landscape.

The assessment of the associated housing development is not considered as part of this proposal.

Principle of Development

The majority of the site lies within the Goostrey Settlement Zone Line as designated in the Congleton Borough Local Plan First Review 2005.

Within the Goostrey Settlement Zone Line, Policy PS5 of the Local Plan advises that development is permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with other policies within the Local Plan.

As such, as the application site falls within the Settlement Zone Line, the development is considered to be acceptable in principle, subject to its adherence with other Local Plan policies which are considered below.

The small 8 metre squared parcel of land which falls just outside of the residential curtilage of No.2a Platt Lane, within the Open Countryside, would be contrary to Policy PS8 of the Local Plan.

However, following the approval of the associated housing on this associated piece of land by CWAC, the impact of the change of use of this parcel would not have a detrimental impact upon the openness of the countryside and as such, is deemed to be acceptable in principle.

Design and Visual Impact

The proposed access road is largely screened from the surrounding area, including the Open Countryside, by existing properties, tree cover and vegetation, which could be protected and enhanced through conditions. Therefore, it is not considered that a “stand-alone” reason for refusal on design and visual impact grounds could be sustained.

However, the road would be visible from New Platt Lane and would result in the loss of trees and other vegetation which currently occupies the site - this is discussed in more detail below. Consequently, it would result in a change in the character of the site.

However, subject to a sympathetic landscaping scheme being secured via condition, in conjunction with the fact that CWAC have resolved to approve the associated housing to the rear, it is not considered that this issue would be significant enough to warrant refusal of the application on design grounds.

Amenity

The proposed access road has the potential to impact on the amenity of neighbouring properties, including no 2a New Platt Lane, the curtilage of which the proposed access road will run through. No.2 New Platt Lane and No.50 Lea Avenue also have the potential to be affected due to the proximity of the proposed access road to their rear and side boundaries. Potential impacts include vehicle noise, headlights and overlooking from users of the road.

However, the existing boundary treatment vegetation and tree cover which can be protected through the use of suitable conditions will help to mitigate any impact. The landscaping and boundary treatment can be enhanced through the use of conditions. Furthermore, it is common within suburban residential areas for residential access roads, to run close to side and rear boundaries of other properties. Therefore subject to these conditions, it is not considered that a reason for refusal on amenity grounds could be sustained in an Appeal situation.

Highways

The previous application has a resolution to refuse by Southern Planning Committee for 2 reasons including;

- 1. The Local Planning Authority has significant concerns regarding the build ability of the access road through the chicane. On the basis of the information submitted, it is considered that the applicant has failed to demonstrate that, sufficient space would exist for adequate service strip and flood mitigation provision, and which could cause a situation to arise where it would not be possible for vehicle and pedestrian access to be safely maintained. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review.*

As a result, the applicant has submitted further highway information.

As part of the previous application, the size of the gap that would accommodate the chicane was unclear. The plan submitted as part of this application clarifies this point. It shows that the width of the chicane at the 'pinch point' is 10.03 metres.

In response to the additional information, the Strategic Highways Manager (SHM) has advised that the junction geometry and visibility splays are acceptable and meet the required standards.

The visibility 'y-distance' at the main entrance of 59 metres satisfies the requirements in Manual for streets.

It is advised that the Transport Statement provides all necessary details including speed surveys and plans which are agreed with by the SHM.

It is advised that traffic generation from the neighbouring approved residential development is *'...very low and will not have a material impact on the local highway network.'*

As such, the SHM raises no objections, subject to a condition requiring the prior submission of a detailed design and construction drawing for the new junction and access road prior to the commencement of development. It is also recommended that a condition be imposed to implement the development in accordance with the approved details.

Trees and Landscape

There are trees on the New Platt Lane frontage, trees on the west and eastern boundaries and trees on adjoining land.

The previous submission was supported by a tree survey, an Arboricultural Impact Assessment and an Arboricultural Method Statement.

