

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 1st July, 2015</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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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.

**Please note that members of the public are requested to check the Council's website the week the Planning/Board 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.**

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

1. **Apologies for Absence**

To receive any 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 a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 14)

To approve the minutes as a correct record.

4. **Public Speaking**

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

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 Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **WITHDRAWN-15/0446C-Erection of 154 two storey detached, semi detached and mews dwellings landscaping, formation of community park, open space, parking and associated works, Land South of Middlewich Road and East of Abbey Road, Sandbach for Neil Arkwright, Redrow Homes Ltd & Anwyl Homes (Pages 15 - 30)**

To consider the above application.

6. **14/5654N-Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. o Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application, Doddington Hall, London Road, Doddington for Lady Rona Delves-Broughton, The Doddington Hall Conference Centre Ltd (Pages 31 - 68)**

To consider the above application.

7. **14/5656N-Listed Building Consent for proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. o Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application, Doddington Hall, London Road, Doddington for Lady Rona Delves-Broughton, The Doddington Hall Conference Centre Ltd (Pages 69 - 94)**

To consider the above application.

8. **15/1867N-Amendment to approval notice 14/2155N for replan and plot substitution of Plots 18-21, 56, 57, 58, 60, 61, 63-67, 77, 79-85, 87, 88, 91, 93, 94, 96-98, 111-119, 121-123, 125-136, 139-142, 145-151, 158, 159 & 164-168, Land At Former Stapeley Water Gardens, London Road, Stapeley for Mrs Jacquelyn Colquhoun, David Wilson Homes North West (Pages 95 - 102)**

To consider the above application.

9. **14/5886C-Re-plan of previously approved development 11/4545C to provide 13 dwellings instead of 8 units in this area (increase by 5). Land at the green, Middlewich for Mr Sean McBride, Persimmon Homes (Pages 103 - 114)**

To consider the above application.

10. **14/5579C-Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works, Land Off, Main Road, Goostrey for Gladman Developments Ltd (Pages 115 - 142)**

To consider the above application.

11. **WITHDRAWN-15/1247W-Application to Vary Condition 11 of Permission 7/2006/CCC/11, Condition 8 of Permission 11/3389N and Condition 8 of Permission 13/3774W to increase the permitted vehicle movements in respect of Bank and Public Holidays from 10 movements (5 in, 5 out) to 20 movements (10 in, 10 out), Whittakers Green Farm, Pewit Lane, Bridgemere for Mr F H Rushton (Pages 143 - 162)**

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 3rd June, 2015 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor H Davenport (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, T Dean, L Durham, D Hough, J Jackson, S McGrory,  
D Newton, S Pochin, G M Walton and J Wray

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors S Davies G Merry, B Moran and G Wait

**OFFICERS PRESENT**

Tim Driver (Lawyer)  
Daniel Evans (Principal Planning Officer)  
Adrian Fisher (Head of Planning (Strategy))  
Paul Hurdus (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Emma Williams (Principal Planning Officer)  
Julie Zientek (Democratic Services Officer)

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Bailey and M Sewart.

**2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application numbers 14/3892C, 14/1189C and 14/5615N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services, but that he had not participated in the discussions with respect to these applications and had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding applications on the agenda.

With regard to agenda item 14, Councillor D Hough declared that he was a Director of Transport Service Solutions Ltd and that he would withdraw from the meeting during consideration of this item.

With regard to application numbers 14/1944W and 14/1788W, Councillor G Walton declared that he was Chairman of the Public Liaison Group and that he would withdraw from the meeting during consideration of these items.

### 3 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That, subject to the following amendments, the minutes of the meeting held on 15 April 2015 be approved as a correct record and signed by the Chairman:

- That in paragraph 3 of Minute 129 'ANSA Waste Services' be amended to read: 'ANSA Environmental Services'.
- That in Minute 132 Condition 40 be amended to read: 'No vehicular access from the site to the adjacent land to the east between Main Road Weston and the application site (known locally as site D1)', and that the same details be referred to in Condition 31.

### 4 PUBLIC SPEAKING

RESOLVED – That the public speaking procedure be noted.

### 5 INTRODUCTION TO THE WORK OF THE COMMITTEE

RESOLVED – That the Board's Terms of Reference be noted.

### 6 14/4531C-OUTLINE PLANNING WITH SOME MATTERS RESERVED - ACCESS- FOR THE PROPOSED CONSTRUCTION OF AN INLAND LEISURE MARINA; ASSOCIATED ANCILLARY BUILDINGS, INFRASTRUCTURE AND LANDSCAPING, LAND TO THE SOUTH OF, ELTON ROAD, SANDBACH FOR MR T BUNN

Note: Councillor D Hough declared that he had been the farm's veterinary surgeon for 39 years.

Note: Councillor G Wait (Ward Councillor), Mr J Burtonshaw (on behalf of Say No to Yeowood Farm Action Group) and Mr J Minshull (on behalf of Sandbach Neighbourhood Plan Working Group) attended the meeting and addressed the Board on this matter.

The Board considered a report regarding the above planning application.

RESOLVED – That the Board be MINDED TO REFUSE the application for the following reasons:

There is insufficient information to determine the impact of the development as part of the environmental role of sustainable development. The submitted application does not include any information to the following:

- Protected Species and Habitats
- Landscape impact of the development
- Whether the development would result in the loss of BMV Agricultural land
- Whether the proposed access could accommodate the proposed development

As such the development is contrary to Policies GR1 New Development, GR2 Design, GR5 Landscaping, GR9 (Accessibility, Servicing and Parking Provision), NR2 Statutory Sites and NR3 Habitats of the Borough of Congleton Local Plan First Review 2005 and guidance contained within the NPPF.

7 **14/1944W-VARIATION OF CONDITIONS 4 AND 59 OF PERMISSION 5/06/2940 TO ALLOW TO EXTEND THE DATE IN CONDITION 4 FROM 28TH APRIL 2014 TO 30TH SEPTEMBER 2016, AND AMEND THE APPROVED RESTORATION SCHEME TO THAT SHOWN ON PLAN M103/222 REV C, MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY FOR HANSON QUARRY PRODUCTS EUROPE LTD**

Note: Having made a declaration, Councillor G Walton withdrew from the meeting during consideration of this and the following item.

Note: Mr Andrew Bower attended the meeting and addressed the Board on behalf of the applicant.

The Board 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 Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 5/06/2940 namely:

- monitor hydrology and comply with hydrometric monitoring scheme
- allow access to the company to carry out the obligations

and the addition of the following:

- Replication of the requirements under the s106 agreement attached to permission 09/2806W in respect of a habitat management plan, and the addition of bird management measures identified in the bird management plan for a period of 10 years after the aftercare period.

And

Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 5/06/2940 unless amended by those below;
  - Revised restoration plan;
  - Extension of time to 30 September 2016
  - Provision of ecological mitigation measures
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager be granted delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board 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

**8 14/1788W-VARIATION OF CONDITION 2 AND 54 OF PERMISSION 09/2806W TO EXTEND THE DATE IN CONDITION 4 FROM 28TH APRIL 2014 TO 30TH SEPTEMBER 2016, AND AMEND THE APPROVED RESTORATION SCHEME TO THAT SHOWN ON PLAN M103/222 REV 'C', MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY FOR HANSON QUARRY PRODUCTS EUROPE LTD**

The Board 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 Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 09/2806W namely:
- monitor hydrology and comply with hydrometric monitoring scheme
  - allow access to the company to carry out the obligations
  - management of the land in accordance with a management plan for 10 years post aftercare period

and the addition of the following:

- revision of the management plan to incorporate bird management measures identified in the bird management plan for a period of 10 years after the aftercare period.

And

Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 09/2806W unless amended by those below;
  - Revised restoration plan;
  - Extension of time to 30 September 2016
  - Provision of ecological mitigation measures
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager be granted delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board 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

**9 14/3892C-REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 200 HOMES AND A COMMUNITY FACILITY, LAND WEST OF, CREWE ROAD, SANDBACH, CHESHIRE FOR HIMOR (LAND) LTD, SIMON FODEN, PAUL FODEN**

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

Note: Councillor G Wait (Ward Councillor), Councillor G Merry (Neighbouring Ward Councillor), Councillor B Moran (Neighbouring Ward Councillor), Ms C Jealous (on behalf of Park Lane and Crewe Road Action Group), Mr J Minshull (on behalf of Sandbach Neighbourhood Plan Working Group), Mr J Harris (objector) and Mr N Lee (on behalf of the applicant) attended the meeting and addressed the Board on this matter.

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

The Principal Planning Officer clarified that the paragraph entitled 'Health' on page 87 of the agenda should be deleted and that the correct position was set out on page 97.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
  2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.
- (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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
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. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company in perpetuity
- 3. Provision of a fully serviced site to be large enough to accommodate a 1 Form Entry Primary School (or other community facility to be agreed in writing with the LPA) and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education).
- 4. Highways Contribution of £166,000
- 5. PROW Contribution of £42,280

Note: In accordance with paragraph 15.5 of the Council Procedure Rules, Councillors B Burkhill and D Hough requested that the Minutes of the meeting recorded that they abstained.

**10 14/1189C-PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 165 DWELLINGS, INCLUDING 'AFFORDABLE HOUSING', HIGHWAY AND ASSOCIATED WORKS, PUBLIC OPEN SPACE AND GREEN INFRASTRUCTURE., LAND OFF, ABBEY ROAD, SANDBACH FOR FOX STRATEGIC LAND & PROPERTY LTD**

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: Councillor G Merry (Ward Councillor), Councillor B Moran (Neighbouring Ward Councillor), Mr B Roberts (on behalf of Friends of Abbeyfields) and Mr J Minshull (on behalf of Sandbach Neighbourhood Plan Working Group) attended the meeting and addressed the Board on this matter.

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

**RESOLVED**

- (a) That the application be REFUSED for the following reasons:
  - 1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
  - 2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered

that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

- (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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
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. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
  3. Primary school education contribution of £325,388.70
  4. Secondary school education contribution of £343,169.49
  5. PROW Contribution of £25,000
  6. Highways Contribution of £137,211 towards improvements to the A533/A534 corridor

**11 13/5239C-RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (12/4874C) FOR RESIDENTIAL DEVELOPMENT, COMPRISING 50 HOMES, INCLUDING 15 AFFORDABLE HOMES TO INCLUDE AN AREA OF PUBLIC OPEN SPACE AND A CHILDREN'S PLAY AREA (ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT), LAND OFF HAWTHORNE DRIVE, SANDBACH, CHESHIRE FOR ADELE SNOOK, PERSIMMON HOMES NORTH WEST**

Note: The Head of Planning (Regulation) read a representation from Councillor S Corcoran (Ward Councillor), who was unable to attend the meeting.

Note: Mr J Minshull had registered his intention to address the Board on behalf of Sandbach Neighbourhood Plan Working Group but did not speak.

Note: Ms A Snook attended the meeting and addressed the Board on behalf of the applicant.

