

Southern Planning Committee

Agenda

Date: Wednesday, 27th August, 2014
Time: 1.00 pm
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX

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 - 12)

To approve the minutes of the meeting held on 30 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. **14/2204N 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 13 - 34)

To consider the above planning application.

6. **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 35 - 58)

To consider the above planning application.

7. **14/1200C Land at Hassall Road, Alsager, Stoke-On-Trent: Variation of condition 8 (energy requirements) on 12/1670C - Erection of 30No dwellings (including 9No affordable dwellings) vehicular access and associated landscaping for Seddon Homes Limited** (Pages 59 - 66)

To consider the above planning application.

8. **13/1841N 187A, Crewe Road, Shavington Cum Gresty, Crewe CW2 5AH: Outline application with some Matters Reserved for 30 residential units for G Scott** (Pages 67 - 84)

To consider the above planning application.

9. **14/1018N Land off Wrenbury Road, Aston: Outline application for 31no. dwellings with access to Wrenbury Road including 10no. two bedroom affordable homes for Mr M Schofield, Carlton Holdings** (Pages 85 - 102)

To consider the above planning application.

10. **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 103 - 118)

To consider the above planning application.

11. **14/2671C Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, Cheshire CW4 7DX: New 3G artificial sports pitch facility for Tony Halsall**
(Pages 119 - 130)

To consider the above planning application.

12. **14/2715C 50A, Nantwich Road, Middlewich, Cheshire CW10 9HG: Variation of condition 2 on 13/3680C to allow for amended plans on residential development at land at 50A Nantwich Road, Middlewich for P E Jones (Contractors) Ltd**
(Pages 131 - 140)

To consider the above planning application.

13. **14/2944N Bentley Motor Company, Pym's Lane, Crewe, Cheshire CW1 3PL: Construction of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The relocation of fuel tanks and a fuel filling location. The proposed building comprises a large warehouse with one and a half portal frame structure, a single storey office annex to the North elevation with rest and WC facilities, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the North. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link for Stephen Elliott, Bentley Motors** (Pages 141 - 148)

To consider the above planning application.

14. **14/3102N Oak Farm, Heatley Lane, Broomhall, Cheshire CW5 8AH: Erection of a free range egg unit and associated feed bins, hardstandings and access road for Andrew Hollins** (Pages 149 - 156)

To consider the above planning application.

15. **14/3129N St Peters Church, Middlewich Road, Minshull Vernon, Cheshire CW1 4RD: Extension of existing graveyard at St. Peters Church for Minshull Vernon Parochial Church Council** (Pages 157 - 164)

To consider the above planning application.

16. **14/3141C Valley Court Phase 2, Sanderson Way, Middlewich, Cheshire: Variation of condition 2 of permission 13/0247C to amend the layout of plot B to create a single unit of 9000sqf for Bob Nicholson, Pochin Land & Development Ltd** (Pages 165 - 176)

To consider the above planning application.

17. **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 177 - 200)**

To consider the above planning application.

18. **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 201 - 226)**

To consider the above planning application.

19. **14/3143M 2, Meddings Close, Alderley Edge, Wilmslow, Cheshire SK9 7XA: Two storey side and single storey rear extension, render existing house and pitched roof over existing flat roof for J Williamson (Pages 227 - 232)**

To consider the above planning application.

20. **14/3247N Land to rear of site of North Street Methodist Church, North Street, Crewe, Cheshire CW1 4NJ: Variation of condition 2 (drawings) attached to planning permission 13/0136N. Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision for Ann Lander, Wulvern Housing Ltd (Pages 233 - 240)**

To consider the above planning application.

21. **14/3440N 19, Shakespeare Drive, Crewe CW1 5HX: New build attached single storey dwelling (re-sub of refused planning application 14/2114N) for Mr Ken Bailey (Pages 241 - 246)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 30th July, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, R Cartlidge, J Clowes, W S Davies,
S Hogben, P Groves, A Kolker, M A Martin, S McGrory and A Barratt (for
Councillor Butterill)

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors R Fletcher, L Gilbert, M Jones, M Simon and C Thorley

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Neil Jones (Principal Development Officer - Highways)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors P Butterill and D Marren

29 DECLARATIONS OF INTEREST/PRE DETERMINATION

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.

With regard to application number 14/2457N, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty Parish Council, but that he had kept an open mind.

With regard to application number 14/2840C, Councillor A Kolker declared that he was a member of Goostrey Parish Council, but that he had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application numbers 11/3349C, 14/2269C and 14/2840C.

With regard to application number 14/2839N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing. This application had been discussed at a Board meeting and he had attended a site visit. Councillor Groves declared that he would withdraw from the meeting during consideration of this item.

With regard to application number 14/2840C, Councillor A Barratt declared that he had a Non-Pecuniary Interest. Councillor Barratt declared that he would withdraw from the meeting during consideration of this item.

With regard to application number 14/2671C, Councillor A Kolker declared that he was a Governor at the school. Councillor Kolker declared that he would withdraw from the meeting during consideration of this item.

30 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 2 July 2014 be approved as a correct record and signed by the Chairman.

31 **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: Councillor S McGrory arrived during consideration of this item but did not take part in the debate or vote.

Note: Mr P Berry (objector), and Mr G Brown and Mrs J Archer-Moran (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 an oral report of the site inspection.

Mr D Evans, Principal Planning Officer, confirmed that 8 new jobs would be created and reported that additional correspondence with respect to fire exits had been received from the applicant's agent.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development would result in an over development of the site causing harm to the character and appearance of the area. The development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

32 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

Note: Councillor R Fletcher declared that he had been contacted by neighbours and the applicant.

Note: Councillor R Fletcher (Ward Councillor), Mr C Hayes and Ms H Robinson (objectors), Mr D Girvin (supporter) and Mr A Girvin (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

- (a) 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 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. Any excavated material to be searched for GCN prior to being deposited or removed from the site.
 18. Submission and implementation of detailed drainage scheme
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

33 14/2269C HEATHLANDS, LAND OFF HEATH END ROAD, ALSAGER, CHESHIRE: RESIDENTIAL PROPOSAL FOR A SINGLE DETACHED DWELLING FOR MR ADRIAN GIRVIN

Note: Councillor R Cartlidge left the meeting prior to consideration of this application.

Note: Councillor A Barratt left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor R Fletcher declared that he had been contacted by neighbours and the applicant.

Note: Councillor R Fletcher (Ward Councillor), Mr C Hayes (objector), Mr D Girvin (supporter) and Mr A Girvin (applicant) attended the meeting and addressed the Committee on this matter.

Note: Ms H Robinson (objector) had registered her intention to address the Committee on behalf of the applicant but did not speak.

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

RESOLVED

(a) 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 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. Any excavated material to be searched for GCN prior to being deposited or removed from the site.
 18. Submission and implementation of detailed drainage scheme
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

34 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting in order to allow further consideration of the recent appeal decisions in respect of the housing land supply and the potential implication for this application.

35 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting in order to allow further consideration of the recent appeal decisions in respect of the housing land supply and the potential implication for this application.

36 14/2587N ROSE COTTAGE, SOUTH VIEW LANE, CHOLMONDESTON, CHESHIRE: ERECTION OF SINGLE DWELLING, ASSOCIATED PARKING AND LANDSCAPING FOR MR & MRS J TODD

Note: Councillor M Jones (Ward Councillor) and Mr R Spruce (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 an oral report of the site inspection.

Mr D Evans, Principal Planning Officer, reported that correspondence had been received from the Chair of Governors at Worleston School and the Clerk to Cholmondeston and Wettenhall Parish Council.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for refusal, the application be APPROVED for the following reason:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In the circumstances of this particular case it was considered in light of the overwhelming local support for the application that significant weight be given to support the local rural school in attracting and retaining employees and to promote the vitality and sustainability of this rural school for the benefit of the community in accordance with the Framework at paragraph 55.

- b) That authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to formulate the conditions.

37 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting in order to allow further consideration of the recent appeal decisions in respect of the housing land supply and the potential implication for this application.

38 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting in order to allow further consideration of the recent appeal decisions in respect of the housing land supply and the potential implication for this application.

39 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

Note: Prior to consideration of this application, the meeting was adjourned for ten minutes for a break.

Note: Councillor M Simon (Ward Councillor) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Simon to speak.

Note: Parish Councillor G Brown (on behalf of Wistaston Parish Council) and The Archdeacon of Macclesfield (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 an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a Section 106 agreement for £5000 for improvements to the local highway and the following conditions:
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
 22. Prior to the commencement of development details of the surfacing materials for the proposed access shall be submitted to the LPA for approval in writing. The development shall proceed in accordance with the approved details.
- (b) That, in order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice

Chairman) 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.

40 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

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting in order to allow further consideration of the recent appeal decisions in respect of the housing land supply and the potential implication for this application.

41 14/2457N LAND AT CREWE ROAD, SHAVINGTON CUM GREASY, 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

Note: Ms C Simpson (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 an oral report of the site inspection.

Mr D Evans, Principal Planning Officer, reported that details of management of the Public Open Space had been submitted and the type of affordable housing to be delivered had been clarified. Both were deemed to be acceptable.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time Limit
 2. Accordance with approved plans
 3. The development shall be carried out in accordance with the noise assessment and mitigation and condition 8 of the outline approval
 4. Landscaping accordance with submitted details
 5. Implementation of Landscaping scheme ref 4770.01 REV A and 4770.02 REV A
 6. Accordance with submitted Arboricultural Assessment / Method Statement
 7. Removal of Permitted Development Rights Classes A+E on plots 6, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27
 8. Materials in accordance with submitted detail

9. Environment Management Plan to be submitted for building works and ground works. This shall exclude GCN trapping.
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

(b) That the following conditions be added to this decision, if they are not included on the outline application:

- Construction Management Plan
- Development in accordance with the GCN Mitigation Strategy

(c) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

42 14/2594N RED HALL FARM, ALVASTON, NANTWICH, CHESHIRE CW5 6PB: PROPOSED STEEL PORTAL FRAME BUILDING FOR A COW CUBICLE SHED FOR MR P VAUGHAN

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

The Principal Planning Officer, reported that the Highways Officer and the Council's Ecologist had no objection to the proposal.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED 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. Details of external lighting to be submitted and approved
5. Landscaping Submitted
6. Landscaping Implemented
7. Details of how waste is to be treated
8. Details of existing and proposed levels to be submitted for approval

- (b) That, in order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

43 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

Note: Councillor C Thorley (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed increased hours of use by reason of the increased activity would increase noise, disturbance, general activity, traffic and parking problems which would have a detrimental impact upon residential amenity. The development would be contrary to Policies BE.1 (Amenity) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

44 14/2671C HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE, HOLMES CHAPEL, CHESHIRE CW4 7DX: NEW 3G ARTIFICIAL SPORTS PITCH FACILITY FOR TONY HALSALL

Note: Having made a declaration, Councillor A Kolker withdrew from the meeting during consideration of this item.

Note: Councillor L Gilbert (Ward Councillor) 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 for further information on the position, height, purpose and siting of the bunds.

45 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

Note: Having made a declaration, Councillor P Groves withdrew from the meeting during consideration of this item.

Note: Councillor C Thorley (Ward Councillor) attended the meeting and addressed the Committee on this matter.

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. 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
- (b) That, in order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

46 14/2840C LAND OFF NEW PLATT LANE, ALLOSTOCK, CHESHIRE: FORMATION OF A NEW ACCESS ROAD FROM NEW PLATT LANE FOR MR PETER KILSHAW, BLOOR HOMES LTD

Note: Having made a declaration, Councillor A Barratt withdrew from the meeting during consideration of this item.

Note: Councillors S Davies and M Martin left the meeting prior to consideration of this application.

Note: Councillor L Gilbert (Ward Councillor), Parish Councillor C McCubbin (on behalf of Goostrey Parish Council), Mr I O'Donoghue

(objector) and Mr R Barton (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.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The Local Planning Authority has significant concerns regarding the buildability of the access road through the chicane. On the basis of the information submitted and the comments of the Cheshire West and Chester Council Highways Officer during determination of the housing application which this access would serve, it is considered that the applicant has failed to demonstrate that sufficient space would exist for adequate safe egress and access provision which would cause a situation to arise where it would not be possible for vehicles, including emergency vehicles and pedestrian access to be safely maintained. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

47 DEED OF VARIATION TO A S106 AGREEMENT FOR APPLICATION 12/0893C FOR THE ERECTION OF UP TO 65 DWELLINGS - LAND OFF CREWE ROAD, ALSAGER

The Committee considered a report and a written update regarding the following proposed amendments to the requirements of the Section 106 Agreement relating to planning permission 12/0893C:

- Introduction of a 'shared ownership' definition that refers to the relevant parts of Discounted Housing for Sale that will apply to 'shared ownership'.
- A 'shared ownership scheme' definition. The definition to require the developer to submit such a scheme to the Council for approval.
- 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.

RESOLVED – That, for the reasons set out in the report and written update, APPROVAL be granted for a Deed of Variation to the Section 106 Agreement linked to planning permission 12/0893C.

The meeting commenced at 1.00 pm and concluded at 7.33 pm

Councillor G Merry (Chairman)

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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 Strategic Highways Manager. 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

There is no evidence of a badger sett either on site or within 30m of the application site boundary. The proposed development is therefore unlikely to have an adverse impact upon a sett.

Badgers are however active on site and there is considerable activity on the western boundary of the site with some further activity associated with the north eastern corner.

The Councils Ecologist advises that provided suitable access for badgers maintained through the south western corner of the application site badgers would continue to have access to a significant proportion of the habitat where existing activity was recorded.

The Councils Ecologist recommends that the applicant provides a plan demonstrating how the south western area of the site would be maintained in a manner that allows the free movement of badgers. This issue could be controlled through the use of a planning condition.

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

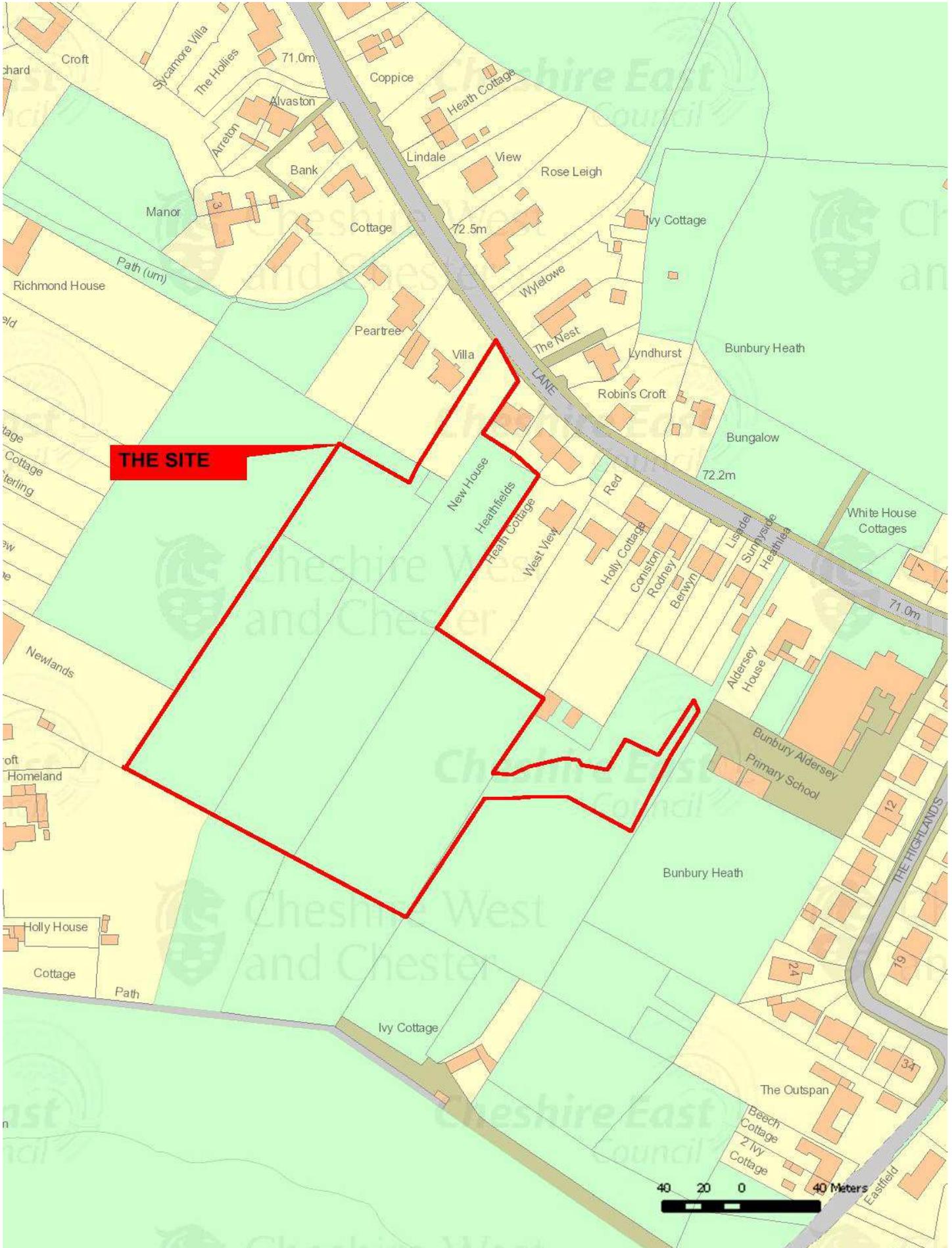
Refuse for the following reasons:

- 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.

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: 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)

The applicant has also submitted a number of letters in support of this application.

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.*”

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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 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.

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 would result in increased demand for primary school places in Alsager where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

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. However, 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.