This application is supported by an updated Arboricultural Impact Assessment which refers to the application site only.

A section of a proposed access to the site leading off new Platt Lane would run through the garden to 2a New Platt Lane, in close proximity to a number of trees. Whilst trees on the New Platt Lane frontage are shown for retention, the development would result in the loss of one Leyland Cypress on the western boundary of this property, and it appears the road may be within the root protection area of a number of off-site trees to the west which have been afforded TPO protection by Cheshire West and Chester Council. The trees in question are over mature Birch with an understorey of Rhododendron. They are afforded low Grade C in the tree survey.

The pinch point between the trees and the road occupies a relatively short distance, and the number of trees affected would be small. There would be opportunities for planting in mitigation and on this basis any impact on public visual amenity would be limited. Therefore, it is not considered that a refusal on tree grounds could be sustained.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and commented that he does not anticipate there being any significant ecological issues associated with the proposed development.

Drainage and Flooding

The applicant submitted a flood risk assessment with the previous application which indicated that the larger site, of which this application site was part of, is entirely located within areas defined as Flood Zone 1.

This zone is considered to be at low risk for flooding. As such, the development is considered not to create any significant flooding concerns.

United Utilities and the Environment Agency have been consulted on the application, but no response had been received at the time of report preparation. A further update on this matter will be provided to Members prior to their meeting.

Other Matters

As part of the assessment of the former planning application, Members also considered a consultation response to CWAC with regards to the knock-on effect of the housing upon Cheshire East infrastructure and facilities.

As part of this consultation request, a number of S106 requests were made. These included commuted sums for enhanced Open Space provision and maintenance (total: £50,319.03) and a £40,000 contribution towards the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey. These requests were not included in the CWAC S106 Agreement.

As the associated housing development has now been granted, repeat requests of this nature can now no longer be made. Furthermore, they cannot be made as part of this application as they are not fair and reasonable in relation to the development and therefore not CIL compliant.

CONCLUSIONS

The application site falls exclusively within the CEC boundary. The associated housing to which the access would be for lies within the CWAC boundary.

It was therefore for CWAC to determine whether or not to grant planning permission for the proposed dwellings and it was within the jurisdiction of CEC to grant or refuse planning permission for the associated access road.

CWAC resolved to approve the associated housing development subject to conditions and a S106 Agreement.

As this falls within the Settlement Zone Line, this aspect of the development is considered to be acceptable in principle, subject to its adherence with other Local Plan policies which are considered below.

With regards to the small 8 metre-squared parcel of land which falls outside of the applicant's residential curtilage, following the approval of the associated housing on this piece of land by CWAC, the impact of the change of use of this parcel to would not have a detrimental impact upon the openness of the countryside and as such, is deemed to be acceptable in principle.

Subject to a sympathetic landscaping scheme, tree protection and boundary treatment details being secured via condition, in conjunction with the fact that CWAC have resolved to approve the associated housing to the rear, it is not considered that this issue would be significant enough to warrant refusal of the application on design grounds.

Any potential impacts on amenity could also be adequately mitigated through the issue of appropriate tree protection, landscaping and boundary treatment conditions. The Council's

Ecologist determined that there will not be any significant ecological issues associated with the proposed development.

The proposal is not considered to have any adverse impacts in terms of drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

A small number of trees would be affected by the development at the “pinchpoint” at the chicane on the proposed access road. However, this is a relatively short distance, the trees concerned are only “category C” trees and the number of trees affected would be small. There would also be opportunities for planting in mitigation and on this basis any impact on public visual amenity would be limited. Therefore, it is not considered that a refusal on tree grounds could be sustained.

The applicant has addressed the Strategic Highways Manager’s concerns regarding build-ability of the access road through the chicane. The proposal therefore adheres to Policy GR9 of the adopted Congleton Borough Local Plan First Review.