The Board 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 outcome of the referral to the Secretary of State and the following conditions:
  - 1. A02RM - To comply with outline permission
  - 2. A05RM - Time limit following approval of reserved matters
  - 3. A01AP - Development in accord with approved plans
  - 4. A02EX - Submission of samples of building materials
  - 5. A25GR - Obscure glazing requirement
  - 6. A01TR - Tree retention
  - 7. A02TR - Tree protection
  - 8. A01LS - Landscaping - submission of details
  - 9. A04LS - Landscaping (implementation)
  - 10. A23GR - Pile Driving - details to be submitted
  - 11. A12LS - Landscaping to include details of boundary treatment
  - 12. Provision of electric vehicle charging infrastructure
  - 13. Foul and surface water drainage details to be submitted
- (b) That an informative be added regarding the public right of way.
- (c) That the Head of Planning (Regulation) be granted delegated authority to consider the inclusion of a broadband condition, in consultation with the Chairman of the Strategic Planning Board.
- (d) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

- 12 **14/5615N-OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT COMPRISING UP TO 85 RESIDENTIAL DWELLINGS (INCLUDING 30% AFFORDABLE HOUSING), STRUCTURAL PLANTING AND LANDSCAPING , INFORMAL PUBLIC OPEN SPACE AND CHILDRENS PLAY AREA , SURFACE WATER ATTENUATION AND ASSOCIATED ANCILLARY WORKS ,WITH ALL MATTERS RESERVED FOR FUTURE DETERMINATION WITH THE EXCEPTION OF ACCESS, WEAVER FARM, THE GREEN, WRENBURY FOR GLADMAN DEVELOPMENTS LTD**

Note: Councillor S Davies (Ward Councillor) and Parish Councillor J Palmer (on behalf of Wrenbury-cum-Frith Parish Council) attended the meeting and addressed the Board on this matter.

The Board considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for further discussions with the applicant with respect to a reduction in the number of dwellings.

- 13 **14/3054C-OUTLINE APPLICATION FOR THE ERECTION OF UP TO 70 DWELLINGS, LAND OFF CREWE ROAD, ALSAGER FOR HOLLINS STRATEGIC LAND LLP**

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: Councillor S Pochin left the meeting prior to consideration of this application.

Note: The Head of Planning (Regulation) read a representation from Councillor R Fletcher (Ward Councillor), who was unable to attend the meeting.

Note: Town Councillor S Helliwell (on behalf of Alsager Town Council) and Mrs S Dyke (objector) attended the meeting and addressed the Board on this matter.

Note: Mr M Symons had registered his intention to address the Board on behalf of the applicant but did not speak.

The Board considered a report regarding the above planning application.

The Head of Planning (Regulation) reported that revised plans had been received and that a Landscape and Visual Impact Assessment had been provided.

RESOLVED

- (a) That the Board be MINDED TO REFUSE the application for the following reasons:

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because:

1. There would be an unacceptable environmental impact of the scheme on the intrinsic character and beauty of the open countryside and woodland which appears on the UK BAP inventory of priority habitats and is identified as Broad Leaved Woodland on the Habitat Survey submitted by the applicant in support of the application contrary to Policies PS8 NR3 and NR4 of the adopted Congleton Borough Local Plan First Review and Policies PG5, SE3 and SE5 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework
2. There would be an unacceptable, social, economic and environmental impact, in terms of increasing the level of congestion at the major junctions in the town which would already be operating over capacity as a result of the cumulative impact of other committed development in Alsager contrary to Policy GR1 and GR18, of the adopted Congleton Borough Local Plan First Review and Policy CO4, of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework
3. There would be an adverse environmental and economic impact resulting from loss of best and most versatile agricultural land contrary to Policy SE2 of the Cheshire East Local Plan Strategy Submission Version and the provisions of the National Planning Policy Framework.

These factors significantly and demonstrably outweigh the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing.

- (b) That a Section 106 Agreement be entered into in respect of the forthcoming Appeal to secure the following:
- Affordable housing:
    - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
    - A mix of 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 peppercotting 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.
- Provision of shared recreational open space and the provision of on site children's play space to include a LEAP with 5 pieces of equipment
- Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
- Education (primary) contribution of £141,002

**14 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 13/4121C SUBJECT TO A S106 AGREEMENT, FORMER TWYFORDS BATHROOMS LTD, LAWTON ROAD, ALSAGER**

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

Note: Town Councillor S Heliwell attended the meeting and addressed the Board on behalf of Alsager Town Council.

The Board considered a report regarding a proposed amendment to the Heads of Terms within the committee resolution relating to planning application 13/4121C, which had been determined by the Strategic Planning Board on 2 April 2014.

**RESOLVED**

- (a) That, for the reasons set out in the report, the Heads of Terms be amended to read as follows:
- £5,000 Travel Plan Monitoring
  - £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
  - £330,000 for the provision of the agreed new bus service for the site sum to be paid 6 months before the store is first brought into use

- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

(b) That the following paragraph be attached to the resolution:

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 Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**15 URGENT ITEM: 14/1326N - LAND TO THE NORTH OF WISTASTON GREEN ROAD, WISTASTON**

In accordance with Section 100B (4)(b) of the Local Government Act 1972, the Chairman announced that he had agreed to allow consideration of this item as an urgent item of business, due to the need for a speedy decision to ensure that proofs of evidence for a forthcoming appeal were submitted within the set deadlines.

The Board considered a report regarding planning application 14/1326N, which had been refused by the Strategic Planning Board on 15 October 2014, and which was now the subject of an appeal.

**RESOLVED**

- (a) That for the reasons set out in the report, the Head of Planning (Regulation) be instructed not to contest the housing land supply, barn owls and highways issues at the forthcoming appeal, and to defend the appeal on the following grounds:
  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 application is also contrary to the emerging Development Strategy.
  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 Nantwich and Crewe and would adversely affect the visual character of the landscape 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 site comprises 5.05ha (67%) best and most versatile agricultural land, the loss of which weighs against the proposal in the overall planning balance, and when taken cumulatively with the other factors referred to in 1 and 2 above renders the development unsustainable and the harm caused would significantly and demonstrably outweigh the benefits and is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
- (b) That a planning agreement be entered into 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 to include pepper potting
  - 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. Provision of POS and a LEAP with 5 pieces of equipment and a scheme of management in perpetuity
3. Commuted Sum payment in lieu of primary education provision £292,850
4. Commuted Sum payment of £2000 in lieu of ecological mitigation for loss of grassland

The meeting commenced at 10.30 am and concluded at 5.45 pm

Councillor H Davenport (Chairman)

Application No: 15/0446C

Location: LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF, ABBEY ROAD, SANDBACH

Proposal: Erection of 154 two storey detached, semi detached and mews dwellings landscaping, formation of community park, open space, parking and associated works.

Applicant: Neil Arkwright, Redrow Homes Ltd & Anwyl Homes

Expiry Date: 01-May-2015

**Summary**

The outline application includes condition 4 which states as follows:

*The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.*

*Reason: In order to comply with the parameters set out in the outline application and in accordance with the NPPF and Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.*

This condition has been imposed for a proper planning purpose, and in relation to the buffer between the proposed development and properties on Park Lane, the Reserved Matters submission does not achieve this proper planning purpose, and hence is unacceptable in planning terms. The applicant did not appeal the condition and has not applied to vary or remove the condition. The outline permission demonstrates that a development can be achieved without the adverse impacts that the proposed housing layout of this reserved matters application will have.

As such the application is recommended for refusal on the basis that the general parameters of the outline planning permission are not followed in at least one respect, contrary to condition 4 attached to the outline application.

**RECOMMENDATION****Refuse****PROPOSAL:**

This is a reserved matters application for 154 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single priority junction off Middlewich Road with the provision of a right-turn lane on Middlewich Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height. The development would consist of the following mix:

- 8 x one bed units
- 20 x two bed units
- 18 x three bed units
- 99 x four bed units
- 9 x five bed units

## **SITE DESCRIPTION:**

This reserved matters application relates to phases 1 and 2 following the approval of application 12/1463C, phase 3 would form part of a later application. Outline application 12/1463C relates to 15.6ha of land, situated on the southern side of Middlewich Road, west of Park Lane and east of Abbey Road. The site includes two residential properties 170 and 172 Middlewich Road which are located within the Sandbach Settlement Boundary. The rest of the site lies within the Open Countryside and is bordered by residential properties to its north, western and eastern boundaries, with open fields to the south.

The site is relatively flat although the land level drops slightly to the south of the site. The site is currently used for the growing of crops with a number of hedgerows running along the existing field boundaries. There are a number of trees within the residential curtilages of the properties surrounding the site with a number of mature trees within the grass verges along Abbey Road and Park Lane.

## **RELEVANT HISTORY:**

12/1463C - Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of New Access to Serve Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Approved 7<sup>th</sup> October 2014

14/0191C - Removal of Condition 14 (25% of Housing with no more than 2 bedrooms) on approval 10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Withdrawn

11/0440C - Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development – Approved subject to the completion of a Unilateral Undertaking 18<sup>th</sup> October 2012

10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works - Refused 18<sup>th</sup> November 2010 – Appeal lodged – Appeal dismissed – High Court challenge – Decision quashed, Appeal to the Court of Appeal – Appeal Dismissed. Appeal Allowed by Secretary of State

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2<sup>nd</sup> January 1991

17611/1 – Residential Development – Refused 10<sup>th</sup> June 1986

## **POLICIES**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are: -

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

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

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging 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

**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  
North West Sustainability Checklist

**CONSULTATIONS:**

**CEC Flood Risk Manager:** Conditions suggested.

**Environment Agency:** Refer to standing advice.

**United Utilities:** As previously stated in United Utilities response to planning application 10/3471C a number of public sewers cross this site and UU will not permit building over it. UU will require access strips either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

**Cheshire East PROW:** The development does not appear to affect a public right of way.

**Natural England:** Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Sandbach Flashes SSSI has been notified. Natural England advise that the SSSI does not represent a constraint in determining this application.

For advice on Protected Species refer to the Natural England standing advice.

**Cheshire East Countryside Access:** The application documents make reference to a number of access points and crossings for pedestrians and cyclists in order to maximise the permeability of the site. Such routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility.

The S106 agreement, in recognition of the Wheelock Rail Trail as an attractive active travel and leisure route for residents of the proposed development and nearby properties, includes a contribution towards improving accessibility on the Trail.

The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

**Cheshire Brine Compensation Board:** The Board is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted.

Therefore, in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952, the Board requires the incorporation of structural precautions to minimise the effects of any settlement which could occur in the future.

In particular, the Board recommends the use of raft foundations or ring beams in the subsidence hollows and heavily reinforced strip foundations outside the subsidence hollows areas. The subsidence hollows are as identified in a technical report submitted with the application.

**Strategic Highways Manager:** No formal consultation response received at the time of writing this report.

**ANSA Open Space:** No comments received at the time of writing this report.

**CEC Archaeology:** Condition suggested.

#### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Sandbach Town Council:** No objection. Although Members regret the development of Abbey Fields and its detrimental impact on the urban landscape, it is accepted that the development will proceed. 30% affordable housing and stipulation that this housing will be indistinguishable from other housing is welcomed however, Members question who will maintain the community park and

seek detail of arrangements in place. Members further request the traffic implications are carefully monitored.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

A letter of objection has been received from 39 households raising the following points:

### Principal of development

- Lack of employment in Sandbach
- Sandbach is a commuter town
- The development will not benefit Sandbach
- No further housing development is needed
- The layout of the development does not comply with the approved illustrative layout
- The layout is different to the outline application
- The development does not comply with condition 4 attached to the outline consent
- Green spaces around Sandbach should be retained
- Brownfield sites should be developed first
- Loss of the historic character of Sandbach
- Lack of consultation regarding the reserved matters application
- The affordable dwellings are located in the same location

### Highways

- Increased highways congestion
- The submitted traffic data is out of date
- Increased vehicular movements in proximity to the Park Lane junction
- Highway safety
- Lack of public transport which has suffered cuts
- Problems with the cycleway improvements on Hind Heath Road
- Inadequate provision for cyclists as part of this development
- The proposed highway improvements are not clear
- No need for parking spaces to serve the community park if the development represents sustainable development
- Congestion has increased in Sandbach since the original approval
- Various road works within Sandbach are causing congestion issues
- Too many vehicles will use a single access point
- There should be no vehicular access onto Abbey Road

### Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

### Amenity Issues

- The development is closer to the adjoining residential properties than as shown on the indicative outline plan
- Loss of light
- Loss of outlook

- Loss of privacy
- Light pollution
- Lack of a buffer between the existing and proposed dwellings
- The proposed dwellings are too close to the boundaries
- Increased noise and disturbance
- Vehicles within the site will cause noise and light pollution at unsociable hours
- The proximity of the affordable dwelling units to the boundaries
- The development would be contrary to Local Plan Policy GR1
- The development should be moved further west into the proposed community park to protect residential amenity
- The token planting of fruit trees to the boundaries is not considered to be acceptable
- The separation distances are too short to the existing dwellings which surround the site

#### Design issues

- The development adjacent to Park Lane does not respect the character of the dwellings which front Park Lane which are set within large plots and mature gardens
- The development would appear incongruous having regard to the character of the surrounding development
- The street-scene of the development would appear unattractive
- The development would be contrary to Policy GR2 of the local plan
- Off the peg house types do not respect to context of the site
- The dwellings are squeezed onto the site so that the developer can maximise their return

#### Other issues

- There is a right of access onto the site between 200 and 202 Middlewich Road. This should not be obstructed by the developer
- Brine subsidence issues on this site
- Impact upon the archaeological deposits on this site which includes a Roman Road

A representation has been received from Fiona Bruce MP raising the following points:

- The previous plans showed a buffer between the new dwellings and the nearby existing properties. This reserved matters application will diminish this to such an extent that the properties will be far more closely abutting the existing residents homes than was shown on the plans for the site.
- When the previous application was considered the view was that the 'houses would be sparsely populated with gardens backing onto gardens and this is no longer the case.