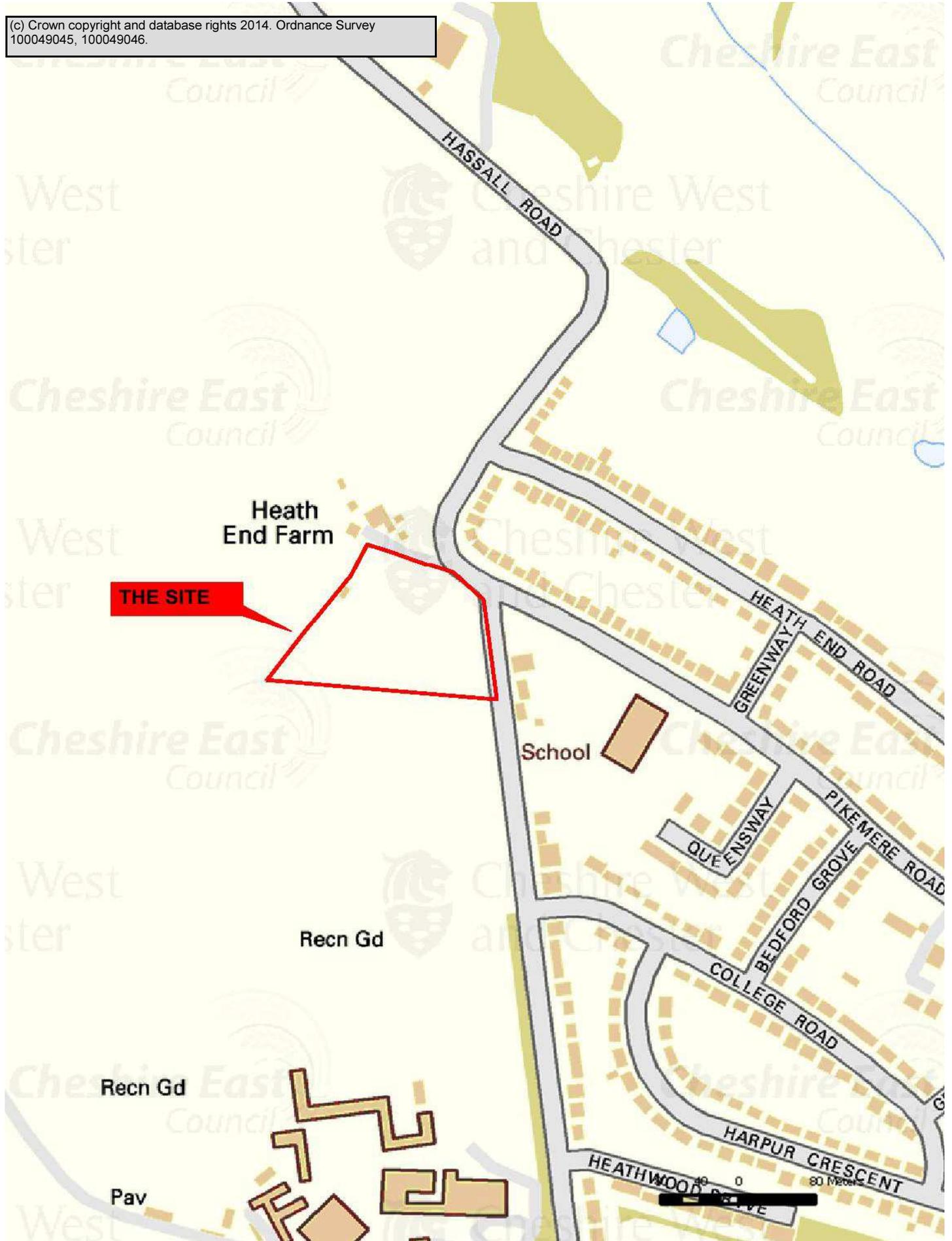
Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for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

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.****
- 2. The provision of a Open Space/Ecological Mitigation to be maintained by a private management company**
- 3. A commuted payment of £65,078 towards primary school education**
- 4. A commuted payment of £45,789.83 towards offsite POS and play equipment**



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Application No: 14/1200C

Location: LAND AT HASSALL ROAD, ALSAGER, STOKE-ON-TRENT

Proposal: Variation of condition 8 (energy requirements) on 12/1670C - Erection of 30No dwellings (including 9No affordable dwellings) vehicular access and associated landscaping

Applicant: Seddon Homes Limited

Expiry Date: 02-Jun-2014

SUMMARY RECOMMENDATION

MAIN ISSUES

**Compliance with Para 206 NPPF concerning conditions
Impact upon carbon reduction
Compliance with planning policy for energy reduction**

REFERRAL

This application has been referred to the Strategic Planning Board (SPB), as the application is for a variation of a condition on a scheme that was previously determined by the Board.

1. SITE DESCRIPTION

The site of the proposed development extends to 1.33 ha and is located to the north west of Alsager, circa 2km from the town centre. A primary school is directly opposite on the other side of Hassall Road, within the settlement boundary. The site is within open countryside. To the north and west is agricultural land. To the south is an established children's play area and the former sports grounds of the MMU campus. To the east is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) crosses the site.

The land is currently in agricultural use and there are a number of significant 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 and The Manchester Metropolitan University Alsager Interim TPO 2008

2. DETAILS OF PROPOSAL

Full permission was granted on appeal on 12 December 2013 for the erection of 30 dwellings (including 9 affordable units) vehicular access and associated landscaping.

Condition 8 of the Inspector appeal decision requires:

'Before the development begins details of a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the scheme relevant to that dwelling has been completed and made operational. The scheme shall be retained as operational thereafter.'

The Applicant seeks to amend the condition to read as follows:

'Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies) A report confirming the achievement of specified design fabric shall be submitted to and agreed in writing prior to the commencement of development. The development shall be implemented in accordance with the approved details.'

3. RELEVANT PLANNING HISTORY

12/1670C - .Erection Of 30 Dwellings (Including 9 Affordable Dwellings), Vehicular Access and Associated Landscaping – Appeal Allowed 12 December 2013

4. PLANNING POLICIES

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:

SE9 –Energy Efficient Development

Local Plan Policy

None specified

Other Material Policy Considerations

RSS Evidence Base
Climate Change Act 2008
Renewable Energy Directive 2009

5. OBSERVATIONS OF CONSULTEES

None Consulted

6. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council - None received at time of report preparation

7. OTHER REPRESENTATIONS

2 representations of objection to the housing proposal in principal.

8. APPLICANT'S SUPPORTING INFORMATION:

A covering letter which details the fabric first approach to minimising energy consumption will result in the same outcome as the Inspectors condition i.e. the scheme will achieve energy efficiency in accordance with the requirements of the Framework and the Development Plan.

A sustainability assessment undertaken by an independent sustainability consultant that concludes the 10% reduction in energy supply can be equally achieved by a 'fabric first' approach and that this accords with the intentions of the NPPF. The report concludes that by using enhanced construction techniques the demand for energy will be reduced by a minimum of 10% using enhancements to construction specification to reduce demand for energy by a minimum of 10% using enhancements construction specification to reduce demand for energy by a minimum of 10%.

The Applicant also identifies appeals where their suggested alternative wording has been accepted by the Council.

9. OFFICER APPRAISAL

The previous Appeal Decision established the acceptability in principle of 30 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

Paragraph 206 of the NPPF requires conditions to be only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

In imposing the condition in the first place the Inspector commented at para 81 -

'...A number of conditions are suggested by the Council in the event of the appeal being allowed. These have been considered in the light of Circular 11/95,..... (the conditions) are necessary to comply with the advice on renewable energy contained in paragraphs 96 and 97 of the Framework (condition 8)...'

The stated reason for the condition within the Councils evidence to the Inquiry was to comply with Policy EM18 (Decentralised Energy Supply) of the North West of England Plan: Regional Spatial Strategy (RSS) to 2021. This policy stated that all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. The RSS was repealed during the hiatus of the Hassall Road appeal.

However, regardless of this the Inspector still imposed the 10% renewables condition in line with the requirements of the Framework. The Inspector was fully aware that the RSS had been repealed at the time of his decision.

The Inspector that granted the permission for the housing development on the site, clearly considered the issue of energy reduction and adaption to climate change. He considered it necessary to impose conditions relating to the 10% renewable requirement having regard to the requirements of the Framework as part of the planning policy consideration.

Since that Appeal decision, the Council has also adopted the Cheshire East Local Plan Strategy – Submission Version for the purposes of development management. Whilst this is not the adopted plan, it is a material consideration and some weight can be attached to it as part of the decision making process.

The 2008 Climate Change Act establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.

Policy SE9 is directly relevant to this case and requires, inter alia, when a proposal involves more than 10 dwellings, as in this case, that,

'.....it will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable...'

By thermally improving the wall, floor and roof construction, detailing to reduce thermal bridging and increasing air tightness dwelling energy demand will be reduced. This in turn reduces the carbon footprint of the development for its lifetime

10. CONCLUSIONS

The condition is fair and reasonable and serves a legitimate planning function, namely the provision of at least 10% of energy requirements from renewable or low carbon sources.

The more in depth sustainability report submitted recently by the Applicant has adequately demonstrated that their suggested condition will achieve the same result as the Inspector intended.

The Report demonstrates that more than 11% reduction in Carbon Dioxide production. The condition as amended will pass the tests in the NPPF and is therefore acceptable.

RECOMMENDATION

APPROVE the amendment to the wording of condition 8 subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions as originally imposed on appeal

1. Time Limit
2. Plans
3. Contaminated land
4. hard and soft landscaping details
5. existing and proposed ground levels
6. Materials to be submitted
7. Drainage details
8. Fabric first approach to energy efficiency
9. Construction environmental management plan
10. Breeding birds and roosting bats
11. PROW diversion
12. tree protection and landscaping implementation
13. access visibility splays
14. Permitted development right removal for plots 22 -30
15. Open plan estate

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Principal Planning Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does 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 Strategic Planning Board, to enter into a Deed of Variation to the planning agreement attached to permission 12/1670C in accordance with the S106 Town and Country Planning Act to attach the suggested revised condition to the original planning permission.



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Application No: 13/1841N

Location: 187A, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE, CW2 5AH

Proposal: Outline application with some Matters Reserved for 30 residential units

Applicant: G Scott

Expiry Date: 21-Aug-2013

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-****Principal of the Development****Location of the Site****Landscape****Affordable Housing****Highway Implications****Amenity****Trees and Hedgerows****Design****Ecology****Public Open Space****Education****Flood Risk and Drainage****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 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the open countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.

The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Chestnut Avenue. To the east of the site are residential properties fronting Crewe Road. To the north of the site is open countryside/Green Gap and to the east of the site is curtilage to dwellings which front Newcastle Road.

To the front of the site is an area of land which has planning permission for the construction of 5 dwellings under application P04/1382. At the time of the case officer's site visit these dwellings were under construction.

2. DETAILS OF PROPOSAL

This is an outline application for residential development with access to be determined at this stage.

The proposed development would be served via a single access point off Crewe Road. The indicative plan shows that the development would involve the creation of a T-shaped cul-de-sac with the 30 two storey dwellings sited around this cul-de-sac.

3. RELEVANT HISTORY

P04/1382 - Discharge of condition 2 on application P04/1382- Erection of 5 dwellings – Approved 16th December 2004

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)

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

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. CONSULTATIONS (External to Planning)

United Utilities: No objection providing that the following conditions are met:

- The site must be drained on a separate system.

Strategic Highways Manager: The proposal for up to 30 dwellings at 187A Crewe Road, Shavington is considered to be supported by a safe access, albeit it may be slightly overdesigned and full details of the road alignment giving direct access to the dwellings has yet to be finalised. Neither do the submissions indicate likely parking layouts and levels, which will be considered at the reserved matters stage. Accessibility by sustainable modes of travel is considered reasonable and the traffic impact of this development cannot be considered severe.

The following conditions are suggested:

1. Further details of the proposed access arrangements to be submitted with reserved matters application(s) and agreed by the LPA. The access to Crewe Road will be a minimum 5.5m width with two x 2.0m footways and visibility of at least 2.4m x 59m in each direction.
2. Details of the proposed refuse collection are to be submitted with reserved matters application(s) and agreed with the LPA.

Environmental Health: Conditions suggested in relation to construction management plan, external lighting and dust control. An informative is suggested in relation to contaminated land.

Public Open Space: Would like to see a commuted sum of £24,000 paid for extra/replacement play equipment at the Wessex Close children's play area in Shavington, in lieu of onsite provision.

Education: A development of 30 dwellings will generate 5 primary and 4 secondary aged pupils.

The primary schools are forecast to be oversubscribed and therefore a contribution will be required = £54,231

There is no requirement for a secondary school contribution.

Environment Agency: No objection

PROW: The development does not appear to affect a PROW.

6. VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: The Parish Council has major concerns over the proposed access to the site and feels that this will create a hazardous junction with Crewe Road at a location which already suffers from visibility difficulties with vehicles parked on both sides of the carriageway and up to the proposed junction. The number of vehicle movements created by 30 properties will be significant, and coupled with poor visibility at this location in Crewe Road will lead to a marked reduction in highway safety.

In addition the Parish Council feels that the proposals for 30 houses are an overdevelopment of the site and will also lead to overlooking of properties in the adjacent Chestnut Avenue which currently have an open aspect.

If it were to be approved the application makes no mention of what monies would be made available by the developer under a s106 agreement to improve local infrastructure.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 74 local households raising the following points:

Principal of development

- Difficulty selling existing dwellings in Shavington
- Erosion of the Green Gap
- The developers are unable to complete the existing development
- The site is located outside the settlement boundary

Highways

- Local roads cannot cope with this increased population
- The highway network is in a poor state of repair
- Inadequate parking on the site
- Increased traffic generation

- The proposed access is dangerous

Green Issues

- Impact upon protected species
- Impact upon Owls
- Impact upon Great Crested Newts
- Loss of wildlife

Design issues

- The density of the development is too high
- The layout of the development is out of keeping with the area
- Light pollution

Infrastructure

- Drainage infrastructure problems exist in the area
- The site floods

Amenity Issues

- Noise and disruption
- Loss of privacy
- Security concerns from the rear access
- Overlooking
- Visual amenity
- Safety/fire risk issues
- Loss of amenity during the construction period

Other issues

- Late submission of plans

The full content of the objections is available to view on the Council's Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Willard Willard)
- Highway Statement (Produced by Cameron Rose Associates)
- Extended Phase 1 Habitat Survey dated February 2014 (Produced by SDC)

These documents are available to view on the application file.

9. 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."*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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.

Green Gap

Policy NE.4 of the Local Plan 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 either:*

- result in erosion of the physical gaps between built up areas or;
- adversely affect the visual character of the landscape.

Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 30 houses on an open site could do anything other.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that *“moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose”*.

It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings south of the site along Chestnut Avenue represent a line of ribbon development with the application site projecting into the gap, with views between properties.

Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition, the boundaries of the gap could have been drawn in this way.

Other land within the Green Gap is also under pressure from development, just as it was at the time of previous Local Plan Inspectors report. An Appeal against non-determination of a scheme for 880 dwellings at land between Crewe Road, Rope Lane, Gresty Lane and the A500 is under consideration by the Inspectorate at the moment, along with a site at Church Lane, Wistaton. Planning consent was granted on appeal for the land off Rope Lane and recently at Moorfields whilst an Inquiry into refusal of planning permission for a proposed development at Weston Lane is part heard. The cumulative effect of these proposals, coupled with the Appeal scheme would be to gradually eradicate the Green Gap with piecemeal development proposals.

The position is simply that this land is protected against all development which would erode the gap. 30 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

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:

- Post office (1000m) – 965m
- Public House (1000m) – 804m
- Cash Point (1000m) – 965m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 160m
- Bus Stop (500m) – 145m
- Public Right of Way (500m) – 100m

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:

- Amenity Open Space (500m) – 643m
- Children's Play Space (500m) – 643m
- Post Box (500m) – 965m
- Leisure Centre (1000m) – 1126m
- Outdoor Sports Facility (500m) – 1126m
- Secondary School (1000m) – 1126m
- Child Care Facility (nursery or crèche) (1000m) - 1126m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3540m
- Medical Centre (1000m) - 1770m
- Pharmacy (1000m) – 1770m

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 Shavington, 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 a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The site of the proposed development is a parcel of agricultural land bounded by residential development to the south, west and east with agricultural land to the north. The site boundaries are formed by hedgerows with hedgerow trees and varying styles of fencing. Apart from the access, the body of the site is within an area designated as Green Gap and Open Countryside as identified the Adopted Replacement Crewe and Nantwich local plan 2011.

The submission does not include any appraisal of landscape character or visual impact.

In the Cheshire Landscape Character Assessment the main body of the site other than the access is located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. The site is relatively level and well contained. Whilst characterised by the boundary hedgerows and trees, it is influenced by the surrounding residential development, to the south and east in particular.

Development of the site would extend the built form of Shavington into Open Countryside and Green Gap. The Councils Landscape Architect has not identified any public viewpoints into the site from the open countryside. Nonetheless, it will be readily visible from the rear of a number of adjacent residential properties and there would be adverse effects on views for the occupiers of these properties. Where possible, and in consideration of the site being located in Open Countryside/Green Gap, green edges should be used to allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider rural landscape.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that in areas with a population exceeding 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 15 dwellings or more or than 0.4 hectare in size.

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 53 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 23 x 1 bed, 17 x 2 bed, 9 x 3 bed & 3 x 4 bed properties (1 applicant hasn't set the number of bedrooms they require).

There is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. The affordable housing requirement equates to 9 affordable dwellings of which 6 should be rented and 3 should be intermediate.

The submitted application does not identify the percentage of affordable units to be provided on site, the type/size/location of the units, the tenure split or confirmation that the units would be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and achieve at least Level 3 of the Code for Sustainable Homes (2007).

As a result the lack of affordable housing provision will form a reason for refusal.

Highways Implications

In terms of the highway impact of development the NPPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

The proposed access to the site is on stretch of Crewe Road that is subject to a 30mph speed limit and the road is lit. The Applicant has provided a proposed site access plan but not a Transport Statement, which would not necessarily be required for a site of this scale.

The Applicant proposes that the site access will be a 6.0m carriageway with two x 2.0m footways and 6.0m radii with Crewe Road. Visibility splays have been indicated on plans submitted by the Applicant at 4.5m x 60m to both the left and right of the proposed site access. No speed surveys have been supplied by the Applicant on which to base visibility splay requirements. However, given the 30mph speed limit and the splays indicated by the Applicant, the SHM considers that visibility requirements for actual speeds will be met at this location.

There are a number of development proposals in the Crewe Road/Gresty Road corridor and the SHM has previously expressed concerns (including at Public Inquiry) regarding the cumulative impact of development on the corridor.

This development is likely to generate about 20 peak hour vehicular trips in any peak hour. The site access in this location will safely and conveniently deal with traffic turning to and from it without undue impact on the Crewe Road. The level of traffic from this development is unlikely to unduly impact on the capacity of the Crewe Road/Gresty Road and its contribution to cumulative impact cannot be considered severe.

Amenity

In terms of the surrounding residential properties, the main properties affected are those to the east which front onto Crewe Road and those to the south which front onto Chestnut Avenue.

The indicative plan shows that the proposed dwellings to the south of the site would have a rear garden depth of between 5-12 metres with a distance between principal elevations varying from 31 metres to 38 metres. Although the proposed rear garden length would be short on two plots these dwellings could be re-orientated at the Reserved Matters stage to address any amenity concerns. The separation 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 Chestnut Avenue is therefore considered to be acceptable.