On the basis of the above, it is recommended that the application is approved subject to conditions.

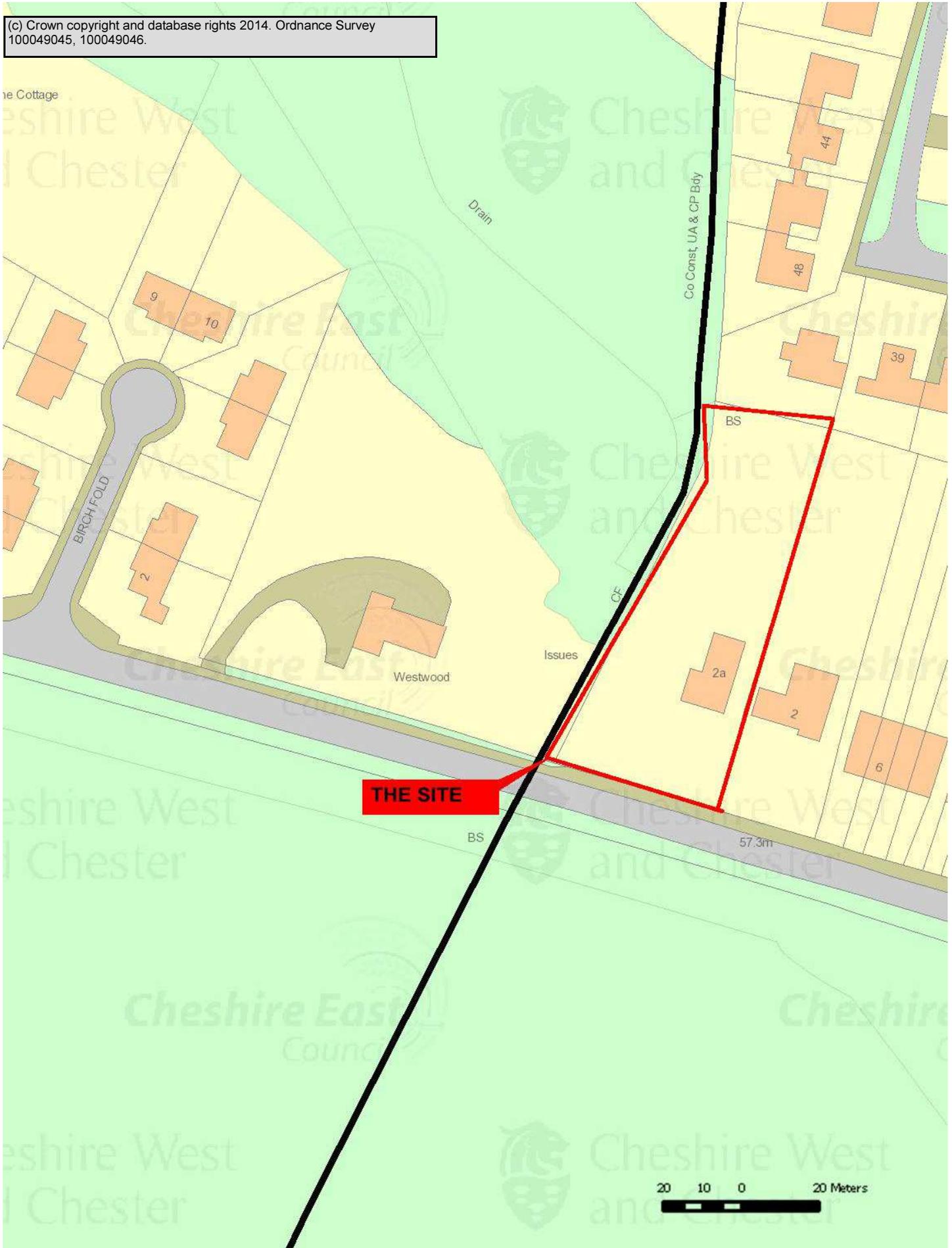
RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Time**
- 2. Plans**
- 3. Landscape (Details)**
- 4. Landscape (Implementation)**
- 5. Boundary treatment (details)**
- 6. Prior submission of detailed design and construction drawing for the new junction and access road**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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CHESHIRE EAST COUNCIL**SOUTHERN PLANNING COMMITTEE REPORT**