### **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline applications 10/3471C and 12/1463C.

This application relates to the approval of the appearance, landscaping, layout and scale of the development (the reserved matters as part of application 12/1463C).

### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted for each phase of development. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The residential mix comprises 8 x 1 bed apartments, 20 x 2 bed houses and 18 x 3 bed houses. This is acceptable to meet the identified housing need. The location of the affordable housing in this phase is sufficiently pepper-potted.

The applicant has submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the strategic housing manager has raised no objection to this development.

### **Highways Implications**

The wider traffic congestion issues in Sandbach and the point of access were considered as part of the outline application.

To mitigate the congestion traffic impact of this development a contribution of £60,000 has been secured towards the upgrade of Junction 17 of the M6. A travel plan also forms part of the conditions attached to the outline consent.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Strategic Highways Manager. An update will be provided in relation to this issue when a formal consultation response has been received.

### **Amenity**

A number of the objection letters refer to the proximity to the proposed dwellings and the lack of a buffer between the site and the adjoining residential properties.

In this case the Congleton Borough SPG requires the following separation distances:  
21.3 metres between principal elevations  
13.8 metres between a non-principal and principal elevations

In this case the separation distances proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations range between 28.2 metres and 39 metres (with most being above 30 metres). The separation distance between non-principal and principal elevations range between 15.4 metres and 28.9 metres. Despite this the outline planning permission includes condition 4 and in order to comply with the outline approval the reserved matters application will need to comply with this condition. This issue is discussed below.

As some of the non-principal elevations include windows in close proximity to the shared boundary it will be necessary to attach an obscure glazing condition and to remove permitted development rights for new windows on the following plots; R1, R6, R10, R14, R20, R21, R33, R38, A68 and A77.

Condition 4 attached to the Outline Planning Permission

A number of the objections have queried whether this development complies with condition 4 attached to the outline planning permission. This condition states that:

*The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.*

*Reason: In order to comply with the parameters set out in the outline application and in accordance with the NPPF and Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.*

It is considered that the proposal does not comply with the condition in relation to the issue of buffer planting at the interface with the gardens of Park Lane.

Page 25 of the Design and Access Statement (“DAS”) contains a colour plan showing that a buffer is “required” between the proposed development and the existing properties at Abbey Road, and separately, those at Park Lane. Page 52 of the DAS then contains two cross sections. The “B-B” cross section deals with Abbey Road. The “C-C” cross section talks of “buffer planting”, and shows it in the same place as the buffer at page 25. So clearly the word “buffer” was intended to indicate planting rather than merely a gap.

The plans attached to this Reserved Matters application do not contain any proposed buffer planting in the most northern part of the north-eastern corner between proposed property R14 and the existing gardens at Park Lane. Furthermore, the planting which is generally shown along the eastern boundary of the development site is not nearly as broad as that shown at figure 15 on p46 of the DAS. Whilst a degree of judgement and interpretation is to be applied, in this case it is considered to be quite clear that there is a material deviation between the parameters set out in condition 4 of the outline permission and this reserved matters application.

The condition was imposed for sound planning reasons and to ensure a reasonable and effective buffer with the existing Park Lane properties. Non-compliance with this condition is therefore a significant failing of this proposal and would result in a harmful impact on residential amenity which could otherwise be effectively mitigated.

Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

Noise

In terms of the impact upon the adjacent dwellings it is not considered that the proposed development would result in levels of noise from future occupiers which would harm residential amenity.

Disturbance during the construction phase of the development

In this case there are the following conditions attached to the outline approval:

- Hours of construction
- Construction Method Statement

It is considered that these conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

## **Trees and Hedgerows**

The application includes an arboricultural impact assessment (AIS) which incorporates a tree survey, an assessment of arboricultural impacts of the layout on plan, a tree constraints plan and details of proposed tree protection measures together with an arboricultural method statement.

The survey area covers the current application site and land to the west and covers 45 individual trees 16 groups of trees and 17 hedgerows.

The report indicates that one tree would be removed. This tree has already been dismantled (removal associated with the approved access off Middlewich Road). The S106 Agreement for the outline application includes a contribution of £2,400 to provide replacement tree planting within the grass verge along Middlewich Road.

In this case there are concerns in relation to the following:

- Plot R10 – Proximity of the dwelling to offsite Tree 26 (Grade A Beech)
- Plot R14 - Hard surfacing in RPA of Tree 24 (Grade C Silver Birch)
- Plot R26/33 - Fencing access and proposed 3 metre reduction of offsite Tree 20 (Grade B Sycamore)
- Plot R46 - Dwelling and hard surfacing in RPA of TPO protected Tree 13 (Grade C Oak)
- Plot R46 (south of) - Hard surfacing in RPA of Tree 14 a TPO protected (Grade A Oak tree)
- West of plot R75 - sub- station too close to (Grade A Oak Tree 25) and adjacent road
- POS south - Footpath in Root Protection Areas of trees T10 (Grade B Oak), T11 (Grade C Ash) and T12 (Grade C Ash)

These issues have been raised with the developer and an updated plan is awaited to address these concerns

In terms of hedgerows the development would result in 48 linear metres of existing hedge being removed mainly to accommodate internal access roads. However the majority of the hedgerows would be retained as part of the proposed development.

## **Landscape**

A landscaping scheme has been submitted with this application and this is largely acceptable providing the following amendments are secured:

- The 3 Beech trees on plot 39 should be replaced with a smaller growing species
- The proposed Holly and Magnolia located next to the site boundary should be replaced with a small deciduous tree species in order to form a continuous tree screen
- The ornamental tree species within the public open space should be replaced with native species

- The landscape plans should be amended to include gapping up of the hedgerows on site with native species and where necessary to include coppicing or laying
- The footpaths within the POS should be changed from bound gravel to resin bound gravel which is more durable and requires less maintenance
- Clarification is required in terms of the proposed boundary treatments as the colours used on the submitted plan are difficult to identify

These issues have been raised with the applicant and an update will be provided in relation to this issue.

## Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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 positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.4 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Sandbach.

The layout plan includes centrally located open space and Country Park and includes additional planting. The Country Park forms a linear area of open space which would form an ecological corridor to the curtilage and pond at 180 Middlewich Road. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the streets within the site and this is consistent with the tree lined avenues at Park Lane and Abbey Road. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Sandbach.

Abbeyfields is a Grade II Listed Building. Given the separation distance to this property and the location of the proposed Country Park it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

## **Ecology**

### Landscaping of open space areas

A significant bat roost is present at retained tree 23 located on the southern boundary of the application site. To ensure there is adequate foraging and commuting habitat to support this roost it must be ensured that there is a strong belt of mature tree cover along the southern boundary of the site and up the eastern boundary of the open space area. This is partly achieved by the submitted landscape plan however, additional native tree planting is required in these areas to ensure that there is continues unbroken chain of tree cover.

To ensure the proposed landscaping is in keeping with the intended country park setting and to maximise the nature conservation value of the proposals ornamental species and varieties should be excluded from the country park area and replacement with native species.

The submitted landscaping plan should be amended to reflect these required changes.

### Amphibian tunnel

An amphibian tunnel is required under the access road crossing the country park to ensure that amphibians associated with the large garden pond on Middlewich Road have access to the new habitats created within the proposed country park. This is now shown on the submitted plans and is considered to be acceptable by the Councils Ecologist.

### Ponds

The provision of an additional wildlife pond is supported and would considerable enhance the ecological value of the open space associated with the proposed development.

In order to provide suitable places of shelter for amphibians associated with the new proposed ponds the Councils Ecologist has advised that two amphibian hibernacula be provided in close proximity to the new ponds.

To minimise the risks of invasive species being introduced into the proposed wildlife pond the Councils Ecologist advises that they should be fenced to minimise public access.

The submitted landscaping plans should be amended to show the location of these features.

### Lighting

Inappropriate lighting of the country park area has the potential to have an adverse impact upon its nature conservation value.

If planning consent is granted a condition could be attached requiring the submission and agreement of details of any lighting proposed for the open space areas.

## **Public Open Space**

The open space requirement for this site would be provided within the proposed community park which would benefit residents for the whole of Sandbach.

The plan indicates the inclusion of a play area within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from the Councils select list. A second play area would be provided within the third and final phase of the development which will be subject to a further reserved matters application.

At the time of writing this report no comments had been received from ANSA (Public Open Space) an update will be provided in relation to this issue.

### **Education**

This issue was dealt with as part of the outline application where a contribution of £513,771.11 was secured as part of the S106 Agreement.

### **PROW**

The development would not directly impact upon PROW and a contribution of £10,000 has been secured as part of the outline application towards improved access of the Wheelock Rail Trail.

### **Archaeology**

The outline applications for the development of this site resulted in a recommendation for a programme of archaeological assessment and evaluation in order to define the nature and extent of any archaeological deposits present and the need, if any, for further archaeological mitigation.

An archaeological desk-based assessment was produced by Oxford Archaeology North in 2012 and this report has been submitted in support of the present application. In 2014 a programme of archaeological trial trenching was carried out by Earthworks Archaeological Services, which demonstrated that the Roman road that once crossed the site from north-west to south east had been obliterated by centuries of ploughing and that across much of the rest of the site archaeological deposits were absent.

The one exception to this pattern was in the south-eastern corner of the application, where an area measuring circa 40m by 40m was seen to contain archaeological remains. The remains (undated at present) consisted of pits, ditches, and surfaces alongside the line of the Roman road. Some of these deposits are waterlogged and may be connected with salt production.

The site master plan suggests that much of this area will remain undisturbed by the development but the northern part is affected by a new road and landscaping. It seems likely, therefore, that part of the archaeologically sensitive area will require excavation and recording before development and this may also be necessary across the rest of the zone if this is to be disturbed by landscaping. A report on all of the excavation works that prove necessary will be required and the mitigation will be secured through the imposition of a planning condition.

### **Flood Risk and Drainage**

As identified in the submitted Flood Risk Assessment (FRA), there are areas of ground subsidence within the site boundary. These are picked up on the Environment Agency (EA)

surface water flood maps as areas with a risk of flooding. Appropriate measures will need to be incorporated into the development proposals to mitigate this risk, without exacerbating the risk of flooding elsewhere.

The Councils Flood Risk Manager has considered this application and has raised no objection subject to the imposition of the following planning conditions:

- The surface water run-off generated by the proposed development shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site.
- No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.

It should also be noted that a condition to secure a scheme for surface water drainage was attached to the outline permission and there is no requirement to repeat this condition on the reserved matters application.