To the east the proposed access would pass between the dwellings at 187 and 191 Crewe Road. This relationship is considered to be acceptable and the scale of the development would not raise any significant noise and disturbance issues.

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

The Environmental Health Officer has requested conditions in relation to construction management plan, dust control and external lighting. These conditions would be attached to any decision notice if the application was to be approved.

Trees and Hedgerows

Trees

The submission contains no arboricultural information. Without such information, the submission does not accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* and it is not possible to make an informed assessment of either the impact of the development on trees or the feasibility of accommodating the number of dwellings proposed. This issue will form a reason for refusal.

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.

In this case the retention of the hedgerows could be secured through the use of a planning condition.

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 site at 33 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington.

The application is in outline form and the indicative layout shows that the development would be designed around a simple T-shaped cul-de-sac. There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage.

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

Ecology

Habitats

Grassland Habitats

The grassland habitats present on site are described by the submitted habitat survey as 'mown amenity grassland', a number of plant species are however present which are indicative of restorable semi-improved grassland habitats. Grassland of this type may qualify as a Local Wildlife Site. The habitat survey was undertaken in February which is a poor time of year to undertake such surveys. The Councils Ecologist advises that the Council has insufficient information to assess the nature conservation value of the grassland habitats on site.

To enable a confident assessment of the grassland habitats present on site to be made the Councils Ecologist recommends that the applicant submits a further botanical survey. The survey should be undertaken by a suitable experienced ecological consultant at the optimal time of year. The report of the required survey should include a full botanical species list for the grasslands and DAFOR abundance ratings (Dominant Abundant Frequent Occasional Rare) for each species recorded.

Great Crested Newts

A number of ponds have been identified within 250m of the proposed development and the desk study undertaken in support of the submitted habitat survey has identified the historical presence of this species in the locality.

The submitted Phase One habitat survey recommends that a full great crested newt survey be undertaken. The Councils Ecologist advises that the Council currently has insufficient information to assess the potential impacts of the proposed development on this protected species in accordance with its policy and statutory obligations.

The Councils Ecologist advises that the applicant must undertake and submit a detailed great crested newt survey prior to the determination of the application. The survey should be undertaken by a suitably qualified ecological consultant using standard best practice methodologies at the optimal time of the year.

Reptiles

The Councils Ecologist advises that reptile species are not reasonably likely to be significantly affected by the proposed development.

Hedgerows

Hedgerow 1 located on the northern boundary of the application site is of sufficient quality to qualify as UK Biodiversity Action Priority Habitat. This hedgerow would therefore be a material consideration during the determination of this application, in this case a condition could be attached to secure the retention of this hedgerow.

Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

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.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £24,000 towards upgrading this site. This would be secured as part of a S106 Agreement.

Education

The proposed development would generate 5 primary school pupils and 4 secondary school pupils.

In terms of primary school education, the proposed development would generate 5 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £54,231. This would be secured via a S106 Agreement.

In terms of secondary school education, there are no capacity issues at the local secondary school.

Flood Risk and Drainage

In this case the application site does is less than 1 hectare in size and located within flood zone 1. As a result there are no flooding issues associated with this site whilst details of drainage would be secured at the Reserved Matter stage.

LEVY (CIL) REGULATIONS

For the purposes of any appeal and 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 would result in increased demand for primary school places in Shavington where there is very limited spare capacity. In order to increase capacity of the school(s) which

would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. In this case a contribution for off-site works is required and is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

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. However, the Council can now demonstrate a five year housing land supply.

The access to the site and the proposed traffic generation is not considered to be severe and complies with the NPPF and Policy BE.3.

The issue of the Public Open Space impact would be dealt with the a contribution for off-site works.

In terms of affordable housing a lack of information has been submitted with this application and this issue will form a reason for refusal.

There is a lack of information in terms of the impact upon the trees to the boundaries of the site and this issue will form a reason for refusal.

In terms of Ecology, insufficient information has been submitted in relation to the impact upon Great Crested Newts and grassland habitat.

In terms of the flood risk/drainage implications the development is considered to be acceptable.

The education impact could be mitigated through the provision of a S106 contributions towards primary school provision.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and design 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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 3. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. The application does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**
- 4. There are a number of ponds within 250 metres of the site and the submitted Phase 1 Habitat Survey recommends that a full Great Crested Newt Survey is undertaken. No Protected Species Survey has been submitted as part of this application to assess the potential impacts of the development on Great Crested Newts. 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 and guidance contained within the NPPF.**
- 5. There are grassland habitats on the application site and there are species present which are indicative of restorable semi-improved grassland habitats. The submitted habitat survey was undertaken in February which is a poor time of year as a result the Council has insufficient information to assess the nature conservation value of the site. To allow the development in the absence of this information would be contrary to**

Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

- 6. There are a number of trees located onto the boundaries of the site and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**

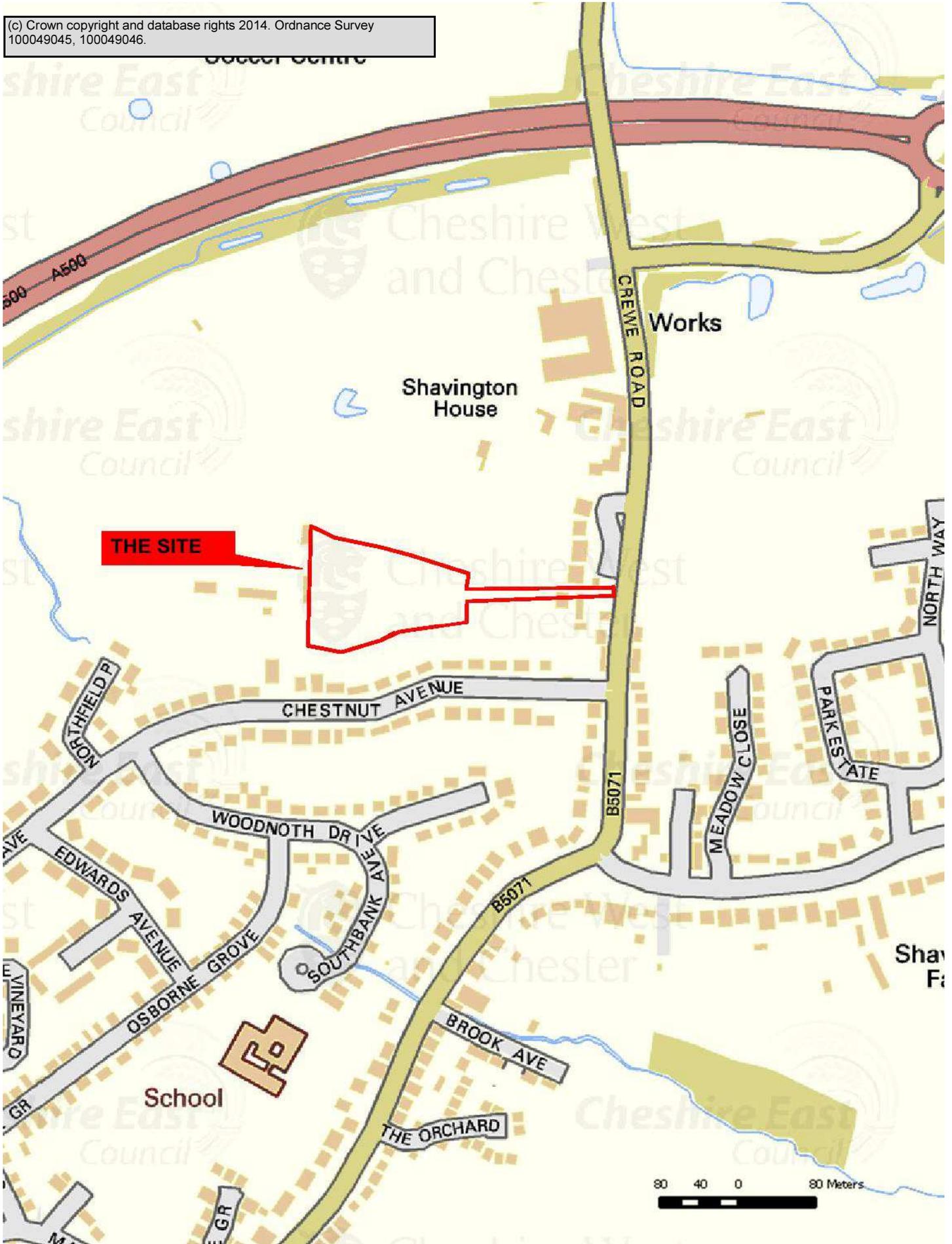
In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any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

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.****
- 2. A commuted payment of £54,231 towards primary school education**
- 3. A commuted payment of £24,000 towards offsite POS and play equipment**

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Application No: 14/1018N

Location: Land Off, WRENBURY ROAD, ASTON

Proposal: Outline application for 31no. dwellings with access to Wrenbury Road including 10no. two bedroom affordable homes

Applicant: Mr M Schofield, Carlton Holdings

Expiry Date: 16-Apr-2014

SUMMARY RECOMMENDATION –

Refuse

MAIN ISSUES

Principle of development
 Housing Land Supply
 Highways
 Amenity
 Landscape and Trees
 Indicative layout and design
 Ecology
 The Planning Balance

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.

DESCRIPTION OF SITE AND CONTEXT

The site comprises 1.18 hectares of open agricultural land and is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site, which is the subject of this application, comprises some 2ha of open farmland on the southern edge of the village of Aston. The field is generally level with a mature hedging to its boundaries.

Aston Conservation area lies immediately to the north of the site. To the south there's a property known as White Lodge and the cross road junction with the A530 Whitchurch Road is about 50 metres away. To the west there's an extensive area of flat agricultural land with distant views towards the Sandstone Ridge.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the

older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Taylor Wimpey are currently developing an enabling development scheme of 43 dwellings (with 5 affordable) in Aston close to the site. This was granted on appeal as an enabling development for Combermere Abbey. Most day to day facilities are located within Wrenbury.

DETAILS OF PROPOSAL

This is an outline proposal for 31 dwellings with all matters reserved except access. The indicative plans indicate one main access point from Wrenbury Road with a cul de sac layout of dwellings arranged around a central green which incorporates a pond and the public open space for the development. Five individual units also front on to Wrenbury Road with their own individual access driveways.

Information within the application indicates that the dwellings are intended to be 2 storey.

POLICIES

National Planning Policy Framework

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 (Open Countryside)
NE.5 (Nature Conservation)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
TRAN.9 (Parking Standards)
BE.1 (Amenity)
BE.2 (Design)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

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 Policies

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
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, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material 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
Core Strategy Pre-Submission Document

CONSULTATIONS (External to Planning)

United Utilities: No Objection subject to the following condition -

The 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.

Highways: No Objection subject to the provision of a footway to Wrenbury Road.

Housing: - : No Objection subject to 30% affordable housing being provided in a 65% affordable rent:35% intermediate split

Education : The proposal will result in 6 additional Primary & 4 Secondary school places. No contribution required for Primary provision in this case however Brine Leas is the catchment high school.

Brine Leas school is oversubscribed and therefore the commuted sum of £65,371 (4 x 17959 x 0.91) will be required.

Environmental Health: (Amenity): No objection subject to standard environmental health conditions

Sustrans: Offer the following comments

- 1) For encouraging public transport, Wrenbury station lies approximately 1 mile from the site. This is a short cycling journey, for example along the Cheshire Cycleway (part of the National Cycle Network).
- 2) We would like to see travel planning set up for the site with targets and monitoring, and a sense of purpose.
- 3) Can a site of this scale make a contribution to any further traffic management measures on the adjacent Whitchurch Road through Aston, the A530?

VIEWS OF PARISH COUNCIL

Newhall Parish Council – strongly object on grounds that the site is in an unsustainable rural location. If the development is deemed acceptable in planning terms they request numerous condition.

OTHER REPRESENTATIONS

11 Letters/emails of objection have been received from the occupiers of properties in the locality. The main issues raised are;

- More traffic, disruption during construction, making main road more congested. Additional traffic combined with the high volume of HGVs (visiting the Creamery and Aston Cement Works) would exasperate the already overcrowded situation
- Loss of privacy
- Lack of infrastructure , schools, doctors
- Impact upon drainage and other physical infrastructure
- No facilities in the village, the closest facilities are in Wrenbury
- street lighting and security will cause pollution and intrusion
- No need for more housing

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Highways report
- Planning Statement
- Ecological Survey
- Tree Survey

Copies of these documents can be viewed on the application file. In precise, it is the Applicants case is that the site is available, deliverable and sustainable and the proposal will bring forward much needed housing given their opinion that the Council can not demonstrate a 5 year housing land supply.

OFFICER APPRAISAL

Principle of Development

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, open countryside, 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.

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

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.”

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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.

Sustainable Development

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

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 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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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 toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (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).

In this case the development meets the standards in the following areas:

- post box - 200m Wrenbury Road
- public house -280m Wrenbury Road
- bus stop 130m
- Wrenbury railway station
- Local meeting place Church 1km Wrenbury Road

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- shop – 1.9km Wrenbury
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

Clearly, existing residents in the area would have to travel the same distance to most everyday services

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53). The service is 2 hourly during the day

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

There are, in addition, three dimensions to sustainable development -: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 31 units.

The Design and Access Statement and the highway information submitted do not provide any indication as to how principles of sustainable development / energy reduction would be met within the development. The application provides no indication as to how the development would contribute to sustainable transport options. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions, although it is less clear how this scheme would be designed to facilitate a reduced use of the private car. This is a failing within the context of whether this is a sustainable development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy, do not outweigh the harm caused by virtue of the generally unsustainable location of the site.

Affordable Housing

The proposal is for 31 dwellings, therefore there is a requirement for 10 affordable units, with 7 to be provided as affordable/ social rented and 3 to be provided as intermediate tenure.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 4x 1bd, 16x 3bd, 4x 4bd general needs units and 3x 2bd older persons accommodation. The SHMA showed an over-supply of 2 bed units.

The applicant is offering 10 no 2bd terraced houses as affordable units. As this does not conform with the identified need, Heads of Terms for the S106 would be needed to address the identified need. The Strategic Housing Manager has confirmed that s/he would accept 3 intermediate properties being 2 bed units and the 7 rented properties being a mix of 1, 2 and 3 beds.

In addition to this, information taken from Cheshire Homechoice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

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 and that the affordable units will be provided not later than the sale or let of 50 % of the open market homes. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

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) It also 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”

It is the Council's preference that any affordable or social rented units are transferred to a Registered Provider of social housing to own and manage.

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

This outline application also includes details of access to be agreed at outline stage.

The key highways and transport issues associated with the application are as follows:

- 1) Achieving sufficient visibility from the site access road onto Wrenbury Road
- 1) Off-site Highway Impact
- 2) Ensuring accessibility by non-car modes
- 3) Appropriateness of highway network to access residential development

Visibility

Based on the speeds surveys submitted, a visibility splay of 2.4m x 43m would be required from the junction access.

Appendix F of the Highways Report demonstrates that the required visibility splay can be achieved from the site, which would pass across a 2.0m footway which is proposed adjacent to the site on Wrenbury Road. The achievable visibility splay from the site is therefore acceptable in highways terms

Off-site Impact

The Highways Report quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 19 and 23 vehicles entering or leaving the site in the peak hours. In the absence of significant capacity issues at junctions in the vicinity of the site, it is accepted by the Strategic Highways Manager that the traffic generated by the site is unlikely to have a significant adverse impact on off-site highway capacity.

Accessibility by Sustainable Modes of Transport

The Highways Report provided provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services.

There is currently no footway provided on either side of Wrenbury Road in the vicinity of the site. Therefore, pedestrian accessibility from the site and from existing developments on the eastern side of Wrenbury Road is currently limited.

The site access drawing in Appendix F of the Highways Note indicates a 2.0m wide footway to be provided on the western side of Wrenbury Road, between Whitchurch Road to the south and Sandy Lane to the north, and also including a section a few several to the north of Sandy Lane. This footway should be provided by the developer under a s.278 agreement.

Appropriateness of Residential Access

The Strategic Highways Manager notes concerns from local residents who question the appropriateness of a residential development at the site, in light of existing heavy vehicle movements on Wrenbury Road.

In light of the acceptable visibility standard demonstrated and the relatively low observed vehicular speeds, and in the absence of a demonstrable adverse accident history adjacent to the site, it would be difficult to sustain a Highways objection to the development on this basis, particularly when the road already provides direct access to existing residential developments. It should also be borne in mind that the NPPF refers to highways impacts being 'severe' before refusal in those terms can be justified.

The layout shown provides for 5 dwellings accessed directly from Wrenbury Road, with the remainder of the development served from an internal access road. The indicative site layout indicates these dwellings to be well set back from the road frontage and that space would be available for more than two cars per dwelling at the houses proposed on Wrenbury Road, meaning that frequent on-street parking as a result of the development can be assumed to be unlikely.

In the light of these factors the Strategic Highways Manager raises no objection in highways terms subject to the provision of the footway to the Western side of Wrenbury Road

Trees and Landscaping

The site is a flat agricultural field enclosed by native hedgerows with some mature trees on and around the boundaries. The site fronts onto Wrenbury Road.

A row of recent detached properties on the opposite side of Wrenbury Road beyond which there's a large triangular block of TPOd woodland.

The rural character of the area and the village is dominated to some extent by the large, conspicuous HJ Lea Oakes grain mill located just to the north east of the site. Wrenbury Road adjacent to the site appears to be heavily used by HGVs going between the A530 and the mill. Despite the rural location, this part of the village is not considered to have a particularly rural character due to the proximity to the A530 and the mill traffic. Residents also comment in their representation about the level of traffic activity passing the site, this will further reduce the rural feel of the area.

The large triangular TPOd woodland screens views of the site from the north and north east.. From the A530 in the vicinity of the junction there would be fleeting views of the development beyond White Lodge and the site boundary hedge.

The Council's Landscape Officer is satisfied that a layout can be accommodated on this site without adverse impact upon the landscape.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is located in an area identified as having a low probability of flooding and therefore a Flood Risk Assessment has been prepared in accordance with PPS 25. The site falls within Flood Zone 1. PPS 25 confirms that the land use falls into 'more vulnerable' and this is appropriate for Flood Zone 1. The surface water run-off is to be discharged via infiltration, both for the highways and for the private plot drainage. Detailed design considerations in relation the proposed adopted foul and surface water systems can be dealt with by way of Grampian style conditions. The planning layout drawing indicates the proposed impermeable area on the site will be circa 0.736 hectares. If the surface water run-off is managed correctly, then there will be no increase in flood risk to the development or to others. In

summary, the development can be considered appropriate for Flood Zone 1 in accordance with advise within PPS 25 (superseded by the NPPF but considered to be a good rule of thumb).