Date: 30th July 2014

Title: Deed of Variation to a S106 Agreement for application 12/0893C for the erection of up to 65 dwellings

Site: Land off Crewe Road, Alsager

SUMMARY RECOMMENDATION: Allow the variation

MAIN ISSUES:

- Affordable housing clauses in the S106 Agreement

DESCRIPTION AND SITE CONTEXT

The application site is some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house, Alsager Hall Farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook. There is one built structure within the site. A former garage or agricultural barn is situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.

There are a number of trees within the site, but all are located around the site's periphery. A copse is located in the south western corner of the site. Formal access to the site is gained via a gate off Crewe Road at the north eastern corner of the site. On the Crewe Road frontage, the boundary is set back from the highway. There is no footway and the adopted managed grass highway verge with mature trees is separated from the site by a hedgerow.

Existing residential development lies to the north and east of the site. Existing dwellings in Goldfinch Drive back on to the south eastern site boundary, whilst further north, dwellings on the opposite side of Goldfinch Drive face towards the site. On the opposite side of Crewe Road lie the rear boundaries and gardens of the existing dwellings in Bude Close, whilst to the eastern side of the Crewe Road frontage is no.214 Crewe Road, a small bungalow. To the east and south of the site lies open countryside.

DETAILS OF PROPOSAL

The proposal is for a variation to the signed s106 to allow the intermediate units to be delivered as shared equity.

RELEVANT HISTORY

12/0893C Outline application approved subject to s106 agreement at Strategic Planning Board on 1st August 2012 for up to 65 dwellings including 30% affordable

13/1210C Reserved matters consent was given on 19th June 2013 at Strategic Planning Board for 65 dwellings including 20 affordable dwellings (13 rented and 7 intermediate).

POLICIES

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:

Policy SC 5 Affordable Homes

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

H13 Affordable Housing

CONSULTATIONS (External to Planning)

Housing

No objection. The Strategic Housing service fully supports the variation to allow for these affordable units to be accessible to those who cannot afford to access the housing market in Alsager.

OFFICER APPRAISAL

This application is to vary the Section 106 Agreement that was signed on 15th January 2013. The reason for this is the developer Miller Homes cannot deliver the intermediate dwellings. The existing s106 agreement allows for the intermediate dwellings to be delivered by: -

- a. A Registered Provider as shared ownership
 - Miller Homes cannot find a Registered Provider that is willing to buy the intermediate units as Shared Ownership.
- b. The developer as Discounted Housing for Sale (with a 30% discount from the open market value).
 - This option is not favoured by mortgage lenders and the number of lenders that will lend on this scheme is very limited. Also, they will only lend on a proportion of these dwellings on any one site. Therefore this affects the developer's ability to deliver these units.
- c. Other intermediate options that include the developer delivering them as shared equity tenure (with a 30% discount from the open market value).
 - Miller Homes would like to use the shared equity option however the clauses in the s106 agreement mean that this is not possible without a variation.

Variation required: -

- Introduction of a 'shared equity' definition that refers to the relevant parts of Discounted Housing for Sale that will apply to 'shared equity'.
- A 'shared equity scheme' definition. The definition to require the developer to submit such a scheme to the Council for approval.

These changes have been negotiated with the Strategic Housing Manager who has agreed that they are acceptable. Without these changes the developer is not going to be able to sell the intermediate units and those in need of affordable housing will not be able to benefit from them.

CONCLUSIONS

In conclusion, the proposed variation is acceptable to the Strategic Housing Manager and the variation should be allowed.