### **Brine Board**

The comments of the Brine Board have been noted and the case of structural stability of the development will be dealt with at the Building Control stage.

### **PLANNING BALANCE**

Condition 4 has been imposed for a proper planning purpose, and in relation to the buffer between the proposed development and properties on Park Lane, the Reserved Matters submission does not achieve this proper planning purpose, and hence is unacceptable in planning terms. The applicant did not appeal the condition and has not applied to vary or remove the condition. The outline permission demonstrates that a development can be achieved without the adverse impacts that the housing layout of this reserved matters application will have.

As such the application is recommended for refusal on the basis that the general parameters of the DAS are not followed in at least one respect, contrary to condition 4 attached to the outline application.

### **RECOMMENDATION:**

#### **REFUSE**

- 1. This reserved matters application does not comply with Condition 4 attached to the outline planning permission in terms of the proposed buffer provision to the residential dwellings which front Park Lane. As such this reserved matters application fails to achieve a satisfactory layout of development with the resultant adverse impact on residential amenity of the occupiers of properties on Park Lane. The proposal is contrary to Policy Policies GR1, GR2 and GR6 of the Congleton Borough Local Plan First Review and guidance contained within 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 Planning Regulation,**

**in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, 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: 14/5654N

Location: Doddington Hall, LONDON ROAD, DODDINGTON, CW5 7HN

Proposal: Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application.

Applicant: Lady Rona Delves-Broughton, The Doddington Hall Conference Centre Lt

Expiry Date: 20-Mar-2015

#### **REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision.

#### **SUMMARY:**

The site is located within the open countryside, where conversion of existing dwellings to hotels is acceptable in principle. The proposed general repair and restoration works to the Star Barn and Delves Tower do not require planning permission. The proposal is therefore acceptable in principle subject to compliance with other policies in the local plan.

Subject to appropriate conditions the proposal is considered to be socially sustainable in terms of its amenity implications.

The economic benefits of the development include, creation of a new hotel business in the Borough with associated employment as well as bringing direct and indirect economic benefits to the area including additional trade for local shops, businesses supply the hotel and it's guests, tourist attractions, jobs in construction and economic benefits to the construction industry supply chain. There are no Section 106 requirements.

With regard to environmental sustainability, the proposal will not have any adverse flooding, highway or landscape impacts. Ecological and tree impacts can be adequately mitigated through the use of conditions. Whilst there will inevitably be some adverse impact on, and loss of the historic and architectural character of the listed building, building and it's setting, including the historic parkland as a result of the proposed conversion, alterations and

extension, this harm is considered to be outweighed by the benefits of bring and historic building at risk back into a productive economic use.

Accordingly, it complies with the requirements of paragraph 134 of the Framework which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The proposal, which is solely for the conversion and extension of the building to form an hotel must be considered on its own merits separately from any proposal for enabling development which may or may not be submitted in the future. Any such proposal should also be judged on its own merits.

The proposal is therefore considered to be sustainable and benefits from the presumption in favour under paragraph 14 of the framework. It also complies with the relevant development plan policies and under the terms of paragraph 14 should therefore be approved without delay.

**SUMMARY RECOMMENDATION:**

**APPROVE**

**PROPOSAL:**

The description of the development is broken down into 3 elements as follows:

1. Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity substation.
2. Proposed structural restoration and refurbishment of the Grade I Delves Castle (Delves Tower / Delves Hall): with its use to be defined at a later date outwith of this application.
3. Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application.

**SITE DESCRIPTION:**

The site is located within the rural area to the south east of Nantwich and south of Crewe; both located some 6 miles away.

The application site comprises the central core to the historic Doddington Estate which presently extends to some 323 ha (800 acres) of woodland, water features, agricultural pasture, remnants of ancient deer park and feature parkland.

The Estate still comprises its core assets, namely the Hall, Delves Tower and the Star Barn. It is set within a registered Park & Garden and whilst some of this feature is regrettably owned by a neighbouring third party it remains largely intact.

The application site has been drawn to define and include the Doddington Hall, Delves Tower and Star Barn and a large area of the parkland and this area extends to 82.33 ha (203 acres). The parkland area is included because the applicant considers that it is important that rather than simply isolating the buildings in some sort of cocoon manner they all site within an important landscape setting; one that benefits from its registered status and one that deserves some restoration itself.

The application site lies off the A51 London Road and is accessed by its principal estate drive that serves Doddington Hall and also provides access to a neighbouring residential property (known as Doddington Park Farm – owned by a third party).

#### **RELEVANT HISTORY:**

There are no relevant previous decisions.

#### **NATIONAL & LOCAL POLICY**

##### **National Policy**

National Planning Policy Framework

##### **Local Plan policy**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

##### **Policies in the Local Plan**

- BE1 (AMENITY)
- BE2 (DESIGN STANDARDS)
- BE3 (ACCESS AND PARKING)
- BE9 (LISTED BUILDINGS – ALTERATIONS AND EXTENSIONS)
- BE10 (CHANGES OF USE FOR LISTED BUILDINGS)
- BE11 (DEMOLITION OF LISTED BUILDINGS)
- NE2 (OPEN COUNTRYSIDE)
- NE5 (NATURE CONSERVATION AND HABITATS)

- NE9 (PROTECTED SPECIES)
- NE15 (RE-USE AND ADAPTATION OF A RURAL BUILDING FOR A COMMERCIAL, INDUSTRIAL OR RECREATIONAL USE)
- BE.14 (DEVELOPMENT AFFECTING HISTORIC PARKS AND GARDENS)
- BE.15 (SCHEDULED ANCIENT MONUMENTS)
- BE.16 (DEVELOPMENT AND ARCHAEOLOGY)
- E.6 (EMPLOYMENT DEVELOPMENT WITHIN OPEN COUNTRYSIDE)
- TRAN.9 (CAR PARKING STANDARDS)
- RT.6 (RECREATIONAL USES IN THE OPEN COUNTRYSIDE)
- RT.7 (VISITOR ACCOMMODATION)

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

The Conservation of Habitats and Species Regulations 2010.

### **Cheshire East Local Plan Strategy – Submission Version**

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

- PG5 - Open Countryside
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE3 – Biodiversity and Geodiversity
- SE4 - The Landscape
- SE5 – Trees, Hedgerows and Woodland

### **CONSULTATIONS:**

**Environmental Health:** No objection subject to the following conditions:

- Construction Environmental Management Plan
- Hours of construction
- External Lighting
- Acoustic Enclosure of any fans
- Electric Vehicle Charging Infrastructure,
- Events in the proposed temporary structures shall be limited to 6 days per calendar year.

**Environment Agency:** No objection in principle to the proposed development but we request a planning condition requiring a scheme for the improvement of the existing sewerage system to be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

**United Utilities:** No objection to the proposal providing that the recommended conditions are met.

**Head of Strategic Infrastructure (HSI):** The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

**PROW Improvement Team:** At present there are no Public Rights of Way within the Doddington Estate. The aspiration of improving public access routes through the Estate, including to Delves Hall, has been logged under the Council's statutory Rights of Way Improvement Plan (Ref 328).

Such links could be made to the south via Church Lane to Hunsteron Road and connecting Public Footpaths, to the north to Public Bridleways and Public Footpaths carrying the South Cheshire Way long distance route, and to the east to London Road. In particular off-road access opportunities for horse riders and cyclists in this area are limited and would be welcomed.

Opportunities to increase the public's access may also offer potential visitor economy benefits to the developer.

The developer should be tasked under the Travel Plan to provide guests and employees with information about local walking, cycling and public transport routes for both leisure and travel purposes.

The inclusion of cycle facilities, including parking designed to best practice, for employees would be welcomed.

**Nantwich Civic Society** would like to SUPPORT this application. After many years of neglect, this fine set of listed buildings, amid a listed landscape, is close to being restored. The conversion to a hotel, is an obvious new use. The new hotel building and then Spa building, benefit from the lower position and separation from the main building. It leaves the Hall clearly isolated from the new buildings, keeping its character in the landscape. It will also create 60 new full time jobs, which is a significant number and benefit.

**Archaeologist:** No objection subject to condition requiring a programme of archaeological works to be carried out.

**Georgian Group:** No objection to hotel use but remain to be convinced that this scheme represents the most sensitive and sustainable solution for the long term future of the Hall and its associated structures. Recommend that the scheme is not determined until the design issues outlined in their detailed comments have been satisfactorily resolved. Recommend that further revisions are necessary to the designs for the conversion of the stables in order that its architectural and historic interest may be better safeguarded. Would also advise that the relationship between the proposed new bedroom wing and the structures in the service yard is in need of further consideration, as is the design of the proposed new buildings facades.

**Councillor Clowes:** The application currently fails to:

1. Provide evidence that the owner has made all reasonable efforts to sell the building to secure its restoration WITHOUT progressing to the enabling development route.
2. To provide evidence that a Hotel & Spa function as proposed, is a sustainable and economically viable option for the future use of this building in the medium to long-term.

3. The Travel Plan is not robust and fails to identify that in terms of logistics and infrastructure, this site remains motor vehicle dependent.
4. There is no Highways assessment provided with this application, or assessment and modelling of the traffic movements that this development will generate on the highly rural infrastructure surrounding the Estate. (It must also be remembered that a further fourteen sites for enabling housing development are also proposed that will also have to utilise the same highways network.
5. Further work is required regarding design elements of the proposed re-modelling of the Hall and new build structures.
6. A far more robust and detailed renovation programme for the Hall, Star Barn and Delves Tower is required in order to better assess project viability. In the case of the Hall, this is essential to confirm if (in the light of years of neglect) it is economically feasible to restore it for long-term use.
7. Additional Ecological survey work is required in relation to the Star Barn, Delves Tower and Bat mitigation.
8. The Use of marquees for external events next to the Hall is contested both in terms of appropriateness within the listed park and next to the Hall.
9. The Use of marquees for 60 events per annum is considered a serious concern in relation to the amenity of local residents.
10. There has been no analysis of the costs required to ensure secure electricity and mains water supplies to service the Development and wider estate.
11. There is no analysis of flood and drainage risks to the wider community as a result of additional surface water run-off from the development, the high water table associated with the estate, poorly maintained estate field drainage systems and areas of flood risk along Bridgemere Lane.
12. This Phase 1 Enabling Application should not be approved until a sufficiently robust Business Case is submitted that enables the fiscal viability of the project to be assessed both in terms of the CONSERVATION DEFICIT and the sustainability of the business.
13. For the reasons outlined above, request that this Application is recommended for refusal

**Doddington and District Parish Council:** At a meeting of the Parish Council on Tuesday 10<sup>th</sup> February 2015, the council voted to object to the above planning application on the following material grounds.

**1. Highways**

The impact of increased vehicles approaching and exiting the estate on the A51 along with substantially more traffic, both guest and deliveries, on surrounding narrow lanes, causes major concerns in regard to safety, based on the current infrastructure. The A51 is a very fast road and if the entrance is used for both entry and exiting the estate it will create a major safety concern.

The rural lanes are very narrow and many accidents happen on a regular basis, especially on Checkley Lane which is used by cars/vans as a rat run and by articulated lorries to Grange Farm. Any increase in vehicles on these lanes will have a major impact and the Parish Council are not aware of a Highways Impact Assessment being undertaken.

The access by service vehicles to the estate also causes concern. If this is from the A51 not only will large vehicles be braking to enter the estate, the estate road is single track and both guest and service vehicles will be attempting to pass each other.

## **2. The Hall**

The costs for development are still very sketchy and it is thought, having looked through the application documents, that key issues have not been addressed such as a detailed structural survey. Many budgets are overrun due to hidden costs and where the application documents cover a visual survey of the building it only addresses the structure of the building, rotten wood and damp areas without substantiating the cost effect on the overall budget.