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Therefore it is concluded that the proposed development will not adversely affect onsite, neighbouring developments and their associated residual flood risk. Whilst resident's concerns about the capacity of existing sewerage infrastructure are noted, in the absence of any objection from the statutory drainage consultees, it is not considered that a refusal on drainage or flooding grounds could be sustained.

Appearance, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The indicative layout proposed is considered acceptable as it loosely reflects the development in the area

Overall, therefore, given this context it is considered that the layout in site planning terms could be accommodated.

Children's Play Space and Open Space

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

According to the submitted plans the POS will be located at the centre of the site and incorporates a pond feature. No comments have been received from the Greenspace Manager at the time of writing this report to verify whether the indicative 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.

Amenity

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking.

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places;

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

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 ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

The NPPF encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

To compensate for any loss of existing hedgerows on the site by virtue of the formation of the access driveways to each plot a native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site, and bird boxes should be erected on the site. If planning consent were granted conditions requiring safeguard breeding birds during March and September would also be required.

LEVY (CIL) REGULATIONS

For the purposes of any appeal and 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 would result in increased demand for school places in the catchment where there is very limited spare capacity at Brine Leas Secondary School. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

Likewise, should the Greenspace Manager advise that the amenity space within the site is appropriate it is not the Councils' practise to accept amenity space with water bodies within them. The area will therefore need to be maintained by the residents. This is considered to be necessary and fair and reasonable in relation to the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks outline planning permission for 31 dwellings within the Open Countryside.

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 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.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

Furthermore, the proposal contains no agricultural land report so the Grade classification of agricultural land is not known, even though at 1.8 hectares this site is not significant.

The benefits of the proposal in terms of the affordable housing and continuing supply of housing to the housing supply chain and the economic contributions new housing would bring are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the loss of open countryside given the housing land supply position of the Council, in the absence of a need to develop the site in order to meet housing land supply requirements.

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.

As a material consideration the proposal is also contrary to Policy PG5 of the Submission Version of the Local Plan Strategy.

Recommendation: REFUSE for the following reason:

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), Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement 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.

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 Development 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 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.**
- **Commuted Sum payment in lieu of secondary education provision of £65,371**
- **Private residents management company to maintain all on-site open space and associated areas in perpetuity**



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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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land

supply position by supporting planned developments and utilising brownfield land wherever possible.

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 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/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: 14/2671C

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 DEFERRAL

At Southern Planning Committee on the 30th July 2014, Members resolved to defer this planning application as insufficient information was provided regarding the proposed earth bunds.

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.

In addition, 3 earth bunds are proposed created from the excavated top soil, as shown on the General Arrangement plan in order to visually screen the development and provide a noise buffer.

The detail of the proposed earth bunds are as follows;

Bund 1

This bund would be located on the far western boundary of the school site. It would measure approximately 2 metres in height and positioned as such due to ecological requirements.

Bund 2

This bund would be located immediately east of the proposed sports pitch. This would be the tallest of the proposed bunds measuring approximately 2.5 metres in height. It will create a viewing platform, visual and noise buffer for/from the sports pitch and would tie in to an existing sloped adjacent to the sports hall.

Bund 3

Inset by approximately 10 metres from the eastern boundary of the school site and the boundary with the properties on Dunoon Close. This would be the smallest of the proposed bunds at 1 metre in height.

The height of this bund has been reduced during the application process in order to alleviate neighbour concerns.

It is proposed that this bund be drained and be planted with evergreen native woodland species and understudy planting as detailed within the submission in order to further alleviate any noise, visual or overlooking concerns.

The original submission did not include sufficient detail regarding the proposed bunds. Furthermore, a number of minor changes to the proposal have been made during the

application process e.g. changes to the bunds, fence line, path alignment, planting and the removal of a proposed retaining wall.

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:

8 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
Bund detail

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 advises 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, 3 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, 3 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 proposed earth bunds would be formed from the excavated top soil where the facility is constructed and would be planted and seeded as detailed within the submission.

Given either the minor height of these bunds (Bund 3) or their proposed location within the site to reflect existing level changes (Bund 2), or their siting within a well screened area of the site (Bund 1), in conjunction with the fact that they would be planted, 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 (Bund 3) by the occupiers of the closest dwellings.

This bund would be inset from the rear boundaries of these properties by approximately 10 metres and be approximately 22.5 metres away 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 reduced height of Bund 3 (now 1 metre tall), the provision of a drainage scheme and a comprehensive planting schedule, it is not considered that the creation of this bund would cause any loss of privacy, light or be visually intrusive for the occupiers of these closest dwellings.

As such, 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 he has 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 that the inclusion of a French drain is now detailed for the bund closest to the properties on Dunoon Close, it is considered that the proposal would adhere with Policies GR20 and GR21 of the Local Plan.

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

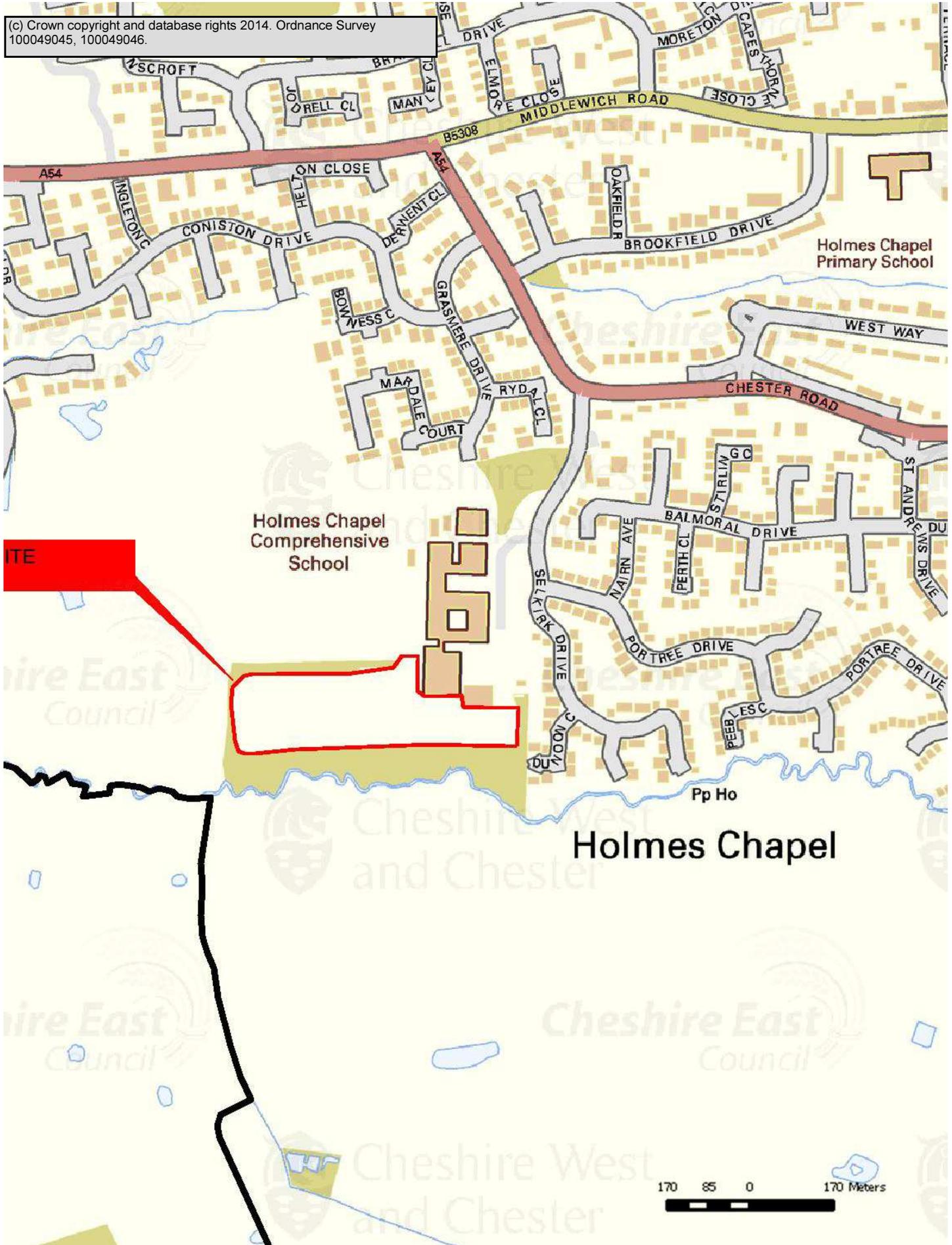
APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape (Implementation)**
- 5. Protected species mitigation measures**
- 6. Use restricted to sports facility**

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: 14/2715C

Location: 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE, CW10 9HG

Proposal: Variation of condition 2 on 13/3680C to allow for amended plans on residential development at land at 50A Nantwich Road, Middlewich

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 04-Sep-2014

SUMMARY RECOMMENDATION:

Approve subject to conditions and a Deed of Variation to the S106 Agreement

MAIN ISSUES:

Appropriateness of the proposed changes to the approved design having regard to:

- § **Trees**
- § **Site Layout and Design**
- § **Neighbours Amenity**

REASON FOR REFERRAL

Members will recall this application site was the subject of an approved housing scheme for 24 dwellings in December 2013.

The Applicant wishes to update the house types upon the development site to the 2014 variants. As this is a previous decision by the Southern Planning Committee, this application is referred back to the same Committee.

DESCRIPTION OF SITE AND CONTEXT

This application site is an ongoing development which is known as Abbey Fields. The approved development scheme comprises 24 dwellings. All pre-commencement conditions have been discharged.

The site is surrounded on all sides by residential development. To the north, northeast and west there are modern detached dwellings on Glastonbury Drive and Tewkesbury Close. To the south east the site surrounds the detached dwelling and ancillary outbuilding (2 storey) within no 50 Nantwich Road. The site extends along Nantwich Road to Mill Lane, an unadopted track which serves a small number of dwellings.

There are a number of significant mature trees within the site which are covered by the Congleton Borough Council (Nantwich Road, Middlewich) Tree Preservation Order 1975, including a group of Lime trees to the Nantwich Road frontage of the site.

The Glastonbury Drive access to the modern housing estate is the sole access from Nantwich Road and currently serves a total number of 128 dwellings presently within Glastonbury Drive, Tewkesbury Close, Lindisfarne Close, Welbeck Close and Fountains Close.

The site is situated within the settlement zone line of Middlewich as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

This application seeks a variation to the approved plans condition attached to the most recent approval (13/3680C) to change the following house designs.

Plots 1, 3, 22, 23 and 24 change from the approved Harwood to the Holcombe. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved.

Plot 2 becomes a Norbreck. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved.

Plot 4 is proposed to be a 'Styal'. Splayed bays have been squared off and tiles facing materials are proposed to 1st floor, as opposed to brick facings previously approved. Obscured glazing to landing window, as previously required remains.

Plots 5, 7 and 8 have had their conservatory position modified slightly, bay splays squared off and hanging tile details to 1st floor.

Plots 6, 9 and 10 are now called 'Banbury'. The position of the rear conservatories have been amended and again bay window splays have been squared off.

Plots 12-21 have had different header and cill details being proposed to be formed in re-constituted stone.

The residential mix is unchanged and still comprises :

- 13 no 4 bedroomed houses (2 storey)
- 2 no 3 bedroomed houses (2 storey)
- 9 no 2 bedroomed houses (2 storey)

The road layout of the estate and traffic management arrangements, for the periods during and after construction remains unchanged.

RELEVANT HISTORY

13/0100C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works –

Permission granted 15 May 2013 subject to S106 Agreement.

13/3680C - Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings Permission granted 21 December 2013 subject to Deed of Variation to the S106 Agreement.

POLICIES

Local Plan Policy

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

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

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

CO1 – Sustainable Travel and Transport

Other Material Considerations

The National Planning Policy Framework (NPPF)

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in Residential Developments

SPD4 Sustainable Development

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Middlewich Town Strategy

2013 SHLAA

Emerging Development Strategy

CONSULTATIONS (External to Planning)

Environmental Health: No objection

Forestry Officer: Considers changes to the house types to not have any arboricultural implications

Strategic Highways Manager: No comment to make

Brine Board: Advise that they have been in discussions with Applicant as part of their Building Regulations application.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council: No comment received

OTHER REPRESENTATIONS:

One reply to the neighbour consultation raising general observations about the site development that has already been approved.

APPLICANT'S SUPPORTING INFORMATION:

All documents are available in full on the planning file, and on the Council's website. As this is an application which seeks minor amendment to an extant permission, the technical and supporting information contained upon the previously approved development (ref 13/0100C) is still up to date and relevant. These are -

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Noise Assessment
- Arboricultural Assessment
- Draft Heads of Terms

OFFICER APPRAISAL

Principal of Development

The granting of the previous planning permission established the acceptability in principle of residential development on the site. Given that this is an application for modifications to the approved house types, this does not present an opportunity to re-examine the acceptability in principle of residential redevelopment if this site.

The main issues in the consideration of this application are the acceptability of the revised design in terms of highway safety, ecology, trees and landscape, footpath, affordable housing, contaminated land, open space, design and layout, residential amenity and flooding

Impact on character and appearance of the area

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy GR1 requires new residential development to create an attractive, high quality living environment. Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposed variations of the house types incorporates minor elevation changes to the house type which the Applicant advises are the latest variants in their designs. The floor areas, plot sizes and heights of dwellings remains as approved.

Plots 1, 3, 22, 23 and 24 have had a splayed bay window rounded off. In addition the wall of plot 24 has been re-aligned slightly to improve the rear garden.

Plot 5-10 has been amended to position the conservatory to the rear. Plot 4 has been internally modified and the splay bays have been squared off and the elevations up dated. The other minor alteration involves the re-siting of the garage within plot 1 by making it an integral garage.

These design changes are considered to be in keeping with the modern estate layout.

The proposed housing layout would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies GR1, GR2 and GR3 of the Local Plan.

Highways – safety, access and congestion

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Matters pertaining to the access through the estate were debated widely by the Committee when they resolved to approve 13/0100C. This application does not alter the access.

Trees

Matters relating to trees have been previously considered and the siting of plots has not been altered. The Tree officer has considered this application and has no concerns

Conclusion

The proposed elevation changes to the house styles is considered to be acceptable in terms of its impact upon the design and layout of this development site.

The Section 106 attached to 13/0100C and its existing Deed of Variation attached to 13/3680C, which accords with the CIL Regulations will require a deed of variation to enable the proposed changes to the scheme to be linked to the existing approval.

The Section 106 provides adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, monies towards highways mitigation to be utilised to improve the pedestrian environment to allow for future residents to walk into the town centre.

Community Infrastructure 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 commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 24 family sized dwellings, the occupiers of which will use local facilities as there are no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The highways contribution will be utilised to mitigate for the additional traffic and to assist in improving the pedestrian environment in the vicinity to encourage sustainable modes of transport.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

RECOMMENDATION

APPROVE subject to a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C and 13/3680C to Secure:

- § **Incorporation of the layout detailed within 14/2725C**

And the following conditions

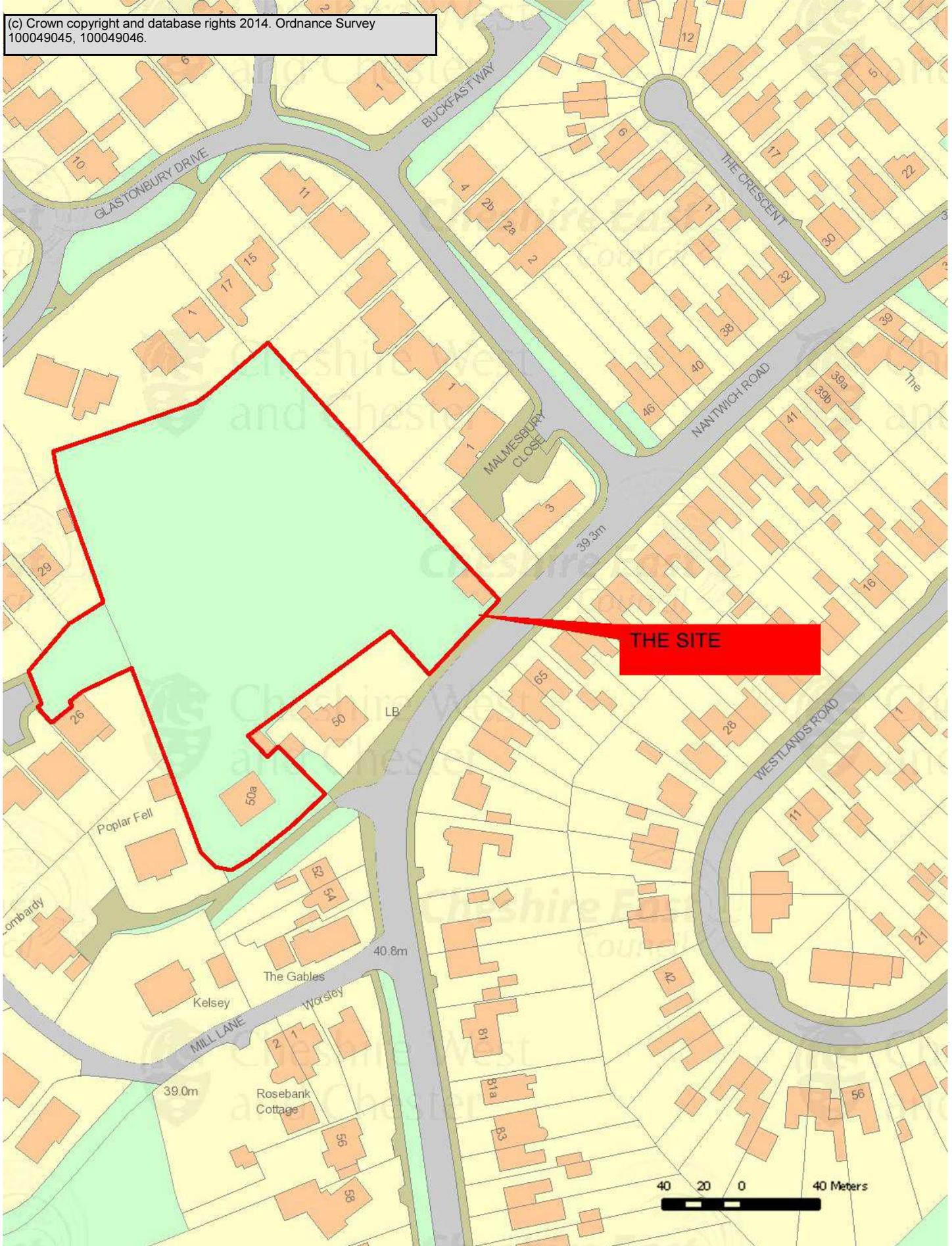
- 1. Time limit – 3 years**
- 2. Plans – as amended**
- 3. Materials as previously approved – additional materials to be submitted and approved**
- 4. Access to be constructed, formed and graded to satisfaction of highways authority**
- 5. Protection of highway from mud and detritus during construction**
- 6. Tree and hedgerow protection measures**
- 7. Arboricultural Specification/Method statement**
- 8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments**
- 9. Implementation of landscaping scheme, including replacement hedgerows**
- 10. Development to be undertaken in accordance with updated ecological survey (badger)**

11. Bats and bird boxes to be installed as agreed
12. On going development to accord with translocation scheme for reptiles the submitted Reptile Mitigation Strategy produced by RSK dated October 2012
13. Site drainage on separate system – development as approved
14. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
15. Mitigation measures to minimise any impact on air quality from construction dust – as approved
16. Contaminated Land Phase II investigation implementation as approved.
17. Development to be in accordance with Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
18. Construction specification/method statement
19. No new windows – gable elevations plot 12 and 15
20. Details of design / surfacing of proposed footpath links to site frontage implemented as approved
21. Open plan estate layout – removal of permitted development rights for fences in front gardens
22. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
23. Details of ground levels – development to accord with levels as approved
24. Details of bin/bike store as approved be implemented for plots 12-15
25. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
26. Management scheme for the maintenance of communal garden area plots 12-15 implemented as approved
27. The parking provision to plots 12 to 15 shall be a maximum of 150%
28. Scheme of affordable housing to be implemented as approved

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: 14/2944N

Location: Bentley Motor Company, PYMS LANE, CREWE, CHESHIRE, CW1 3PL

Proposal: Construction of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The relocation of fuel tanks and a fuel filling location. The proposed building comprises a large warehouse with one and a half portal frame structure, a single storey office annex to the North elevation with rest and WC facilities, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the North. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link.

Applicant: Stephen Elliott, Bentley Motors

Expiry Date: 15-Sep-2014

SUMMARY RECOMMENDATION

APPROVE with conditions

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Parking & Highways
- Impact on Amenity of Adjacent Properties

1. REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as the proposal exceeds 1000 square metres in floorspace.

1. DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of Bentley Motors, a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. The factory site consumes a significant area which is contained by Pyms Lane to the north, a railway line to the south, Sunnybank Road to the west and an area of open space to the east. There are other areas outside of this area which are within the applicant's ownership for car parking and ancillary development.

There are numerous large factory buildings within the site. This application relates specifically to some existing buildings used for engine testing and an area for HGV and light vehicle parking located in the centre of the plant but situated towards the rear southern boundary.

The site falls within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011

2. DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The proposed building comprises of a warehouse with one and a half portal framed structure, a single storey office annex to the north elevation, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the north. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link.

3. RELEVANT HISTORY

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

P06/0022 - Outline Planning permission approved for Industrial Storage and Distribution (B1, B2 and B8) on 13th January 2006.

12/4373N - New build showroom with associated car parking approved on 6th February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30th November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1st May 2013

12/4426N - Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's – Approved 03-Jun-2013

4. POLICIES

Crewe Local Plan Policy

BE.13 (Buildings of Local Interest)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Accessing and Parking)

E.4 (Development on Existing Employment Areas)

TRAN.3 Pedestrians

TRAN.8 Existing Car Parks

TRAN.9 Car Parking Standards

Cheshire East Local Plan Strategy Submission Version

SD1 (Sustainable Development Principles)

SE1 (Design)

CO2 (Car Parking Standards)

Other Material Considerations

National Planning Policy Framework

5. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection subject to the submission of a construction management plan.

Environmental Protection: No objection subject to conditions limiting the hours of construction, submission of details of lighting and measures to prevent dust, and conditions limiting the hours of use.

Environment Agency: No objection

Network Rail: No objection but request that the developer submits a Risk Assessment and Method Statement to ensure the works do not affect Network Rail land 27 metres to the south.

United Utilities: No objection but comment that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

6. VIEWS OF THE CREWE TOWN COUNCIL

No objection

8. OTHER REPRESENTATIONS

None received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

10. OFFICER APPRAISAL

Main Issues

The proposed development would be used to store finished car bodies once they have been painted. The Painted Body Store (PBS) will also include manufacturing space within the proposed building with a small single storey office annex together with ancillary accommodation. The manufacturing / workshop space would be contained within the northern half of the building facing

into the plant and would replace some existing engine testing buildings and an ancillary area for HGV parking.

The main issues in this instance are whether the proposed development is acceptable in principle, whether it would result in harm to the character and appearance of the area, the amenities of nearby properties, and also highway considerations.

Principle of Development

In terms of the local plan policy, the site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies. The has a longstanding association with the manufacturing and the production of motor cars and as such, it is considered that the compatibility of the site for such use is already established.

Bentley Motors is a large local employer who is seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main administration, office and production areas of the plant to enable future growth. The proposal will assist in the longer term vision and future expansion of Bentley Motors being realised. There are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. It is considered that such benefits are in line with the local plan and the aims of the NPPF and as such, the principle of the development is deemed to be acceptable.

Design - Character and Appearance

Given that the application relates to the site of a large factory, the size and scale of the proposed buildings would be commensurate with the existing portal buildings either side. The proposal would be read within this context and owing to its positioning towards the rear and along the centre line of the plant, it would not be evident from views of Pym's Lane. Elsewhere, the proposals would be read in the context of the existing site. It would not come any nearer to the boundaries of the site than the other adjoining buildings and consequently, the visual impact would be acceptable. The development would not appear dominant or incongruous and the massing of the elevations would be broken up with window features. The design is considered to be acceptable.

Parking, Highway Safety and Traffic Generation

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

The Strategic Highways Manager has viewed the application and is satisfied that any additional vehicular movements and parking requirements as a result of the proposals could be catered for by the existing parking provision at the site. It is also important to note that recent improvements to the pedestrian facilities around the site would support this proposal.

Impact on the Amenity of Adjacent Properties

The impact of the development upon nearby residential properties is a material consideration in regard to noise, disturbance and the physical massing of buildings. The nearest residential properties are located on Burlea Close and Merrill's Avenue to the south beyond the existing railway line. The nearest is approximately 60 metres distance away, but is not visible from the site as the existing bund to the south of the sit screens any views at ground floor level.

The Councils Environmental Protection Unit has no objection to this proposals. However, they have recommended that conditions be imposed limiting the hours of operation. It is important to note that the site is already in use for the manufacture of motor vehicles and is not presently subject of any planning condition that limits hours of operation.

This proposal is for B1a and B1c uses, which by their nature are less intensive and less noisy than general B2 industrial uses. The use will predominantly be for storing finished car bodies on an internal racking storage system. This will be contained in the southern half of the building with the remaining part given over to a workshop. Given that this will all be internally housed within the building envelope and given that there are presently no restrictions on the site, it is considered that such conditions would be unnecessary and unreasonable and such condition would not therefore meet the tests cited within the NPPF and Planning Practice Guidance.

The proposal would exceed the minimum separation distances advised in the Council's guidance relating to residential development, and therefore it is not considered that proposal would materially harm neighbouring amenity by reason of loss of light, direct overlooking, visual intrusion or noise.

Other Issues

There are no issues with respect to flooding and drainage and the comments provided by Network Rail with respect to any works affecting Network Rail land should be attached as an informative to any decision notice.

11. CONCLUSIONS

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local employer. The design of the proposals would not impact detrimentally on the character, appearance or landscaping of the site. The proposal is considered to be acceptable in terms of its impact upon residential amenity and is acceptable in highways terms. The proposal therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1) Standard time limit (3 years)**
- 2) Development to be carried out in accordance with approved plans**
- 3) Materials / colours in accordance with submitted details**

- 4) Hours of construction limited**
- 5) Hours of piling limited**
- 6) Acoustic Enclosure of any Fans / Compressors to be submitted**
- 7) Site to be drained on a separate system with foul water draining to the public sewer**



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Application No: 14/3102N

Location: OAK FARM, HEATLEY LANE, BROOMHALL, CHESHIRE, CW5 8AH

Proposal: Erection of a free range egg unit and associated feed bins, hardstandings and access road.

Applicant: Andrew Hollins

Expiry Date: 26-Sep-2014

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Principle of Development;
- Design of the Building and impact on Openness;
- Residential Amenity;
- Highways Access and Servicing.

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 located at Sound, Nantwich and is identified as an area of Open Countryside within the Local Plan. The site itself is a parcel of land of approximately 112 acres formerly associated with Oak Farm, and has the benefit of an agriculturally tied bungalow.

The site is divided by hedgerows with mature belts of trees to the north and east, with only limited views available from public vantage points of Whitchurch Road, Mickley Hall Lane and French Lane.

The site gained approval for the same development under 13/2637N by Southern Committee in September last year.

The site is accessed off an agricultural access located off Mickley Hall Lane.

DETAILS OF PROPOSAL

The application seeks planning permission for the construction of two poultry buildings, control room, four feed bins, hard standing and access track. The buildings would house 32 000 free range laying hens.

The proposed buildings would be connected via the control room and would measure 76m by 44m with a height of 5.7m in total.

The application site already contains two linked poultry buildings to the north.

At the time of the case officer's site visit the buildings constructed under application 13/2637N were under construction.

RELEVANT HISTORY

13/2637N Erection of 2 No. poultry buildings, link control room, 4 No. feed bins and associated hardstanding and access road (resubmission of 13/0662N)
Approved 19/9/2013

13/0662N Erection of 2 No. poultry buildings, link control room, 4 No. feed bins and associated hard standing and access road.

Withdrawn as protected species survey required.

7/15249 Agricultural workers dwelling
Approved March 1988

POLICIES

Local Plan Policy

Crewe and Nantwich Replacement Local Plan 2011

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species.

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

Other Material Considerations

National Planning Policy Framework

Planning Practice Guidance

CONSULTATIONS (External to Planning)

Environment Agency:

No objections to the proposal, however advise the applicant that an Environmental Permit would be required.

Highways: No comments to date

Environmental Health:

No objections subject to conditions requiring a waste management plan, details of lighting and a restriction on the hours of operation between 8am and 6pm Monday to Friday.

VIEWS OF THE PARISH / TOWN COUNCIL

None received

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted as part of the application that can be viewed on file.

OFFICER APPRAISAL

Principle of Development

The site lies within an area of Open Countryside where there is a presumption against inappropriate development. The construction of new buildings within the Open Countryside is inappropriate unless it is for the following purpose;

'Only development which is essential for the purposes of agriculture, forestry or outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'.

The proposed development falls within the definition of agriculture as defined within section 336 of the Town and Country Planning Act 1990 (as amended). Policy NE.2 states that that agricultural development is considered an appropriate use within a rural area. The National Planning Policy Framework supports this view. Policy NE.14 allows for new agricultural buildings subject to a number of requirements, including that the building is required for agriculture. In essence, the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Local Plan.

Design of Building and Impact upon the countryside

The proposal seeks permission for an additional poultry building to the south-east of the previously approved scheme.

The proposed building would be sited approximately 240m in to the site from Whitchurch Road. The proposed building would be 5.7m in height, with a footprint of approximately 3000sqm. The building would take a typical agricultural appearance, scale and form, and would match the previously approved building on site.

The building would be of typical agricultural appearance, clad entirely in plastic coated profiled steel, finished in an olive green colour (juniper green). Four feed silos would be located on concrete adjacent to the building, with hard standing area for parking and turning. An existing access track within the site would be extended in order to provide access from Mickley Hall Lane. The extension to the track would be fabricated in crushed stone and concrete, typical to the rural character of the area.

The proposed building will be seen within the area, with limited views available from public vantage points, however it would be in keeping as an agricultural function within the rural area.

An appropriate landscaping scheme was agreed under application 13/2637N in order to further reduce the visual impact of the building.

Residential Amenity

The proposed development falls under the control of the Environment Agency and in order to operate an IPPC permit is required for the development. In order to operate, any poultry unit with more than 40,000 birds is required by law to hold an IPPC permit which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. As the existing poultry unit and the proposed expansion of the unit are controlled under the IPPC permitting regime, the likelihood of significant impact on the environment from the proposed development is negligible due to the strict regime of control.

The unit will be managed with the birds housed in 'deep litter' with ventilation system that does not attract flies or result in odour problems. Dust from the production will be controlled via the ventilation system within the building, in line with European Union guidance. Calculations submitted by the applicant suggest that dust would not fall beyond 100m of the building, therefore no impact would be felt to the nearest residential property 450m away. It is of merit to note that the Environmental Health department have viewed the proposal and raise no objections to the proposal. The applicant states that manure would be removed from the building twice weekly and would be used as fertiliser by a neighbouring farmer. A Waste Management Plan would be requested via condition in order to ensure the safe removal of waste.

With regard to visual impact, privacy and overshadowing, the nearest residential building is sited in excess of 450m from the site. Located to the north is a farmstead, to the east and south open fields, and to the west lie residential properties as the topography of the land rises. The existing hedgerow surrounding the site, twinned with the siting of the building well into the site would provide benefits in the form of screening.

The egg unit is designed in order to prevent adverse environmental consequences, and would be controlled via the permit system of the Environment Agency. As such, the proposal would not adversely affect the residential amenity of neighbouring dwellings, complying with policy BE.1 of the Local Plan.

Highways

Comments are awaited from the highways authority, however no objections were received under the last application. Highway comments will be provided to Members via an update report.

Ecology

A number of ponds are located within 250m of the proposed development and a small population of great crested newts have been recorded as breeding to the south of the proposed development.

The Council's Ecologist has advised that the application site offers very limited habitat for great crested newts and the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures'

These 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 Habitat Regulations during the determination of this application. A condition would be required to ensure that the proposed development proceeds in accordance within the submitted ecology report.

Public Right Of Way (PROW)

Broomhall FP1 crosses the site from east to west. The existing agricultural track crosses the footpath, and the proposal seeks an additional extension to this access which would not impact upon FP1 any further.

The Council's PROW Officer has been consulted and request that for health and safety a sign is erected to warn pedestrians of the vehicle movement, this could be ensured by condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

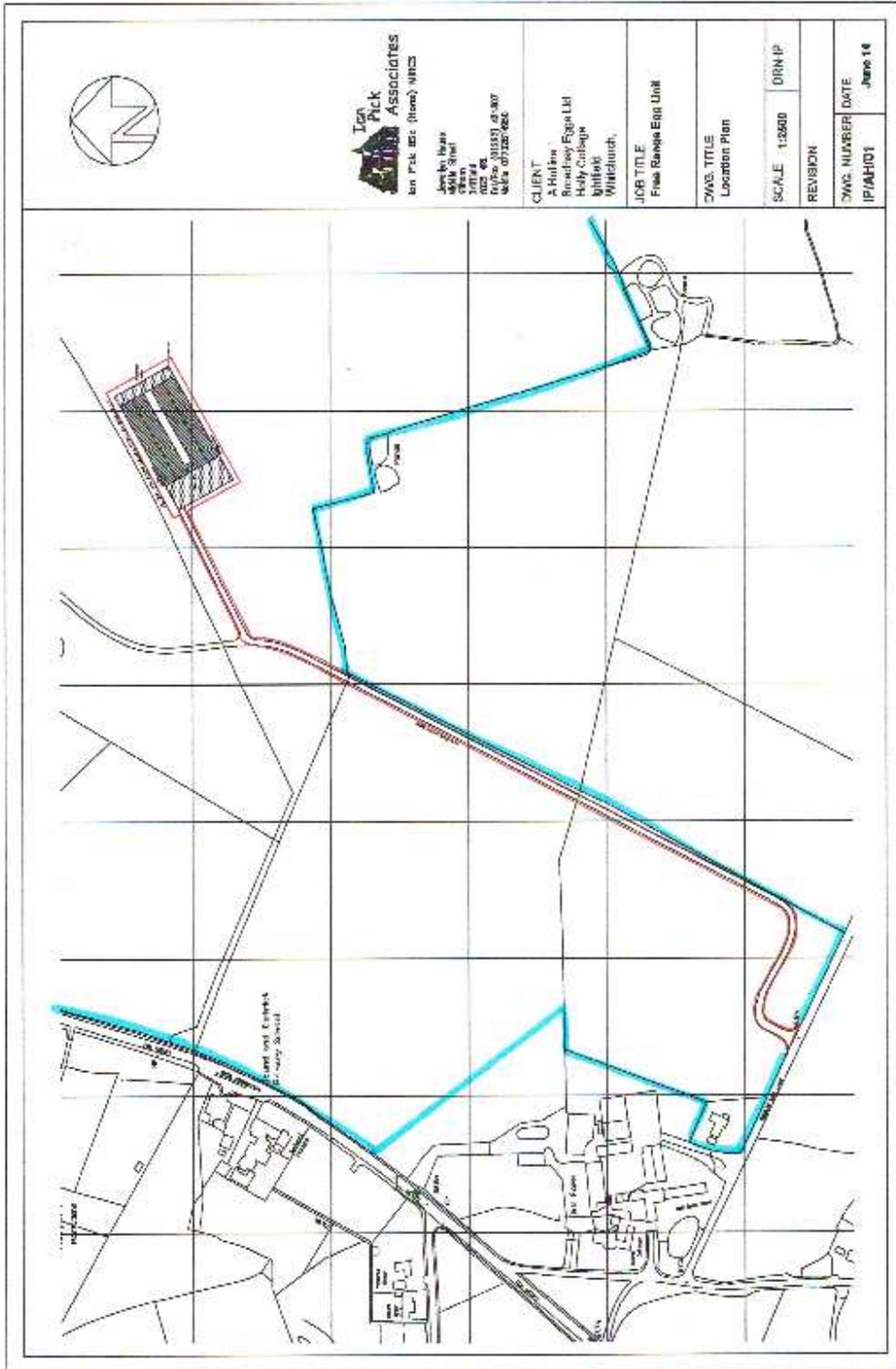
The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the

character and appearance of the area or residential amenities. The proposal will generate negligible amounts of additional traffic and would not adversely impact upon highway safety. The Great Crested Newts within ponds on/adjacent to the site would be protected by the mitigation measures within the survey submitted. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to the following conditions:-

- 1) Standard time limit**
- 2) Approved plans**
- 3) Facing and roofing materials to be submitted**
- 4) In accordance with protected species survey**
- 5) Foul and surface drainage water details to be submitted**
- 6) Submission of a waste management plan**
- 7) Deliveries and collections from site including delivery and removal of livestock and waste only Monday- Friday 8am – 6pm**
- 8) No external lighting unless agreed in writing by the LPA.**
- 9) PROW signage**

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.