Parking spaces do not seem to be adequate. Given that the application is for 120 bedrooms, when staff and day visitors to the restaurant and spa plus large events are factored in, it seems that there will not be enough spaces to accommodate all.

Although the application in its own right is to develop the Doddington Hall, Star Barn and Delves Castle, in the view of the Parish Council it is still deemed to be the first process in an eventual enabling application for 120 or so houses, so accurate costs are a major point in this application and it is felt that this has not been addressed in enough detail.

Some design issues do not seem to have been fully addressed as recommended by Cheshire East and English Heritage such as external lifts, copper style coverings to the spa, the glazed access routes etc.

There are numerous emails from Cheshire East and English Heritage raising the following:

A) The project cannot be considered as true enabling development because the property has not been market tested and in the absence of previous marketing it would be helpful to properly explain why the sale of the property has not been considered and to provide details of the outcome of when it was placed on the market some time ago.

B) With any enabling development the applicant needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the place. This should normally include the offer of the unrestricted freehold or long leasehold (125 years or more) on the market at a realistic price reflecting the condition of the place.

The council fully realise that this, on its own merit is not an enabling application but again counter this as a route toward an enabling application. It is also felt that English Heritage and Cheshire East Planning have not been proactive in enforcing any other way forward to save the hall without going down the enabling process. No one, neither councillors nor the public, are aware as suggested above, the hall has been looked at for other uses or to put it on the market.

## **3. External Events**

A number of the public have raised concerns about the impact of outside events and noise levels especially that on livestock. Horse owners are many surrounding the estate and noise from music and possibly fireworks when celebrating events will frighten horses, the council

have in the past had numerous complaints from horse owners whose neighbours have used fireworks.

#### **4. Utilities**

A proposed heat exchange system via the pool is a concern as the ecology of the pool may be affected by such a system.

The sewage treatment site identified does not go into enough detail and it is not known what is required for this size of facility.

#### **5. Ecology**

Whilst it is seen that some surveys have been carried out and suggestions on how to support and counteract the ecological effect, the introduction of light, noise and humans will have a dramatic effect on many species which currently have freedom of the estate with little disruption.

The Parish Council have met numerous times with the estate representatives and members of the public at our regular meetings. The estate has listened to many of our concerns and addressed a number of them. The public have been invited to speak and have raised their concerns in question and answer sessions which have been beneficial, transparent and informative. The objection is based on the points raised over the past two years, after listening to both the estate representatives and the public, along with the documents read within the planning application.

**Hatherton And Walgherton Parish Council:** At their meeting held on 16th February 2015, Hatherton & Walgherton Parish Council resolved to strongly object to the proposal on the following material planning concerns, noting that we have been placed in the difficult position of being required to comment on this application, without being informed of the full implications to the community of enabling development. It was noted that there would be no conservation deficit if we had not witnessed the neglect of the Hall and the estate since 1985 when the Hall was last used. This dereliction has been brought about by the owner's disengagement to a point where renovation of the Hall may be unfeasible or only possible at such a high cost that the dis-benefits to the community outweigh the benefits to the owner. It is noteworthy that other local Grade 1 Listed Buildings in the area have been maintained in a good state of repair without cost to the local community.

The Statement of Community Involvement referred to in the planning documents cites Hatherton & Walgherton Housing needs survey as indicating a requirement for additional housing to potentially fund Hall improvements. However, with recent approved barn conversions and granny annex extensions, our housing needs have already largely been met. Our objections are on the following grounds:

#### **1. No development should take place until the viability of the business case has been put forward and the conservation deficit established and audited.**

The developer has confirmed that the proposals will require enabling development. This will have considerable impact on the local community. No development should be approved until full and up-to-date structural surveys of the buildings have been completed and it has been confirmed that the development is logistically and financially feasible. CE Pre-Planning advice also requested further development of Star Barn and Delves Tower proposals and restoration

of parkland and boathouse. These have not been addressed in the application. The application as it stands contains insufficient detail for the heritage deficit to be fully established.

## **2. Design**

- The proposed external lift shaft is out of character with the historic building.
- The proposed glazed walkway is out of character with the historic buildings.

## **3. Visual Impact and Noise/Light Pollution**

- There are significant concerns regarding the holding of up to **60** outside events per year. This will lead to considerable noise and light pollution and loss of amenity for local residents over a wide area. Noise and fireworks will also have a detrimental effect on horses and farm livestock in the area. The noise from existing local outside events, e.g. Betley, albeit held infrequently and therefore not too intrusive a nuisance, travels a considerable distance.
- Any external lighting of the hotel and grounds would be intrusive in this otherwise rural area of “dark skies”.
- Marquees for the proposed 60 outdoor events per year on two or three proposed positions on the estate would be unsightly visual intrusions. As it takes several days to erect and decommission these structures, it is likely that they would become an unsightly permanent or semi-permanent feature. .

## **4. Ecological Concerns**

- A full ecological survey of the Star Barn has not yet taken place. The proposed remedial repairs are sufficiently disruptive to require a full ecological survey prior to approval.
- The proposed illumination of trees and other external lighting would be detrimental to wildlife.
- The derelict hall and buildings are home six species of protected bat, two of which are significant presences in the county. The presence of six different bat species in one location is exceptional in Cheshire and great care will be needed to preserve their habitat. Some species of bat are natural building dwellers and attempts to rehouse them in bat boxes in trees may not be successful. Any additional light pollution from the 10 proposed external lighting sites plus hall restoration activities, will negatively affect this protected bat population. Any evening marquee music or externally lit events would also be detrimental to these protected species.
- There are some ancient trees on the estate which are older than the Hall itself, more aligned to the former hunting park associated with Delves Tower. These and their diverse wildlife populations may be put at risk.
- Badger populations would be disturbed.

## **5. Lack of or out-of-date Surveys**

- There is no survey of the Cottage. A full structural survey is required before permission can be granted.
- The Hall timber decay report is out-of-date (1998) but identified serious decay/rot. A new survey is required as timbers will have continued to deteriorate. The current timber decay condition may make renovation unfeasible.
- Main Hall structure – there are no structural survey details and no indication of costs involved in restoration/conversion.

As this is phase 1 of an enabling development, it should not be approved until full and up-to-date structural surveys of the fabric of the key buildings have been completed and it is known that it is logistically and financial feasible to proceed.

## **6. Travel Plan and Travel Assessment**

This is inadequate in the context of the rural location and associated infrastructure.

- A 120 bedroom 5 star hotel and spa, plus associated staff and spa day visitors, will require considerably more car parking spaces than planned.
- For large events, additional parking will also be required.
- The amount of car parking required will have detrimental impact on the historic parkland and thus the setting of the hall.
- There is no public transport along the A51 or other rural roads in this area, necessitating access only by private vehicles.
- The nearest major population centres are in excess of acceptable walking and cycling distances.

## **7. Access to and Servicing of the Estate**

In order to maintain the integrity of the listed parkland, only one access to the Hall is identified – through the main entrance off the A51 and past the lake. This route require a full highways survey to ensure it is suitable for service vehicles, HGVs and coaches, taking into account this will also be the access road for hotel guests, visitors and staff.

## **8. Highways Impact Assessment and Cumulative Impact on Surrounding Highways Infrastructure**

- There is currently no wider Highways Impact Assessment of this development on the surrounding road, lanes and settlements.
- The estate is bounded by the A51 and by narrow country lanes which are unsuitable for the considerable increase in traffic this development would bring to the area.
- The application should be refused in the absence of an accurate Highways Impact Assessment and the absence of financially viable mitigation solutions.

## **9. Utilities and Energy**

- The existing water utilities are in a “fragile” state with frequent water leaks and poor pressure. It is questioned whether the proposed bore hole will supply adequate water for a development of this scale, thus putting unsustainable load on the existing pipe network.
- Electricity supply in the area is mainly by overhead power lines which are vulnerable to outages in poor weather. The proposed development is likely to place considerable additional demand on electricity supply. Upgrading of supply lines may be required, with consequent disruption to residents.
- The proposed heat exchange system in Doddington Pool does not identify the potential impact of the cooling on the ecology of the pool.
- The amount of heat generated from the pool during winter months is likely to be negligible, but demand may be high.
- There is insufficient detail regarding the size or capacity of the proposed package treatment plan. A development of this size will require a significant soil/sewage treatment plant definition before permission can be granted.

## **10. Drainage and Flooding**

- A development of this size will generate considerable surface water run-off. The Estate and surrounding area is known to have a high water table, with water-logged woodlands and regular flooding along parts of Bridgemere Lane.
- Due to the high water table levels throughout the Estate, this application should be refused until a robust flood and drainage assessment with associated hydrological survey has been completed and appropriate mitigation designed to prevent negative collateral impact on sites at distance from the application site.

### **11. Marketing Exercise**

This application is phase 1 of a complex system of enabling development planning applications to meet an unnecessary conservation deficit, which will have considerable impact on the local community, also English Heritage requested that a marketing survey be completed to justify the option of developing the Hall into a five-star hotel and spa to create a sustainable enterprise to preserve the historic assets of the estate. However:

- There is no evidence of a marketing exercise in the papers associated with this application to date, although this was requested by Cheshire East Pre-Planning advice in order to demonstrate the robustness of the application.
- There are at least three other 5 star hotels in South Cheshire and it is questioned if another is sustainable in this area.

### **Conclusion**

Although this application is for the restoration and conversion of Doddington Hall, it should be considered in the context of the future enabling development applications which will be considered in their own right at a later date.

It is essential that a robust, detailed and sustainable business case is presented to the Strategic Planning Board and made available in the public domain for this application. This needs to include the costs of restoring and converting the historic assets, the costs of the new build elements and infrastructure, together with the five year forward business case identifying the total end value of the fully completed hotel and spa. It is only at this stage that the fiscal viability of the project can be assessed both in terms of the conservation deficit and the sustainability of the business. This information is required to effectively judge the benefits versus the dis-benefits of the schemes and must be submitted as part of this initial application.

### **English Heritage:**

#### Summary

This letter relates to amended plans, including changes to the new accommodation block and stables. We have no objection to the revised plans. However, we remain concerned that details and phasing of repairs to the grade I Delves Tower be secured with any consent and recommend that a planning condition be applied and that we be consulted on the wording of this.

#### Historic England Advice

The revised plans referred to above have been received further to our letter of the 6 February 2015 in which our support in principle was tempered by a number of concerns about the proposals and their impact on the grade I listed building.

The proposed amendments to the siting, form and massing of the new accommodation block has improved the relationship with the cottages and service wing of the listed building. The alterations to retain the existing entrance and re-locate links to the stables is a significant improvement. Retaining the important central entrance to the stables and its architectural and spatial character and making circulation easier and more compatible with the simple internal planning of the original building are significant improvements on the previous design. We can therefore confirm that the proposed amendments satisfactorily address our concerns.

With regard to Delves Tower, we note that there are no details on the repairs within the submission and it was confirmed at a meeting with the agents in March that this was unlikely to be forthcoming in the short term. It was proposed that this aspect be resolved by planning condition(s), including a date for carrying out the works. It is extremely important that the repair of the grade I listed Tower takes place as part of this development, given its poor condition, and that the date for completion (as opposed to commencement) is tied into a consent for this development. A date for the commencement alone would clearly be deficient as it would allow repairs to be started but left incomplete, possibly indefinitely.

We note that there is a condition survey with the planning application but no details of proposed repairs. We believe it is vital that the repair of this grade I listed building, which is an essential component of the registered landscape and setting of the grade I Doddington Hall, is addressed at an early stage in the re-development and not left to later phases at some uncertain point in the future. Given the very serious condition of the building and that there are no details of the proposed conversion of the Tower submitted with the application we are very concerned about the potential for delay. We would therefore advise that the essential structural repairs of the building and its roof should take place well before the hotel conversion of the Hall is completed.