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Application No: 14/3129N

Location: ST PETERS CHURCH, MIDDLEWICH ROAD, MINSHULL VERNON, CHESHIRE, CW1 4RD

Proposal: Extension of existing graveyard at St. Peters Church.

Applicant: Minshull Vernon Parochial Church Council

Expiry Date: 29-Aug-2014

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES**

- Principle of development
- The impact on character and appearance of Open Countryside / design
- The impact on neighbouring amenity
- The impact upon protected species
- The impact upon highway safety

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to the change of use of land over 1 hectare in size.

DESCRIPTIN OF SITE AND CONTEXT

The application site forms an 'L-shaped' field over 1 hectare in size to the rear of St Peter's Church and St Peters Community Hall and encompassing The Vicarage on 2 sides (south and west).

The site lies to the west of Middlewich Road (A530), Minshull Vernon in the Open Countryside as defined by the Crewe and Nantwich Borough Replacement Local Plan 2011.

The site is relatively flat and open in nature and consists of tall, mature boundary treatments.

DETAILS OF PROPOSAL

Full planning permission is sought for the change of use of the land to form an extension to the existing graveyard.

RELEVANT HISTORY

None on application site. However, on adjacent church site;

09/1171N - Construction of New Community Hall to Replace Existing Portakabins – Approved 10th July 2009

P07/1322 - Change of Use of Existing Building to Temporary Church Hall – Approved 12th November 2007

P04/1010 - Construction of Community Hall and Associated Car Parking (Replacement of Temporary Buildings) – Refused 25th August 2006

P02/1281 - Community Hall & Associated Parking – Approved 5th March 2004

P97/0395 - Renewal of permission P92/381 – Approved 23rd June 1997

P92/0381 - Temporary church hall – Approved 24th June 1992

POLICIES

Local Plan Policy

NE.2 - Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

NE.9 – Protected Species

National Planning Policy

National Planning Policy Framework (NPPF)

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.

Policies

PG5 - Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE3 – Biodiversity and Geodiversity

CONSULTATIONS (External to Planning)

Environmental Protection – No objections, subject to informatives regarding hours of construction and contaminated land

Environment Agency – No comments received at time of report

Public Rights Of Way (Cheshire East) – No objections, subject to the applicant being reminded of their responsibilities.

Strategic Highways Manager - No comments received at time of report

VIEWS OF THE PARISH COUNCIL

Minshull Vernon Parish Council – No comments received at time of report

OTHER REPRESENTATIONS

No comments received at time of report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

OFFICER APPRAISAL

Principle of development

The proposal seeks the change of use of an 'L-shaped' plot of land, from its existing agricultural use to that of a graveyard.

The application site is located within the Open Countryside and therefore Policy NE.2 of the Local Plan is the principal consideration. Policy NE.2 states that in Open Countryside, only development which is appropriate to the rural area will be permitted.

Paragraph 89 of the NPPF states that the construction of cemeteries within the Green Belt is considered to be acceptable in principle subject to it preserving the openness of the Green Belt and it not conflicting with the purposes of including the land within it. No reference is made to the Open Countryside.

As this proposal lies within the Open Countryside, which is similar to the Green Belt but with not the same level of protection, it is considered that the principal of the proposed use is acceptable. Furthermore, the applicant has stated that the existing graveyard is now at capacity and therefore an extension to the existing provision is required.

It is considered that given the nature of the proposed development, the relatively small amount of development required for the change of use and because the location of the site is within close proximity to the existing church yard, church, vicarage and other built forms to the east and southeast, there would not be significant detrimental impact upon the openness or local character of Open Countryside in this location.

As such, the principle of the development is accepted.

Impact on character and appearance of the area

The submitted plan shows that the development would comprise of a centralised driveway extending from one end of the site to the other in an east-west direction. This driveway would be approximately 96 metres in length and comprise of a 'T-shaped' turning head at the far western end with 3 parking spaces just to the west.

A second turning head is proposed half-way down the driveway on the northern side. Again, 3 parking spaces are proposed in close attendance.

A proposed timber shed is sought adjacent to this turning head. No details of this shed have been provided. As such, should the application be approved, it is recommended that detailed drawings of this shed be submitted for approval prior to commencement of development.

The graveyard would be constructed in a series of rows extending north-south on either side of the proposed driveway.

At the entrance of the site to the south, would be a burial ground for the cremated and the creation of an exposed Roman Road. A second burial area for cremated remains is proposed towards the centre of the site to the north. The remainder of the site would be used for burials.

A footpath would extend along the entire circumference of the site.

It is considered that the change of use of the land can be carried out without generating a significant change to the character and appearance of the Open Countryside given that the majority of the site would remain planted either with grass, shrubbery or trees and little built form. As the site is also well screened from public vantage points, the openness of the Open Countryside will also be preserved.

It is considered that the formal layout of the proposed graveyard would not have a significant detrimental impact upon the local character to warrant refusal of this application subject to the agreement of a formal landscaping plan prior to commencement of development.

The application is therefore considered to adhere with Policy BE.2 and NE.2 of the Local Plan.

Impact on the amenity of neighbouring properties

The nearest residential properties to the application site would be The Vicarage, which would be encompassed by the development on 2 sides to the north east of the site, and the occupiers of The Old Vicarage, located approximately 20 metres from the southern boundary of the site.

Given the nature of the development proposed, no issues in relation to loss of light, privacy or visual intrusion would be created by the development.

With regards to environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to the inclusion of an hours of construction and a contaminated land informative. As such, it is not considered that the development would result in any environmental disturbance concerns.

The proposal is therefore considered to adhere with Policy BE.1 of the Local plan.

Parking and Access

A new private driveway is proposed which would link into an existing private driveway which then extends onto the A530 Middlewich Road to the east. As part of the driveway arrangements, 2 turning heads and 6 parking spaces are proposed.

There would be no change to the adopted public highway access point. An update will be provided once the comments of the Strategic Highways Manager have been received.

Ecology

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development and as such, raises no objections.

As such, it is considered that the proposed development would adhere with Policy NE.9 of the Local Plan.

Other Matters

Should the application be approved, it is recommended that the prior submission of a drainage scheme should be submitted to and approved in writing by the Local Planning Authority in order to address any potential drainage concerns.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed change of use of this rural field to a graveyard is appropriate and would not have any significantly detrimental impact on the character or openness of the Open Countryside, the amenities of nearby properties, highway safety or ecology. The proposal is therefore in compliance with Policy NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan. The proposal

would also adhere with the relevant policies within the Cheshire East Local Plan Strategy – Submission Version, and the NPPF.

RECOMMENDATIONS

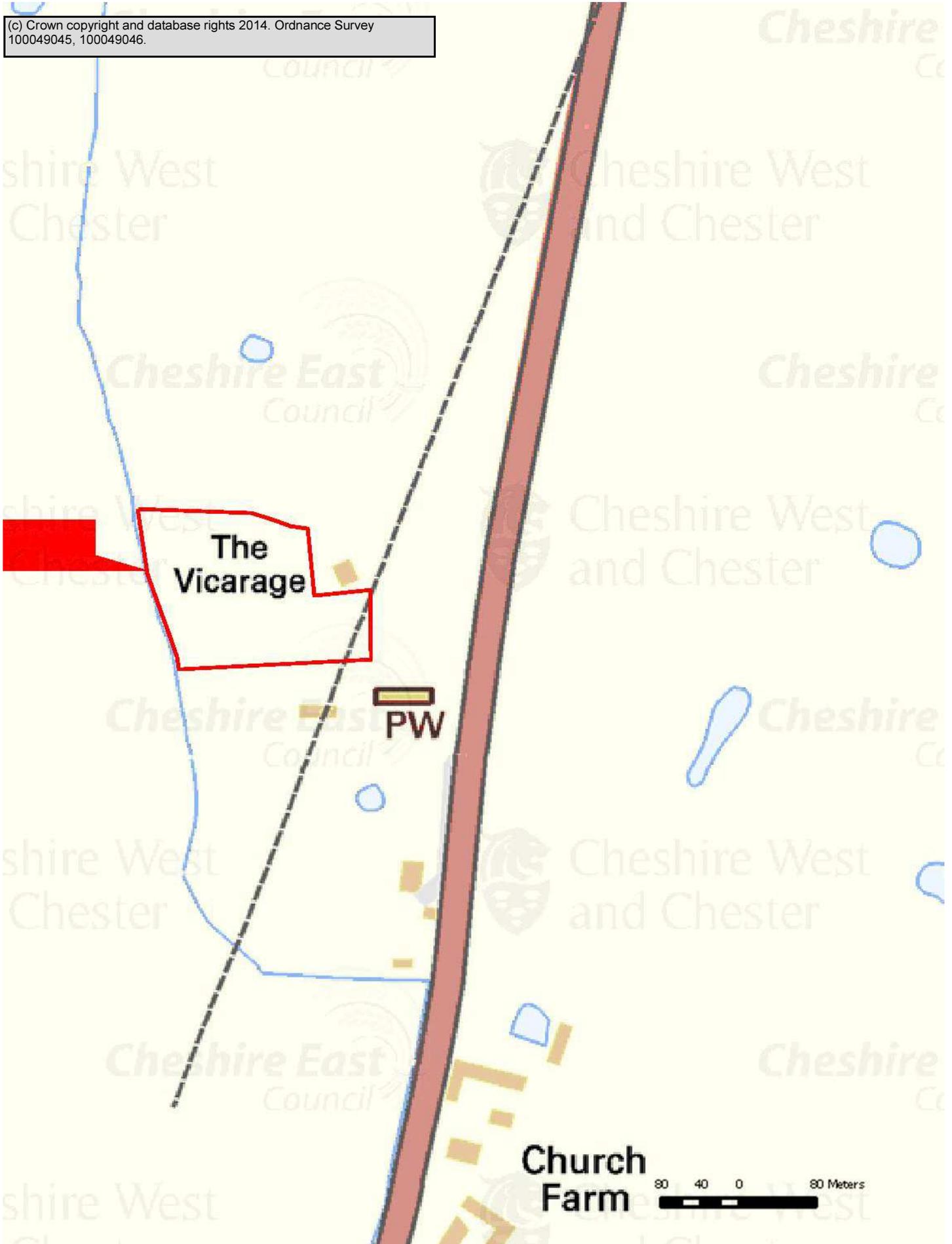
APPROVE with conditions

- 1. Standard (Time)**
- 2. Plans**
- 3. Landscaping scheme to be submitted**
- 4. Landscape Implementation**
- 5. Details of shed to be submitted**
- 6. Prior submission of a drainage plan**

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: 14/3141C

Location: VALLEY COURT PHASE 2, SANDERSON WAY, MIDDLEWICH, CHESHIRE

Proposal: Variation of condition 2 of permission 13/0247C to amend the layout of plot B to create a single unit of 9000sqf

Applicant: Bob Nicholson, Pochin Land & Development Ltd

Expiry Date: 25-Sep-2014

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- Principle of development
- The impact of the design
- The impact upon landscaping / trees
- The impact upon amenity and health
- The impact upon highway safety / parking / traffic
- The impact upon footpaths / cycleway
- The impact upon public utilities and flooding
- The impact upon nature conservation
- The impact upon archaeology

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee because the application relates to a development with a cumulative floor space between 1,000 and 9,999 square metres.

DESCRIPTION OF SITE AND CONTEXT

The application site is on scrubland located to the northwestern end of Sanderson Way, Middlewich within the Middlewich Settlement Boundary.

The site is classified as Grade 3 farmland although it is currently not used for grazing livestock. It is relatively flat but slopes downwards generally towards the southern and western edges of the site.

Beyond the eastern boundary of the application site is the initial phase of the Valley Court development which comprises eleven industrial units.

The application site is bounded along its south-western boundary partially by the Crewe rail link and partially by Sanderson's Brook which forms part of an environmental corridor.

Prosperity Way runs roughly parallel to the northern boundary of the site, which provides access to the sewage works which is positioned to the north-west. To the north of Prosperity Way is an area of green open space through which runs the River Croco.

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 (approved plans) from the planning permission 13/0247C which was for the *'Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping.'*

Condition 2 of this approval reads as follows;

Condition 2

'The development hereby approved shall be carried out in total accordance with the approved plans entitled:

*Proposed Site Layout
Proposed Elevations Unit A
Proposed Elevations Unit B1-B5
Proposed Elevations Unit C
Proposed Ground and First Floor Plan Unit A
Proposed Ground Floor Plan Unit B1 - B5
Proposed Floor Plans Unit C*

Received by the Local Planning Authority on the 16th January 2013.

Reason: For the avoidance of doubt and to specify the plans to which the permission relates.'

The applicant seeks to vary the approved plans condition in order to amend the layout of a section of the development. The layout of the approved development site comprises of 3 sections; Unit A, x5 B Units and a Unit C.

The applicant seeks to re-arrange the layout of the site which comprises of the B Units. More specifically;

B Units

- Two separate buildings (Units B1, B2, B3, B4 and B5) to be replaced with 1 larger building (Unit B).
- Re-locate the turning circle to the rear of the site
- Reduce the number of parking spaces from 18 plus 5 accessible to 9 plus 1 accessible.

RELEVANT HISTORY

13/0247C - Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping – Approved 22nd April 2013

07/1442/REM – Reserved Matters. Erection of 16no. B1, B2 & B8 units (with possible future subdivision) – Approved 28th July 2009

37594/3 – Construction of access road to serve future employment development – Approved 27th August 2004

34743/3 - Application under S73: Development of Land without Compliance with Condition 11 of Outline Planning Permission 31584/1 – Approved 2nd September 2002

37737/3 - Modifications of conditions 1,2,3,5 and 8 of outline planning permission 8/31584/1 – Approved 12th October 2004

31584/1 - Development of Land for Employment Uses (Use Classes B1, B2 and B8), Together With Open Space along Sanderson's Brook and the Continuation of the Middlewich Eastern Bypass – Approved 29th April 2002

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS4 – Towns

E3 – Employment development in towns

GR1 – New Development

GR2 – Design

GR4 - Landscaping

GR6 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

GR11 – Development involving new roads and other transportation projects

GR13 – Public Transport Measures

GR14 – Cycling Measures
GR15 – Pedestrian Measures
GR16 – Footpath, Bridleway and Cycleway Networks
GR17 – Car Parking
GR18 – Traffic Generation
GR19 – Infrastructure
GR20 – Public Utilities
GR21 – Flood Prevention
NR1 – Trees and Woodlands
NR2 – Wildlife and Nature Conservation (Statutory sites)
NR3 – Wildlife and Nature Conservation (Habitats)
NR4 – Wildlife and Nature Conservation (Non-statutory sites)

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.

Policies

PG1 – Overall Development Strategy
PG2 – Settlement Hierachy
EG1 – Economic Prosperity
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
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, Hedgerows and Woodland
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE13 – Flood Risk and Water Management
CO4 – Travel Plans and Transport Assessments
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections

Environmental Health – No comments received at time of report

Comments on 13/0247C:

No objections, subject to the addition of conditions relating to; hours of construction and the prior submission of any proposed lighting.

Environment Agency – No objections, subject to conditions relating to the prior submission of a scheme to limit the surface water run-off generated by the proposal and the prior submission of a landscape management plan. In addition, a number of informatives relating to the fact that the nearby brook is a 'main river', vehicle loading/unloading bays and storage areas involving chemicals shall not be connected to the surface water drainage system and the provision of an oil interceptor.

Natural England – No comment (30th July 2014)

United Utilities – No comments received at time of report

Comments on 13/0247C:

No objections, subject to conditions that the site must be drained on a separate system, that the applicant must sign a water agreement and the supply of general information for the applicant regarding contact details.

English Heritage – Application should be determined on the basis of the Council's Specialist conservation advice.

Public Rights of Way (Cheshire East Council) – Request the applicant provide upgrades to the condition of the footpath between Pochin Way and Brooks Lane.

Archaeology (Cheshire East Council) – Request that the applicant submit an implementation programme of archaeological work prior to the commencement of development due to the local findings of '*Roman Structures, field boundaries, a pottery kiln, and salt-making debris.*'

Brine Compensation Board – No comment (29th July 2014)

Network Rail – No comment (21th July 2014)

Canal & River Trust – No comments received at time of report

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council – No comments received at time of report

Comments on 13/0247C:

‘Support the extension to the expansion of the Employment Estate, but subject to a condition for an archaeological study or watching brief, in view of previous finds in the locality and proximity of the site to the Scheduled Murgatroyd’s Brine Pump off Brooks Lane’

OTHER REPRESENTATIONS:

No comments received at time of report

APPLICANT’S SUPPORTING INFORMATION:

None

OFFICER APPRAISAL

Principle of development

The application site is positioned within the Middlewich Settlement Boundary on a site historically allocated for employment purposes which currently forms scrubland. As such, the principal acceptability of the overall development was determined by Local Plan Policies PS4 and E3 and considered acceptable under permission 13/0247C.

This application considers the re-arrangement of a section of this approved development only. More specifically; the replacement of 2 industrial units with 1 larger unit (40m depth x 22m width x 9m height); the re-positioning of a turning circle and the reduction in the number of parking spaces from 23 to 10.

As such, the principal considerations in the determination of this application are the impact these changes would have upon; design, amenity, highway safety, landscaping and trees, nature conservation and archaeology.

Design

The proposed development would involve the replacement of 2 smaller industrial units with 1 larger unit.

The larger unit would measure approximately 40 metres in depth and 22 metres in width and would consist of a dual pitched roof approximately 9 metres in height.

This unit would be screened to the east and west by other industrial units granted as part of this application and would be accessed via an extension to Sanderson Way to the north which has already been granted approval.

It is advised within the submission that the unit would be finished in horizontal metal profiled clad walls. The fenestration would be polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. This finish and design would not appear incongruous within its setting sited adjacent to other similar units on Sanderson Way.

The extension of the hard standing to the rear of the proposed single B unit in order to re-locate the turning circle is considered acceptable for the purpose it would serve.

Given that the proposed changes to the approved scheme would be sited amongst other industrial and commercial development and would be constructed from materials that would not appear incongruous within this industrial setting, it is considered that the design of the scheme would be acceptable and would adhere with Policy GR2 of the Local Plan.

Amenity and Health

There are no residential properties within the vicinity of the proposal. As such, it is not considered that the proposal would create any notable amenity issues with regards to loss of privacy, loss of light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Health Team advised, in response to the previous approval, that they would have no objections to the proposal, subject to conditions relating to hours of construction and lighting.

Given that there are no residential properties within close proximity of the development site, it is not considered that such conditions are necessary in this instance.

As such, it is considered that the proposed development adheres with Policy GR6 of the Local Plan.

Highways

The proposed development would involve the change in layout of the Unit B area to include the re-positioning of the turning circle and a reduction in the number of parking spaces from 23 to 10.

The Strategic Highways Manager has advised that although there is a reduction in the number of parking spaces, there will be one operator and not the multiple users that would come with multiple units. As such, the level of parking demand will be lower. As such, it has been advised that there are no highways objections to the changes sought.

As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Landscaping & Trees

The proposed submission does not include an associated landscaping plan. Furthermore, the Environment Agency have requested that a landscaping plan be supplied prior to the commencement of development in order to protect biodiversity. As such, should the application be approved, it is proposed that details of landscaping and the subsequent implementation of such a scheme be submitted to and approved in writing by the LPA and the Environment Agency.

Subject to these conditions, it is considered that the proposed development would adhere with Policy GR4 of the Local Plan.

Footpath, cycling and pedestrian measures

Public Footpath 19 in Middlewich is located within the development site. The path runs between Brooks Lane and Pochin Way via Sanderson Way and is shown on the plans within the application.

The Council's Public Rights of Way Officer has advised that the proposed development provides '*...an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.*'

It has been requested that the physical condition of the footpath between Pochin Way and Brooks Lane be upgraded. '*Works would include surfacing to an agreed width and specification, drainage, the removal of existing path furniture and the installation of possible new furniture.*'

In order to secure these upgrades / improvements, it is proposed that a schedule of works to improve / upgrade the footpath be conditioned within the development site. Once conditioned, it is considered that the proposed development would adhere with Policies GR14, GR15 and GR16 of the Local Plan.

Public Utilities and Flooding

The Environment Agency has advised that they have no objection in principle to the proposed development, but have proposed a number of conditions.

The proposed buildings are to be located on land that is within Flood Zone 1, which carries a low probability of river/tidal flooding. However, it is proposed that the applicant, prior to commencement of development, submit a scheme to limit the surface water run-off generated by the proposal.

In addition, in the interests of biodiversity, it has been proposed that a landscape management plan be conditioned that will include a buffer zone between the development and the watercourses.

Subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy GR21 of the Local Plan.

United Utilities raised no objections in principle to the previously approved development subject to conditions. United Utilities requested that the site be drained on a separate system with only foul drainage connected to the sewerage system. It has also been advised that a separate metred water supply to each unit will be required at the applicant's expense. Furthermore, it was recommended that the applicant contact United Utilities should the application be approved regarding connection to the water mains/public sewers. These were added as informatives. It is not considered that the changes sought to the approved scheme would significantly alter these conclusions.

As such, subject to the addition of these informatives, it is considered that the development would adhere with Policy GR20 of the Local Plan.

Nature Conservation

The previously approved development was accompanied by an Ecological Report. The Council's Nature Conservation Officer, in response to this report, advised that;

'Two badger setts have been recorded on this site. The submitted report concludes that one of the setts (sett 1) be lost to the proposed development and would require closure under a Natural England license prior to the commencement of development. The proposed development would also result in the loss of badger foraging habitat. It is proposed that the loss of this sett would be compensated for by the provision of a replacement artificial sett. I advise that the loss of foraging habitat could be mitigated for by the planting of fruit bearing trees.

I advise that the submitted mitigation report lacks detail, however I am satisfied that the adverse impacts of the proposed development on badgers can be appropriately mitigated in accordance with current best practise.

If planning consent is granted I recommend that conditions be attached to secure the following:

- *Detailed design and location of the proposed artificial badger sett*
- *Detailed proposals for the erection of badger fencing*
- *Detailed planting scheme including native fruit bearing trees '*

As such, subject to the conditioning of the above, it was considered that the proposed development would adhere with Policy NR2 of the Local Plan. It is not considered that the proposed changes would alter these conclusions.

Archaeology

The proposed development site lies just beyond the southern limits of Middlewich's Area of Archaeological Potential.

Archaeological work in advance of the development of previous phases of the Midpoint 18 site has revealed evidence of Roman Structures, field boundaries, a pottery kiln, and salt-making debris.

It is noted by the Council's Development Control Archaeologist that the archaeological potential of the site is limited and not sufficient to justify an objection to the development. However, it would be reasonable to secure some further mitigation in the event that planning permission is granted. As such, a prior to commencement condition for an implementation programme of archaeological work is recommended.

Other matters

There would be no issues created with regards to Network Rail.

CONCLUSIONS

It is not considered that the proposed changes to the layout and built form of the approved industrial development would create any new issues in relation to design, amenity, highway safety, public footpaths, utilities, flooding or nature conservation.

As such, the proposal would adhere to Policies PS4 (Towns), E3 (Employment development in towns), GR1 (New Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR11 (Development involving new roads and other transportation projects), GR13 (Public Transport Measures), GR14 (Cycling Measures), GR15 (Pedestrian Measures), GR16 (Footpath, Bridleway and Cycleway Networks), GR17 (Car Parking), GR18 (Traffic Generation), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation (Statutory sites)), NR3 (Wildlife and Nature Conservation (Habitats)) and NR4 (Wildlife and Nature Conservation (Non-statutory sites)).

The proposed changes would also adhere with the relevant policies within the submitted Cheshire East Local Plan Strategy – Submission Version and the policies within the NPPF.

As such, the proposed variation of the approved plans condition is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

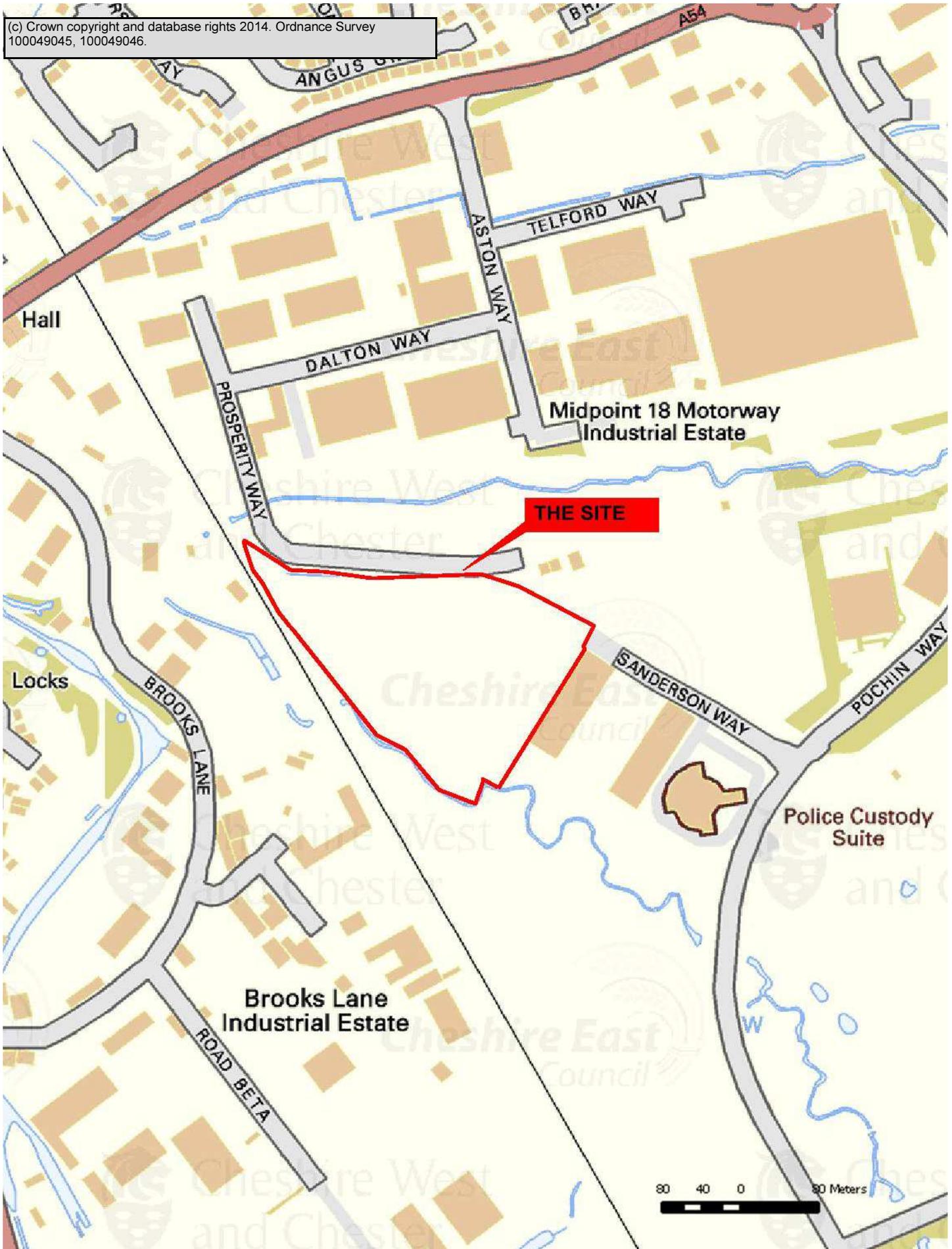
- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping (details – including buffer zone & native fruit bearing trees)**
- 5. Landscaping (implementation)**

6. Prior submission of a Schedule of works to improve Footpath 19 between Pochin Way and Brooks Lane within the development site only
7. Prior submission of surface-run off limitation measures
8. Prior submission of an implementation programme of archaeological work
9. Prior submission of detailed design and location of the proposed artificial badger sett
10. Prior submission of proposals for the erection of badger fencing

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: 14/0009N

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 (the point of access has been varied slightly during the course of this application).

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: Further to the previous comments on this proposal, the applicant has revised the road layout design and the access.

The access has been moved away from the existing school access and now provides a satisfactory separation distance between the two access points. Given that there is potential for on-street parking to occur on the access to this development as a result of the school parking, the SHM will require that the applicant fund a TRO for parking restrictions to be implemented to protect the junction from inappropriate parking.

The parking provision with the site has been clarified as a minimum of 200% across the whole development and is considered an acceptable provision.

The internal road layout has been modified to include speed reducing features.

The technical points raised in the previous comments have been addressed in the revised scheme and subject to the provision of 5k as part of a S106 Agreement to fund a TRO, The SHM does not raise any highway objections.

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."*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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. Following negotiations with applicant's agent the position of the access point has been moved further from the access to the Dingle Primary School.

The Highways Officer has also commented that the proximity of the proposed junction to the The Dingle Primary School access is now acceptable subject to a TRO contribution of £5,000 to protect the junction from inappropriate parking.

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 now provide 200% parking provision across the whole site which is considered to be acceptable to the Strategic Highways Manager.

Public Transport

The application site is 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

Following negotiations with the applicant's agent, an acceptable access and parking solution has been secured. As a result the proposed development now complies with Policy BE.3 of the Crewe and Nantwich Replacement Local Plan 2011.

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 is 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.

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 would result in increased demand for primary school places in the catchment area of the site where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The TRO contribution is required to control inappropriate parking at the site entrance which would cause a highway safety hazard. It is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

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 provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact. Furthermore there would be adequate 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.**

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.

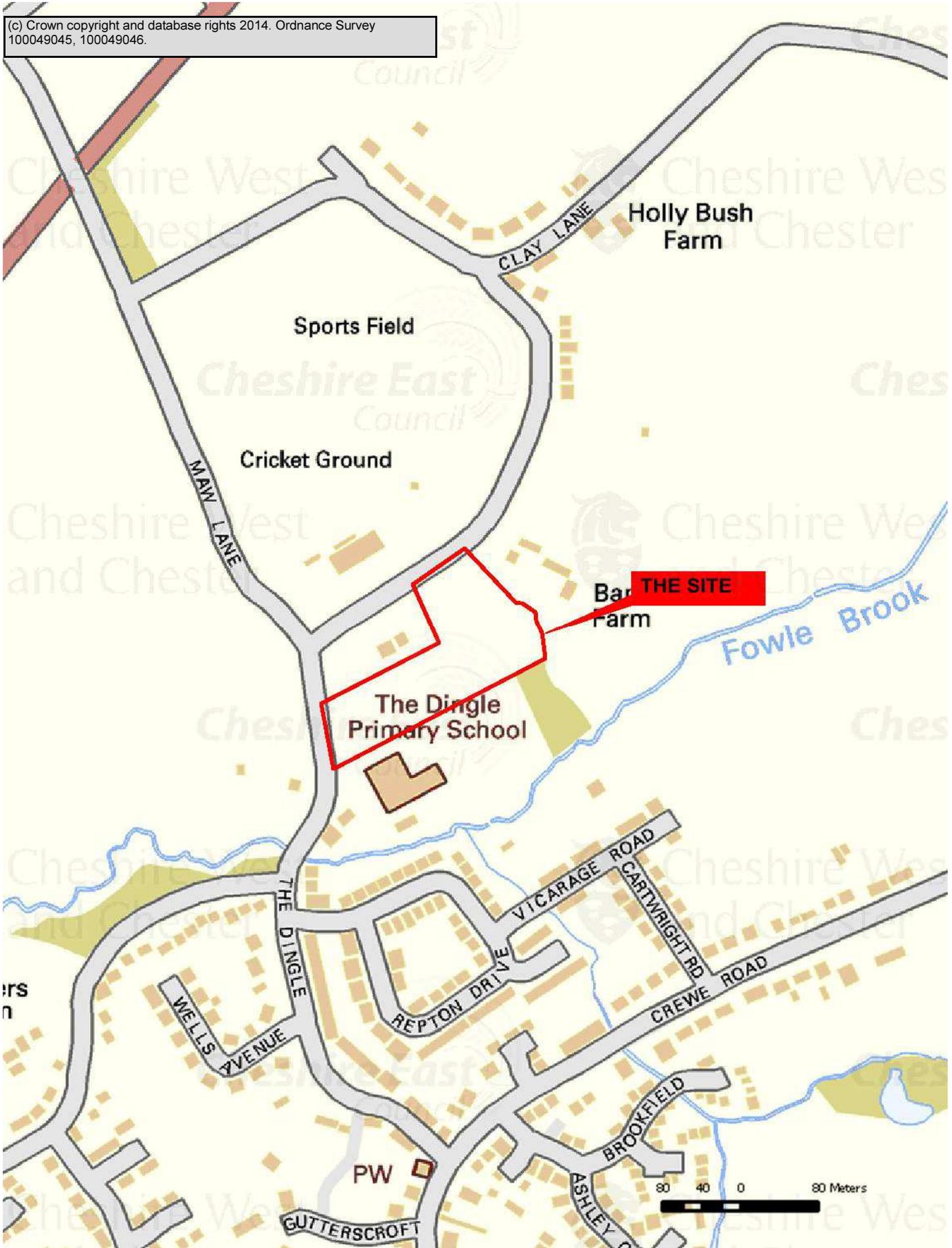
S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**

- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. The provision of a Open Space/Ecological Mitigation and a LEAP with 6 pieces of equipment to be maintained by a private management company
- 3. A commuted payment of £65,078 towards primary school education
- 4. TRO contribution of £5,000 to protect the junction from inappropriate parking



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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. The Greenspace Manager advise that the open space 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)
- Supporting letter from Stewart Milne Homes

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively

assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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 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.

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 would result in increased demand for primary and secondary school places where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

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.

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. The provision of a Open Space/Ecological Mitigation and a a LEAP with 6 pieces of equipment to be maintained by a private management company**
- 3. A commuted payment of £130,155 towards primary school education and £147,084 towards secondary school education**

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Application No: 14/3143M

Location: 2, MEDDINGS CLOSE, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7XA

Proposal: Two storey side and single storey rear extension, render existing house and pitched roof over existing flat roof

Applicant: J Williamson

Expiry Date: 28-Aug-2014

Date Report Prepared: 18 Aug 2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Design/ Scale
- Impact on neighbouring amenity

REASON FOR REPORT

The applicant is an employee of Cheshire East Borough Council.

As such, the application is to be determined by the Southern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a relatively large two storey dwelling located within a predominantly residential area, as defined by the Macclesfield Borough Local Plan. The area is characterised by predominantly detached two storey dwellings of a variety of architectural styles, with spacious plots and open frontages. The site lies adjacent to, but not within, a large field that lies within the Green Belt.

DETAILS OF PROPOSAL

The proposals are for the demolition of the existing conservatory and the erection of a two storey side extension, formation of pitched roof over existing flat roofed garage, front entrance canopy and alterations to existing windows on the front, side and rear elevations. The property is also to be rendered. It has not been detailed in the application form what colour or nature the render is proposed to take.

Planning History

14/2275M

Single storey rear extension and pitched roof to existing flat roof

APPROVED

07/07/14

POLICIES

Macclesfield Borough Local Plan – Saved Policies

BE1- Design Guidance

DC1- New Build

DC2- Extensions and Alterations

DC3- Amenity

DC35- Materials and Finishes

DC38- Space, Light and Privacy

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.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

The National Planning Policy Framework (NPPF) sets out the government’s planning policies for England and how these are to be applied.

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Crewe and Nantwich Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)”*.

The Local Plan policies outlined below are all consistent with the NPPF and should therefore be given full weight.

Other Material Considerations

Ministerial Statement – Planning for Growth

National Planning Policy Framework

Planning Practice Guidance

CONSULTATIONS (External to Planning)

None.

VIEWS OF THE PARISH COUNCIL

Alderley Edge Parish Council- No comments received by the date of writing this report.

OTHER REPRESENTATIONS

None.

OFFICER APPRAISAL

Design/ Character and Appearance

Local Plan policies BE1 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

The two storey side extension would remain subservient to the main dwelling and set back from the street scene, with a vernacular in keeping with the character and appearance of the existing dwelling and locality.

The proposed pitched roof and front canopy is considered to improve the character and appearance of the dwelling. It is noted that other properties on the street have had similar pitched roofs approved and built. The demolition of the existing conservatory and erection of a single storey rear extension, and alterations to windows are also considered to be acceptable in design terms and in keeping with the existing and surrounding vernacular.

Other properties in the vicinity, such as on Downesway, have recently gained approval to fully render the house, and that some properties on Meddings Close are partially rendered. Subject to the colour and type of render proposed, which can be controlled via condition, this aspect of the proposal is considered to be acceptable and would not adversely impact on the character and appearance of the street scene.

Subject to this, overall the proposed development is considered to be acceptable in design terms, in accordance with policies BE1, DC1, DC2, DC35 and the NPPF.

Amenity

Local Plan policies DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The two storey side extension would have no side windows to the first floor and this could be conditioned. This extension is not considered to materially harm the amenities of the neighbouring property in terms of overbearing impact, or overlooking of this property. A secondary side facing window to the living room would be affected in terms of loss of light and outlook to this room, however this room has 2no other windows which would not be materially affected and overall this room would not be materially affected in terms of loss of amenity. The en suite window shall be conditioned to be obscurely glazed.