We would therefore recommend that a phasing condition(s) be applied for the submission and approval of a fully-costed schedule of repairs and for thereafter carrying out and completing the repairs. We would strongly advise the need for the condition to specify that repairs to the Tower be completed at least 6 months prior to the first use of the Hall as a hotel following its conversion. Because of the importance of such a condition(s) we would request that its precise wording be agreed with ourselves before the issuing of any consent. We would also request our consultation in any proposals to varying such conditions subsequent to consent being granted. A condition for the approval of details for the subsequent conversion of the Tower would also be necessary.

We presume a condition in relation to the siting of a marquee would also form part of any approval. Approval of its size and appearance is required together with the period of time for its siting, to ensure it does not effectively amount to a permanent feature within the setting of the grade I hall. We would refer you to our guidance <http://content.historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events/temporary-structures-historic-places.pdf/>. Other conditions for more detailed approval are also likely to be required with respect to the works to the listed buildings and landscaping within the registered Park and Garden, including details/samples of joinery, materials, finishes, services, internal & external

lighting and measures to protect the historic fabric, particularly decorative elements, during the construction phase.

Subject to the above we are satisfied that the proposals now meet the statutory and policy tests within the 1990 Act and the NPPF. We therefore confirm our support for the scheme as amended subject to the above matters.

### Recommendation

We have no objection to the proposed amended scheme subject to our further involvement in advising on conditions to secure the phased repair of Delves Tower.

### **REPRESENTATIONS:**

Circa 30 representations of objection have been received to the application raising the following points;

#### **Principle**

- Already sufficient hotel / spa facilities in the area
- Site is a greenfield site not brownfield
- No commercial justification for the number of bedrooms
- No evidence to support commercial viability / business case
- No mains gas in the area
- Use of the hall should be minimum necessary to secure it's future
- This may not be the most profitable but may be a more balanced proposition causing less harm
- No voluntary active involvement by the community in caring for the hall because they have been discouraged.
- Hall does not have a huge significance to local people
- Owner does not have any real regard for the heritage of the hall.
- It has been allowed to become derelict like other estate properties.
- No work has been done since English Heritage stopped in to stop the rot 15 years ago.
- The cost of previous work has already been paid for by English heritage
- Much of the parkland not in applicant's ownership. Therefore no public access to this land.

#### **Design / Conservation/ Listed Building**

- Concern about piecemeal additions which are harmful to the building
- Objections from the Georgian Group
- Insufficient information to allow the local community evaluates the proposals.
- Failure to demonstrate the current proposals represent the most sensitive / commercial viable use for the building
- Lack of consideration of alternatives
- Council has a duty to preserve and not harm the setting of the building
- No survey of the cottage undertaken
- Hall Timber Survey is out of date
- Lack of Structural Survey of Hall

- No indication of costs of the work
- Insufficient information on the restoration and repair works
- Objections to the loss of historic fabric by the Georgian Group.
- Bedroom block has bland, overpowering facades with poor palette of materials that has more in common with and resembles a low cost leisure/sports centre that seriously harms and detracts the setting of this sensitive and important building, rather than a quality building that is truly complimentary, sympathetic, and subservient to the listed building. CEC should not permit this heritage Asset to be ruined in this way.
- Concerns regarding design of the proposed new external lift shafts on the side of the original house.
- Concerns regarding choice of black (dark) copper treatments of third floor of new bedroom block.
- Concern about alterations to stable block
- The proposed new bedroom block and the proposed new spa building are also extremely modern and rather ugly in design and not at all in keeping with the existing buildings.
- The English Heritage comments state that some works proposed are harmful to the listed building.
- Temporary event space will adversely affect setting of the building. Whilst these are erected on a 'temporary' basis they often become permanent to the detriment of the listed building
- Concern that hotel use is the most sensitive / suitable. Likely to result in most significant harm in medium to long term
- Concern about size of extension encroaching onto historic parkland / setting of listed building
- The addition of a new build hotel block, separate spa building, sewage treatment plant, carparks, electricity sub-station are major alien features in this rural landscape and not essential to restoration of the hall itself.
- The restoration plan is also incomplete as it does not include other Doddington Estate listed buildings - Star Barn, Delves Tower and the boat house. This is a business proposition without solid foundation.
- Proposal would destroy setting of hall by huge extensions and tents
- Would look like an encampment
- Concern about visual impact on open countryside.
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### **Ecology / Flooding**

- Concern about water abstraction
- Previous ponds have result in loss of parkland.
- Risk of Flooding
- Risk of subsidence due to soluble rocks.
- Harm to Doddington Pool SIB as a result of Heat Exchanger
- Concerns remain regarding mitigation for Bat Species and Badgers.
- Star Barn: To date, this site has only been subject to preliminary ecology surveys.
- No detailed plans for treatment plant for sewage. Dirty water getting into watercourses causing problems for wildlife.

- Lack of adequate sewerage / treatment plant.
- Community is well aware of the presence of many protected species living in and around the hall and its outbuildings. The area is known for its many species of Bats, Owls and Newts, there are certainly Badgers too. It also has to be a concern around the potential damage to the Trees and other flora and fauna that are the nesting areas for a huge variation of wild birds.
- Impact on protected species, of noise, light disturbance and building works
- Loss of farmland for food growing
- Under the Protection of Badgers Act 1992, it is an offence to willingly and/or deliberately cause harm to badgers by death, injury or disturbance. Badger setts have already been identified very close to the suggested new build/extension. How would they not be disturbed or harmed by this building work?
- The Wildlife and Countryside Act 1981 states it is an offence to willingly and/or deliberately cause harm to bats by death, injury or disturbance. Within the hall itself are several species (Kingdom Ecology Report). Work on the hall would result in disturbance at the very least.
- Estate has a high water table. Regular flooding and drainage problems on Bridgemere Lane
- Concern about effluent from outdoor events
- Naturally we are concerned about how the developments will affect the rural area and its wildlife, we are aware of the bats and newts which make their habitats amongst the old buildings and existing meres and feel the development would put them at risk. The area has historically been recognised as a conservation area and is in threat of ruin. Already huge trees are being felled around the manor house and excavations to the main property can be seen. One proposal outlining up to 40 chalets dwellings around the lemon pool was beyond belief and emphasises the greed of the project

### Highways

- Travel plan assessment is inadequate in the context of the rural location and associated infrastructure.
- Insufficient parking
- Single point of access / narrow driveway is insufficient to take construction and hotel traffic.
- Distances from major population centres are in excess of acceptable walking and cycling distances (7 miles from Crewe, 6 miles from Nantwich)
- No public transport services exist along the A51 or along other minor routes adjacent to the Estate.  
Failure to consider wider highway impacts inc. M6 junctions and Bridgemere Lane/Hunsterson Road / other traffic generators in the area e.g. Dagfields / Whitakers green Farm Waste Site / Hazardous Junction at Boards Head
- Fatalities on main road A51 nearby
- Spa and secondary entrance shown off Bridgemere Lane – totally unsuitable
- Concern about impact of holiday village proposals
- Insufficient parking spaces (120). Residents expect 300 parking spaces required for guests and up to 2000 for the 60 events per year. This would require 12 to 15 acres of parking with associated contamination and flooding issues.
- 

### Amenity

- Concern about fireworks and Chinese lanterns affecting wildlife and livestock.
- Concern about noise / music from outdoor events / marquee
- Light pollution spoiling countryside
- Proposals focus entirely on preserving the view over the parkland with little consideration of the setting in its totality or wider landscape or visual impacts from other aspects
- Residents live in the area because of the environment and do not want it spoiled
- Do not want to see open countryside destroyed.

### **Enabling Development**

- This is Phase one of an enabling development
- It is not credible to remove the enabling development.
- Most of the financial gain from the enabling development would be to provide infrastructure from the housing not restoring the hall.
- The intention of removing was to avoid considering it under enabling development policies
- The Local Authority is doing a disservice to residents accepting the application in its current form.
- It is a 1 side application There is no indication of the harm  
Without knowing costs it is uncertain whether the scheme is financially viable  
It is like signing a blank cheque.
- Failure to comply with EH guidelines on enabling development e.g. marketing, consideration of alternative uses etc.
- Lack of costings for enabling development
- Unclear whether enabling development will be required
- Concerns about impact of 135 houses in different locations around the area. There areas are no longer part of the estate.
- Impact of houses on countryside / road infrastructure / school places/ doctors etc.
- Insufficient waste and energy infrastructure to support development. No mains drainage etc.
- Should not be considered independently of enabling proposals
- There would be no conservation deficit if we had not witnessed the wilful neglect of the whole estate buildings since 1985 when the Hall was last used. This dereliction has been brought about by the owner's disengagement to a point where the Hall may be past preserving.
- The majority of renovations of this nature overrun their budget due to unforeseen circumstances. There is much that is unforeseen in this overview of a plan. There will be far too much of a conservation deficit to bridge. It should be best preserved as a ruin and prevented from further decay.
- The proposal presents all the private gain with all the harm to the community
- Any balanced judgement has been avoided to established whether
  - o if the proposal destroys more than its saves,
  - o is the proposal the minimum necessary to secure the hall,
  - o does the proposal minimise harm to public interests
  - o Does the benefit of securing the future of the hall through what will inevitably result in an enabling application through a Trojan Horse approach outweigh the disbenefits

- Impossible to assess the planning balance because only one side of the equation is presented and development is purely speculative
- Enabling development should be at the heart of the proposals
- The proposal is premature
- Any enabling development proposals are pure conjecture.
- The hall owner who lives in London clearly has no concern about the implications these proposals will have upon local people and their lifestyles as this is purely nothing more than a money making venture.
- A proper business case should be put forward stating
  - o If it is a viable option
  - o What other options have been considered and why have they been disregarded
  - o Is the proposal sustainable
  - o What is the conversation deficit
  - o How many houses will be built
  - o Where will they be built?

## **APPRAISAL:**

### **Principle of Development.**

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan where according to Policy NE2 there is a general presumption against development unless it falls into one of a number of uses appropriate to a rural area. Policy RT1 states that development proposals to provide hotels or guest houses within the settlement boundaries as defined on the proposals map, or for the change of use of existing residential properties in the open countryside to guest houses, will be permitted where they are appropriately located and of a suitable design, (in accordance with policies BE.1- BE. 5.)

The proposal is therefore considered to be acceptable in principle subject to compliance with the other relevant local plan policies and no other material considerations indicating otherwise and subject to a finding of being sustainable development would benefit from the presumption in favour under paragraph 14 of the framework.

There are 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 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

**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

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

If the proposal is found to be sustainable development paragraph 14 states that there is a presumption in favour of granting planning permission. 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.”*

According to footnote 9 the latter bullet point includes those policies related to designated heritage assets. Accordingly, it necessary to consider also whether the proposal complies with the requirements of paragraph 134 of the Framework which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

### **Social Sustainability Amenity**

The Hall is set within a substantial parkland, and consequently, the nearest neighbouring residential properties, not within the control of the estate are several hundred metres away. As a result no adverse impacts are anticipated as a result of overlooking, overshadowing etc. from the proposed extension.

Some objections have raised concerns about noise from outdoor events. However, in the absence of any objection from Environmental Health, it is not considered that a refusal on this basis could be sustained. However, they have recommended that events in the proposed temporary structures shall be limited to 6 days per calendar year. The applicant would require a Premise Licence under the Licensing Act 2004 to hold events with regulated entertainment in the temporary structures and as such, to be consistent with other venues in the Borough, the applicant would be restricted to 6 days. This is because temporary structures offer very little in terms of noise mitigation and in a rural location, there is the potential for the noise to travel some considerable distance. Hence consistency is needed within both the Planning and Licensing regimes. This could be secured by condition

The Environmental Health department have recommended, however, conditions relating to a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise. To avoid any adverse impacts resulting from light pollution, conditions are required stating that the lighting scheme shall be installed and operated in accordance with the submitted Lighting Strategy Report dated November 2014.