The single storey rear extension is considered to be of a sufficient distance away from the neighbouring property to the side and rear, 12.6m from 1 Mellings Close and 18m from 17 Meddings Close and would in any case be screened by boundary hedging and trees to the side and rear boundaries. It is also considered that this element of the proposals could potentially constitute permitted development.

The pitched roof would not adversely impact on neighbouring no 1 Meddings Close, as there are no side windows to habitable rooms on this property.

Overall, a commensurate degree of space, light and privacy would remain to all neighbouring properties and the development would accord with policies DC3, DC38 and the NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, it is considered that planning permission should be granted for the proposed development as the proposals accord with policies BE1 Design Guidance, DC1 New Build, DC2 Extensions, DC3 Amenity, DC35 Materials and Finishes, DC38 Space, Light and Privacy of the Macclesfield Local Plan 2004 and guidance within The Framework.

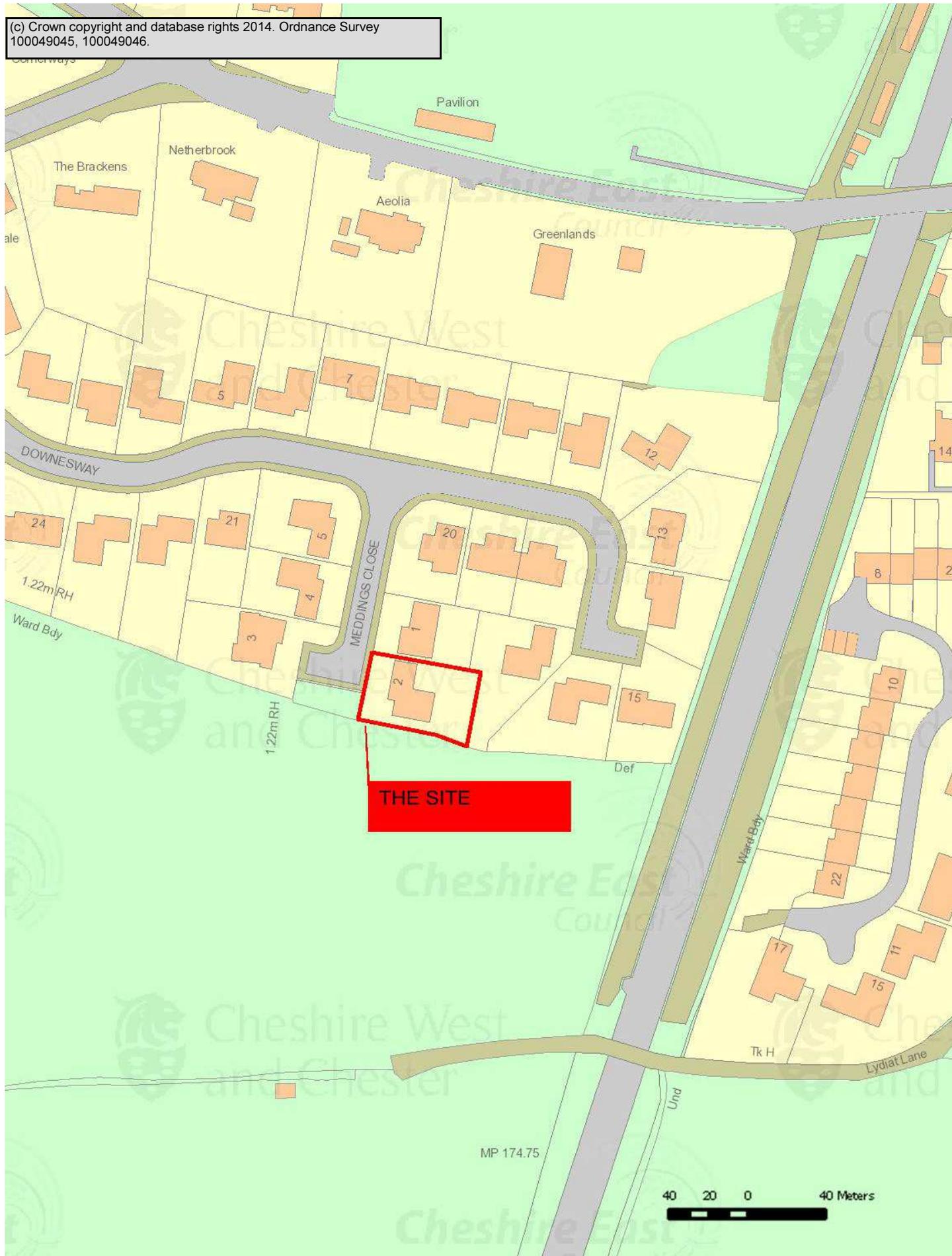
RECOMMENDATIONS

Approve subject to following conditions

- 1) Commencement of development (3 years)
- 2) Development in accord with approved plans
- 3) Materials as application
- 4) No windows to be inserted- first floor side elevation
- 5) Obscure glazing requirement- en suite

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 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.

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Application No: 14/3247N

Location: Land to rear of site of North Street Methodist Church, North Street, Crewe, Cheshire, CW1 4NJ

Proposal: Variation of condition 2 (drawings) attached to planning permission 13/0136N. Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision.

Applicant: Ann Lander, Wulvern Housing Ltd

Expiry Date: 09-Oct-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

Main issues:

- Principle of development
- The impact of the design
- The impact upon amenity

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a variation to major development involving over 10 residential units.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to the former North Street Methodist Church itself and land to its rear on the southern side of North Street, Crewe, within the Crewe Settlement Boundary.

In April 2013 planning permission was granted for the demolition of the Church and the erection of a community centre and a 3-storey affordable housing retirement block. This development is currently under construction.

There are no designations affecting the site.

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 from the planning permission 13/0136N. This is the approved plans condition.

Planning permission 13/0136N was a Full Application for 'Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision.'

Condition 2 of this approval reads as follows;

Condition 2

'The development hereby approved shall be carried out in total accordance with the approved plans numbered; 1974:01 (excluding parking plan), 1974:02 (excluding parking plan), 1974:03 (excluding parking plan), 1974:04, 1974:05, 1974:06 and 1974:09, received by the Local Planning Authority on the 2nd January 2013 and the approved plan numbered; 1974:11 (excluding parking plan), received by the Local Planning Authority on the 19th February 2013.

Reason: For the avoidance of doubt and to specify the plans to which the permission relates.'

The applicant seeks to vary the approved plans condition in order to secure elevational changes to the affordable housing retirement block. The changes are for the change in design and reduction in the number of the julliet balcony's. More specifically, the changes include;

North elevation (side)

- Removal of 3 julliet balconies
- Inclusion of 2 julliet balconies of a different design

East elevation (front)

- Removal of all 12 julliet balconies
- Inclusion of 8 julliet balconies of a different design

West elevation (side)

- Removal of 3 julliet balconies
- Inclusion of 2 julliet balconies of a different design

RELEVANT HISTORY

14/1185N - Variation of Condition 2 (Plans) Inclusion of Balconies to Application 13/0136N - Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision – Withdrawal 6th May 2014

13/0136N - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision – Approved 3rd April 2013

7/02487 - Alteration of existing vehicular access to car park to place of worship – Approved 16th December 1976

POLICIES

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
RES.2 - Unallocated Housing Sites
TRAN 9 – Car parking standards
NE.5 – Nature Conservation and Habitats
NE.9 - Protected Species

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

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- 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

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design

CONSULTATIONS (External to Planning)

Environmental Protection – No objections, subject to conditions relating to; hours of construction, lighting, dust control and an informative relating to contaminated land.

VIEWS OF THE PARISH COUNCIL

Crewe Town Council – No comments received at time of report

OTHER REPRESENTATIONS

No comments received at time of report

APPLICANT'S SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principle of development

The acceptability of amending the approved plans condition (Condition 2) from approved planning application 13/0136N is considered on whether the reduction in the number, and revised design of the proposed julliet balconies would create any design or amenity concerns.

The principal of the affordable housing retirement block itself is not under consideration given that approval for this building has already been granted.

Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

Policy SE.1 of the Cheshire East Local Plan Strategy – Submission Version advises that development proposals should ensure an *'...appropriate level of privacy for new and existing residential properties.'*

Given that the proposed balconies would not be 'walk-on' balconies, it is not considered that this change in design would create any new amenity issues with regards to loss of privacy, light or visual intrusion.

The conditions proposed by Environmental Protection reflect those sought as part of the original application.

As part of a subsequent discharge of conditions application, the proposed lighting and dust suppression scheme have been approved.

As such, subject to the implementation of the approved conditions, it is considered that the proposed development would adhere to Policy BE.1 of the Local Plan and Policy SE.1 of the Cheshire East Local Plan Strategy – Submission Version.

Design Standards

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

It is advised within the supporting letter that the balconies would be steel framed and painted matt black.

Given the simple design of the proposal and their appropriate finish, it is not considered that these elevational amendments would have a detrimental impact upon the character and appearance of the application unit or the streetscene.

As such, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

Other Matters

No new issues in relation to trees, nature conservation or highway safety would be created by the proposed changes.

The conditions imposed on the original permission as a result of the consultation responses received from these consultees shall be re-included where relevant.

CONCLUSIONS

The application seeks to remove 18 julliet balconies and replace 12 of these with balconies of a different design.

It is not considered that this amendment would create a significant design or amenity concerns.

No new issues in relation to highway safety, protected species, landscaping or flooding would be created by the sought development.

As such, the application is recommended for approval.

RECOMMENDATION

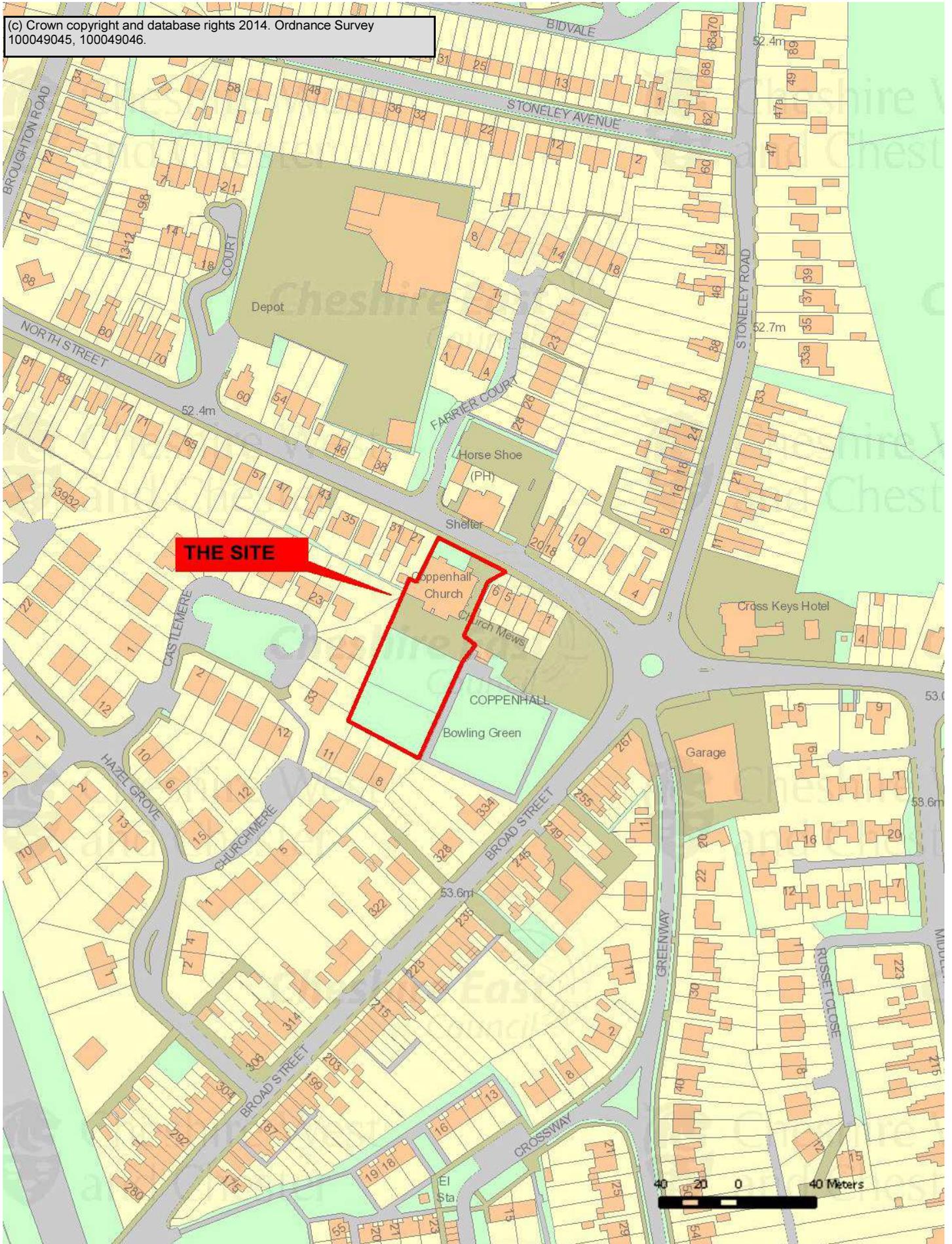
APPROVE subject to conditions

- 1. Time**
- 2. Plans**
- 3. Materials - As per discharge**
- 4. Hours of construction**
- 5. Lighting - As per discharge**

6. Dust suppression scheme – Implementation
7. Kerb radius and tactile paving – As per discharge
8. Landscaping – Implementation
9. Boundary treatment – Implementation
10. Internal site layout – Implementation
11. Affordable housing – - As per discharge
12. Parking layout – As per discharge
13. Drainage details - As per discharge

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: 14/3440N
Location: 19, SHAKESPEARE DRIVE, CREWE, CW1 5HX
Proposal: New build attached single storey dwelling (re-sub of refused planning application 14/2114N)
Applicant: Mr Ken Bailey
Expiry Date: 10-Sep-2014

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

Principle
Design and character of the area
Amenity
Highway Issues

REASON FOR REFERRAL

The application has been called-in to Southern Planning Committee by Cllr Thorley for the following reason;

"I wish to object to the above planning application on the following grounds:

1. This is town cramming.
1. BE.1 Amenity.
2. Detrimental highway issues with regard to residents of Elliot Close"

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of the side garden to No.19 Shakespeare Drive within the Crewe Settlement Boundary.

DETAILS OF PROPOSAL

The application seeks planning permission for the erection of a bungalow within the site. Access would be taken from Shakespeare Drive, whilst access to the existing dwelling would be taken from Eliot Close.

The previous application on site was refused for the following reasons;

“The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site”

RELEVANT HISTORY

14/2114N New build detached single storey dwelling
 Refused 24/6/2014.

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

Local Plan Policy

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

Other Material Considerations

National Planning Policy Framework
SPD: Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report. Raised no objections on highway grounds to the last application.

VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council: No comments received

OTHER REPRESENTATIONS

Three letters of objection have been received to date, a summary of the objections is provided below. The full documents can be viewed on file.

- Impact upon character of the area
- Unsafe access
- Noise and congestion caused by the development
- Impact on existing parking in the area
- Existing tree within the site has already been removed
- Neighbours daughter would be unable to park adjacent to her elderly parents property
- Would remove turning point from the existing street (Elliot Close)

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary line of Wistaston, 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.

Siting, Design & Impact upon Character of the Area

Policies BE.2 and RES.11 seek to ensure that the design of proposed extensions are in keeping with the character of the area, respecting the setting, design, scale form and materials of the existing dwelling whilst respecting the character and form of its surroundings not adversely affecting the streetscene.

Shakespeare Drive is typified by brick built semi-detached & and detached bungalow properties with garages set within decent sized plots. The application site forms the side garden space of No.19 and can be viewed from Eliot Close.

The proposal seeks planning permission for a semi-detached bungalow with a footprint of 68sqm. The proposed bungalow would attach to the existing detached bungalow and would front onto Shakespeare Drive, with access provided for two vehicles to the front of the site.

The application site is in a prominent corner location of Sydney Road and Shakespeare Drive. The bungalow would be small in scale, but relatively traditional in design and the proposal mirrors the frontage design of the existing bungalow on site.

The proposal seeks to address the reasons for refusing the previous application for a detached bungalow on site.

This has been accomplished by reducing the footprint from 78 sqm (as previously refused) to 68sqm as currently proposed. By virtue of this reduction, it is considered that the proposed semi-detached bungalow would sit comfortably within the site, and would mirror the character, scale and design of the existing property, No.19.

This development would not appear cramped in relation to the site and wider street scene, therefore there would not be an adverse impact upon the wider character of the area. The street also contains a number of other semi-detached properties, therefore matching the existing character of the area.

The Council's Development on Backland and Gardens SPD states;

'understanding and respecting the character and context of the surrounding area is very important; a development which looks out of place and doesn't respect the positive characteristics of immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment'

It is considered that the proposal achieves this requirement, thus addressing the reasons for the previous refusal on site.

The proposal is considered to comply with policy BE.2 within the Local Plan and advice within the Council's SPD.

Residential Amenity

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The proposed bungalow would be sited with sufficient spacing between the dwelling and neighbours in order to prevent any adverse impact upon space, light and in terms of being overbearing.

The proposal includes windows to the front and rear elevations of the bungalow, the windows would not result in any overlooking or loss of privacy to any neighbouring dwelling.

The Council's Development on Backland and Gardens SPD requires a minimum of 50m² private amenity space for new dwellings. The layout plan suggests that the proposed dwelling would have a rear garden of approximately 56sqm therefore complying with the guidance. No.19 would lose some of the rear garden space to the proposed parking and access from Eliot Close, however a front garden of approximately 50sqm would be retained, which is considered to be acceptable in this instance.

Highways

The proposal includes two vehicle spaces for the proposed dwelling and No.19. The proposed driveway to No.19 has been moved further into the site than the previous proposal.

The Strategic Highway Manager has not provided comments with regards to the proposal at the time of the preparation of this report. These will be provided to Members by update report.

Other Matters

The objections received have also referred to impact upon trees within the site, however none of the trees are held under TPO and as such could be removed at any time without consent. Landscaping conditions can also be imposed to require replacement planting.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is considered to be of acceptable design, and would have an acceptable impact upon the character of the area. The development would not adversely affect the amenities of neighbouring dwellings, or the existing highway. The proposal would comply with relevant policies within the Crewe and Nantwich Local Plan, Supplementary Guidance and emerging Core Strategy. As such, the application is recommended for approval.

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