It is also recommended that conditions are imposed requiring, prior to the development commencing, an Environmental Management Plan to be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, hours of construction, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes; waste management and dust generation.

Whilst the air quality impacts of this proposal are relatively small and would not require an impact assessment we have to consider the cumulative impacts of a number of developments in the Crewe and Nantwich area.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new developments. This can be secured by condition.

Contaminated land Phase I and II reports have been received, reviewed and approved prior to receipt of the planning application, and the reports recommend that no further action is required. It is noted that any imported topsoil should have appropriate certificates confirming its suitability prior to placement.

## **Environmental Sustainability**

### ***Ecology***

#### Wybunbury Moss

The application site is located some distance from Wybunbury Moss which is designated as a National Nature Reserve, SSSI, SAC and Ramsar site. The application site falls within Natural England's risk zone for proposes associated with SUDS/Soakaways. As it is proposed to discharge surface water to a SUDS this proposed development could potentially have an adverse impact upon the features for which the Ramsar and SSSI was designated.

Therefore, Natural England have been consulted upon this application. Comments were awaited at the time of report preparation and a further update will be provided to members.

It will be necessary for the Council to undertake an "assessment of significant likely effects" of the proposed development upon on the features for which the Ramsar and SAC were designated and the Councils Ecologist has stated that he will advise further on this once Natural England's consultation response has been received.

#### Main Hall and associated buildings

##### *Bats*

Evidence of bat activity in the form of numerous roosts of up to six bat species has been recorded within the Main Hall itself, the service wing, the cottages and the stables. The usage of the building by bats is for most bat species present likely to be limited to small

numbers of animals using the buildings for relatively short periods of time during the year, there is however a small maternity roost of one species present in the service wing.

In the absence of mitigation the proposed development is likely to result in a HIGH adverse impact upon bats as a result of the loss of most of the identified roosts and the risk of bats being killed or injured during the construction phase. Additional lighting associated with the development is also likely to deter bats from roosting within the buildings and possibly result in the desertion of the remaining roosts.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

In this case, the submitted Ecological Appraisal recommends the installation of bat boxes on the nearby trees, the incorporation of features for bats within the converted building and two replacement 'bat houses' as a means of compensating for the loss of the roosts. One bat house would be provided above the gardeners store and the other above the proposed electricity substation/bin store. The submitted assessment also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The gardeners store is not optimally designed for roosting bats however the proposed bat house above the substation/bin store is appropriately designed to meet the needs of the species of bat concerned. If planning consent is granted the proposed mitigation/compensation proposed for the impact on bats resulting from the conversion of the Main Hall and associated buildings is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. If planning consent is granted a condition should be imposed requiring the proposed development to proceed in accordance with the recommendation made by section 6.3.5 the submitted Ecological Assessment dated 2<sup>nd</sup> December 2014

#### *Great Crested Newts*

It is advised that this protected species is unlikely to be affected by the proposed conversion of the main hall and associated buildings/

#### *Badgers*

Two badgers sett have been identified on site. The setts would be retained on site and an outline mitigation strategy has been submitted. In order to allow the Council to assess whether the proposed outline badger mitigation is acceptable The Council's Ecologist has advised that the applicant should provide an annotated plan showing the distance of the proposed works from the identified setts. This had been provided and the Ecologist has commented that in essence there are two setts on site. The proposed development will take

place within close proximity to the sett, but it should be feasible to retain the sett as part of the proposed development. A minor adverse impact on the sett is identified as a result of additional lighting.

He advises, that as the status of a sett can change in a short time scale a condition should be attached to require an updated badger survey and updated mitigation strategy to be submitted prior to the commencement of development.

### *Woodlands*

The proposed car park would result in the loss of recently planted woodland habitats which have been assessed as being of local value. The proposed spa extension would result in the loss of scrub habitat and also encroach into an area of established woodland which has been assessed as being of district nature conservation value.

To compensate for this loss of woodland the applicant is proposing the restoration of 2.3ha of parkland and the creation of an additional 2.3ha of woodland. In the event that planning consent is granted the proposed woodland creation and parkland restoration would be adequate to compensate for the loss of woodland habitat associated with the development.

If planning consent is granted a condition should be attached requiring the submission of a detailed planting plan and method statement for the proposed woodland creation and parkland restoration. A condition requiring the submission of a 10 year woodland and parkland management plan would also be required. It is suggested that the management plan also includes proposals for the removal of rhododendron from the woodlands around Doddington Pool (as identified as target notes 7 and 8 on submitted Phase One habitat plan).

### *Nesting Birds*

If planning consent is granted it is recommended that the standard conditions be attached to safeguard nesting birds requiring surveys to be carried out prior to commencement of works during nesting season and provision of nesting boxes:

### Star Barn

#### *Bats*

The ecologist who undertook the submitted bat survey is aware of a Pipistrelle bat pip maternity roost being present at Demesne House located 10m from the Star Barn. The star barn has potential to support roosting bats and the presence of a significant maternity roost nearby increases the likelihood of bats being present at the Star Barn. *It is advised that the proposed works to the Star Barn have the potential to have an adverse impact upon roosting bats. No bat activity surveys have been undertaken of the barn and so at present insufficient survey work has been undertaken of the Star Barn to establish the presence/absence of roosting bats at the barn.*

Further bat activity surveys must be undertaken to determine the presence or absence of roosting bats at the barn prior to any planning permission for works to the building being granted. However, at this stage, no conversion works are proposed, only general repair and

maintenance which do not require planning permission. Therefore it is not considered to be reasonable to request such surveys, although the owners would remain bound by the requirements of the Wildlife and Countryside Act and an informative should be added to the decision notice recommending that surveys are undertaken before works commence.

#### *Barn Owls*

Limited evidence of barn owl activity was recorded within the Star Barn. The Council's ecologist has advised that usage of the barn by barn owls is likely to have been low and it is highly unlikely that barn owls have breed at the site. The submitted ecological statement includes proposals for the erection of three barn owl boxes on site and the suggested breeding bird condition would mitigate any risk of barn owls being disturbed during the core breeding season.

#### *Great Crested Newts*

Great crested newts have been identified as breeding at a pond 100m from the Star Barn. Considering the location of the pond, the nature of the intervening habitat the distance between the pond and the barn and the nature of the proposed works great crested newts are unlikely to be affected by the proposed works.

#### Delves Tower

##### *Bats and barn owls*

Evidence of bat activity was recorded within the tower during the submitted ecological survey. No bat activity surveys have been completed and the Council has insufficient information to assess the significance of any roost present or to determine the potential impacts of the proposed works to the tower on roosting bats. The tower has been identified as offering potential habitat for barn owls and there is anecdotal accounts of barn owls previously roosting within the tower. Due to access difficulties the tower has not been subject to sufficient survey to determine the likely presence/absence of barn owls.

As with the Barn further bat activity surveys and a further barn owl survey must be undertaken to determine the presence or absence of roosting bats at the tower prior to any planning permission for works to the building being granted. However, at this stage, no conversion works are proposed, only general repair and maintenance which do not require planning permission. Therefore it is not considered to be reasonable to request such surveys, although the owners would remain bound by the requirements of the Wildlife and Countryside Act and an informative should be added to the decision notice recommending that surveys are undertaken before works commence.

#### *Great Crested Newts*

Great crested newts are unlikely to be affected by the proposed works to the tower.

#### Lake

The Council's Ecologist does not anticipate there being any significant impacts on the pool in terms of excess heating. However, the installation of the heat pumps could potentially have an impact on the nature conservation value of the pool for example through the loss of aquatic/marginal vegetation and the disturbance of any protected species present.

Additional information on this point has been sought from the development and the Council's Ecologist has confirmed that there will be some loss of habitat for which the SBI was designated, but in the context of the size of the site the loss will be minor. However, he suggests that if planning consent is granted a condition be attached requiring the exact route of the pipeline for the pumps to be agreed with the LPA prior to their installation. The standard breeding birds conditions are also required in respect of this aspect of the development, as the installation of the pipes may disturb birds nesting in the bankside vegetation.

### ***Design***

#### Background

Doddington Hall is a Samuel Wyatt designed mansion house, listed grade I. The Hall comprises the main house and the servants wing to the west, with the L shaped grouping completed by the Stable block to the north, grade II. The Hall sits within its historic parkland, which is listed grade II on the National Register of Historic Parks and Gardens. Also within the grounds are the separately listed Boat House (grade II) and the entrance wall/gates, also grade II. Two notable buildings/groupings within the estate are the Delves Hall (also known as Delves Tower and Castle), a remnant of the mediaeval manor house, listed grade I and the Demesne Farm buildings (the Star barn) also designed by Wyatt, grade II\* and associated farmhouse and cottages, grade II. Delves Hall is circa 500 m to the north, whilst Demesne Farm is circa 1 km to the north west of the Hall.

The park comprises a mix of parkland, agricultural land and woods/copses with Doddington Mere, a large waterbody circa 0.5 km wide to the east of the main house. Another large water body lies circa 2-300 metres to the south west of the Hall. Whilst the general topography of the area is relatively flat, the land does fall away to the south west of the Hall, with the servants wing, cottages and stables sitting below the elevated position of the Hall. The grounds are more heavily wooded to the south west of the Hall, around the western, northern and southern edges of the lake and on approach to the Hall via the main entrance driveway from the north.

The Hall, Star Barn and Delves Tower are all identified on the Heritage at Risk Register compiled by Historic England. The lower grade assets except Demesne House, which was recently occupied and re-acquired by the estate, would also be considered to be at risk as a consequence of their state of repair and/or lack of use. The Hall roof was extensively repaired in the recent past, with the benefit of English Heritage grant aid and this has gone some way to halting deterioration within the main house. However, the servant's wing is in a far worse condition, with the first floor structure largely removed due to dry rot.

#### Proposals

The proposals comprise adaptation of the Hall, servants wing and stables with the main extensions/new buildings located in the area behind the service wing/cottages to provide a 2.5 storey bedroom wing and hotel spa, both of which are partially accommodated below natural ground level, with careful re-contouring. Light links are proposed to connect the new and old elements in the area behind the service wing/cottages, particularly to provide an enclosed connection to the stables, which are also proposed for conversion to additional bedrooms. A new lift tower is proposed at the intersection of the Hall and the service wing. The new elements are proposed in a restrained contemporary character, which is honest and clearly references the development as being current rather than pastiche. This approach is also reflected in the materials palette comprising a light brick, copper cladding and detailing and large expanses of glazing within the Spa and the glazed links

A car park is proposed in the area to the west of the stables, with further parking in the area of the disused tennis courts.

A parterre garden is proposed to the south of the Hall, with some modest, light touch enhancements to the wider parkland landscape. Repairs are also proposed to Delves Tower and to the Star barn, with schedules provided as part of the application. The extent of those repairs needs to be fully determined and controlled via an appropriate mechanism and triggers.

### Impact of the proposals

This section of the report considers primarily the new build elements, these largely relate to an assessment of the impact of the proposed development upon the assets within their setting. The refurbishment and alterations to the listed building itself are dealt with elsewhere.

It is clear from the heritage assessment that the significance of the hall and other heritage assets is largely derived from their individual architectural and historic interest, their value in group terms and the wider historic and aesthetic value of the historic landscape. But, it is also clear that the setting of the individual heritage assets is interconnected and that there are differing degrees of sensitivity for different areas in proximity to the Hall and within the historic landscape.

This sensitivity analysis informed initial stages of work to identify where potential extensions would best be located to minimise impact upon the setting. This approach led to the collective view that the area to the south west of the service wing was the zone where an extension would have least impact in built heritage terms, whilst also meeting the operational needs of a hotel operator.

Subsequent iterations at pre-application then sought to resolve massing and form considerations for the extensions, both in terms of plan layout but also architectural identity and massing of the extensions: should they seek to mimic, or define a contemporary design language that clearly expressed these works as 'of today' interventions? And, should the buildings be strident or subservient? It was considered that a contemporary approach, informed by the language of the Hall, but mainly the servant's wing, should be adopted and the sense of diminishing scale and subservience should also be reflected in form and detail, exploiting the site topography.

### The bedroom wing

Several designs were tested, both at pre-application and early in the application itself, with concern expressed by both Historic England and ourselves that the design of the additional bedroom wing was still not right. The concerns related to the proportions within facades, the detailing of the roof storey, the imbalance of solid and void and proportion within fenestration (i.e. not reflecting the pattern, rhythm and proportionality displayed in the main house and servants wing), the lack of fenestration on the southern elevation and that its form and detail did not appropriately express or respond to the architectural character of the existing buildings.

The amended design for this building has addressed concerns about the interface with the servant's wing/cottages, the general mass and form of the building and the detailing of the extension, most particularly the pattern of fenestration and the proportions and detailing of the roof storey.

At a finer level of detail, a more active and animated façade has been created and there is now a harmonious balance between subservience and 'being part of the family of historical architecture' that is Doddington but also the building having a sufficiently strong identity of its own so that it didn't appear like an afterthought or try to hide itself away. This has been achieved by complimenting the classical character and rhythms within the historic grouping of buildings, most notably the neoclassical pattern and proportion of windows, the horizontal strength and robustness of the parapet and string courses, setting back of the roof and the tone of the main facing. A more articulated frontage with insets within the building line, defined by copper cladding and glazing and the regular arrangement of Oriel type windows framed in copper creates a contemporary reflection of classical design. The design and materiality of the roof storey also ensures a respectful but also contemporary approach to what proved a thorny detail to resolve. This all combines to create a subtly individual building that will provide another positive layer in the history and evolution of Doddington Hall.

### Spa building and interface with stable yard

The spa building's location to the west, harnessing the natural change in levels within this part of the site, has resulted in a multi-level building that works well for the Spa function but which also steps away in scale from the Hall and the servant's wing, reinforcing a sense of subservience in relationship to the most sensitive listed elements. The relationship to trees and landscape to the south west also benefits the Spa use. A key issue in relation to this particular part of the scheme is the quality of the interrelationship between it and the cottages and the stable block, including the enclosure of space between, echoing the enclosure of the existing yard area. A significant aspect is in the materiality in this part of the site. Namely, whether it should be red brick to reflect the cottages and the stables, or, a pale facing brick to reflect the bedroom extension and the Hall and service wing.

The latter approach, although not the initial preference, does help unify the new elements of the scheme, as illustrated in the latest visualisations but it will create a significant contrast with the historic elements of the functional part of the Hall complex. Use of the same pale brick and copper detailing reinforces the 'of today' credentials of the Spa building whilst form and architectural expression also reflect its function as a leisure building, with larger areas of glazing and expanses of unpunctuated walling. The mass of the Spa building has been

effectively managed by use of areas of flat living roofs in conjunction with a pitched roof for part of the building.

### Glazed link/yard area

Whilst it would be preferable to not physically link the stables and the new build elements, this has been identified as an important requirement to make the hotel use viable. To this end, discussion has therefore focused on creating 'light', reversible interventions and in their positioning to achieve both the best practical but also aesthetic outcome. This has resulted in a system using structural glazing with a minimalist roof, which is overtly contemporary but also eminently reversible with minimal impact. Its revised siting to the west of the cottages, removes this as a feature of the historic courtyard, instead placing this within the space between the rear of the cottages and the new build elements, meaning the service courtyard retains more of its open character.

A further glazed link of the same type is situated between the yard cottages and the new bedroom block to articulate the junction between.

### Stable block

The Listed Building Section of the report principally considers this as part of the impact of proposals on the historic fabric, although it should be noted that the revisions seem to reflect discussions that the central archway be enclosed with structural glazing and the space utilised as a communal/circulation area rather than for bedroom accommodation, which better lends itself to the character of the space and its central, focal position. However, no updated floor plans are included and therefore it is difficult to verify this. These are being sought from the Applicant.

### Car parking

Initially there were concerns about the location and extent of car parking originally proposed. The location to the west of the stables makes best use of the space behind the stables but seemed modest for this scale of hotel. There was concern that informal, fly parking would occur. There was also a desire to remove car parking in views on approach from the drive, in front of the main house.

Subsequently, an area was identified to the west, on the former tennis courts to provide additional parking, where the landscape was less sensitive and where a more informal approach and additional landscaping could be achieved, set away from the house and its immediate setting.

This approach is generally supported, subject to appropriate landscape detail.

Within the parking zone, is an historic bear pit, mounting block and the remnants of the hydroelectric infrastructure that once powered the Hall. These are all to be integrated within the parking area and intervening landscaping with interpretation, which is welcomed and retains elements of the history of the Hall for visitors to appreciate. This approach could be extended more widely to create an informal heritage trail around the grounds and potentially within parts of the Hall too and could be secured by condition.

### Lighting

As part of the landscape and external works, there are proposals to introduce both functional and aesthetic lighting. Whilst a degree of lighting is both a necessity and aesthetically desirable, there remain concerns that the night time environment and setting could be harmed if the appropriate balance in lighting is not achieved. There is a danger that too much light would affect the setting/ambience of the park and its tranquillity and also introduce light pollution within the wider countryside.

### Conclusions

Inevitably, with this scale of intervention, there will be a degree of change to the setting of the Hall; this will be as a consequence of the physical changes and additions, impact on the localised landscape but also as a consequence of the change in use. It will be busier, less tranquil and generally more active than it would have been when in use as a country house. This will change seasonally but also at different times of the day and on different days of the week, depending on usage and events. This is all part and parcel of the use as a hotel.

But, it also shouldn't be forgotten that when in use as a country house there would have been activity. It was a living, breathing country estate, supporting the local community and economy, the life and energy of which has been missing from Doddington for many years. The House and its wider environment are in need of re-use to breathe new life into the property, secure its repair and long term use and to reverse the tide of decline. This investment will secure its removal from the national At Risk register.

Consequently, the scale of impact upon the asset within its setting needs to also be balanced against the sensitivity of the re-use and the benefit it will bring. This also needs to be compared against the relative impacts of other alternative usage, having regard to the significance of the assets themselves and the likely impacts arising from alternative use. Other uses could be less sensitive in terms of fabric and plan, residential re-use of the main house for example. It could also lead to the estate being in multiple ownership rather than staying within control of the current owners and their future descendants.

In terms of the physical changes, these are considered to be as sensitively conceived as they could be given the proposed use; respecting the hierarchy within the building grouping and utilising site topography to reduce perceived scale and prominence. The buildings will clearly express their modernity but in a way that is respectful of the history around them, and with limited impact upon the heritage assets in their setting. Appropriate conditions will also add a level of control over detailing and materiality and control over lighting and temporary structures associated with the use.

Whilst there will inevitably be a degree of harm to the setting arising from the development, given the revisions and refinements this will be relatively low and decisions relating to the design have been informed by an understanding of the assets and their significance. Being mindful of the statutory provisions in Section 66, in the round, the scheme will generate such benefit to the heritage assets in terms of physical investment and a future use that any harm to setting would be outweighed by the buildings sustainable re-use and conservation, and

with the benefit of landscape mitigation, these impacts will also further lessen in time. For these reasons, the proposals are therefore supported.

It is suggested that more clarity is needed as to the exact nature, extent and timing of the investment into repairs to the Star Barn and Delves Hall to help inform a planning condition

### ***Listed Building Considerations***

Doddington Hall is a Grade I listed building within a Grade II Historic Park and Garden. Its adjacent stable block is listed Grade II together with the Boat House next to the lake (Doddington Pool). To the north is the Grade I listed Delves Hall (Tower) and to the north west its Grade II listed Woodside Cottages, next to which is the Grade II listed Demesne House and its star shaped Grade II\* Barn and Farm Buildings.

The proposed works to convert Doddington Hall, its service wing and stables have been considered by the Council's Conservation Officer and it is considered that their impact upon the architectural and historic interest of this Grade I listed building will be minimal. Provided, conditions are inserted within the decision notice to require the submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.

#### Doddington Hall

It is appreciated that the current proposals involve the retention and repair of existing doors, windows, fireplaces, floorboards, cornices and skirting boards but conditions should be inserted to require the retention of single glazing and to ensure that repairs to any of these features are carried out in like for like materials, design and colours.

Whilst the proposed introduction of an external glass lift to the west gable is a significant addition and will result in the removal of a internal staircase it is accepted on balance, given that the glass lift will be set back from the principal elevation and its design is sympathetically simple and given that the staircase is of limited importance within the hierarchy of staircases.

#### Service Wing

The proposed works are similarly minimal and will address problems of dry rot which is welcome. The proposed retention of the internal railway is also welcome.

#### Stable Block/Cottages

Whilst the proposed works for conversion will serve to retain the distinctive stable building the proposed loss of the central entrance hallway and the associated demolitions would be regrettable, as now noted by English Heritage in their consultation response. The agent should therefore be asked re-consider the internal layout in order to retain the majority of the walls, arched stable entrances, cupboard doors and circular windows which are significant components of the original design, based on the advice given by English Heritage in their consultation response. Revised floor plans were awaited in respect of this matter at the time of report preparation and a further update will be provided.

The proposed retention of the cottages is now welcome, following officer's advice.

#### Delves Hall Tower

This structure is owned by a third party and subject to restrictive covenants relating to its use. Planning Statement.

A condition survey has been submitted for Delves Hall Tower as part of this current application, with the Heritage Statement suggesting it will be made watertight and repaired on a like for like basis to retain this structure which may in future years be used in association with a local existing programme of shooting events.

#### Star Barns

This structure is now in single ownership and has recently been subject to emergency repairs, under the guidance of English Heritage.

A schedule of repairs for the Star Barns prepared in May 2013 has also been submitted as part of this application, with the Heritage Statement suggesting that a further phase of repairs may in future years enable it to be used for wedding events.

#### Bedroom Extension/Spa & associated Glazed Links

These aspects need to be addressed in the light of comments received from English Heritage and our design colleagues, which may involve the need for a much smaller more focused meeting as now suggested by English Heritage.

#### Landscape Proposals

The landscape proposals will introduce a new formal terrace to the south front of the hall, following the broad unimplemented early twentieth century design principles for a new partee garden on the site. On this basis this aspect is considered acceptable.

The proposed siting of the marquee set back to one side of Doddington Hall is also acceptable, as it follows officer advice at pre application stage. Full details of its proposed design, materials and colours will need to be submitted for officer approval.

The second marquee to the rear of Doddington Hall would be acceptable on a temporary basis/as a removable temporary structure. Full details of its proposed design, materials and colours will need to be submitted for officer approval.

#### Conclusions

The proposal is acceptable and justified, provided the issues highlighted above are conditioned as appropriate the comments of the Design Officer & English Heritage on the design of the glazed links and new bedroom block and spa are taken into account and the comments of the landscape officer are taken into account.

#### ***Archaeology***

The application is supported by an Archaeological Desk-Based Assessment and a Heritage Statement, both of which have been prepared by CgMs Consulting.

The desk-based assessment benefits from a consideration of data held in the Cheshire Historic Environment, historic mapping, aerial photographs, and readily-available secondary sources. It notes that the present 18<sup>th</sup>-century hall sits in an extensive contemporary park, which is included in the English Heritage *Register of Parks and Gardens of Special Historic Interest; Grade II* (2001). Documentary evidence allows the origins of the estate to be traced back to the early 14<sup>th</sup> century, when activity was centred on an area c 600m to the north of the present hall where the ruins of a medieval tower, a Grade I Listed Building, mark the site of a formerly more-extensive complex.

In the 1990s parts of the park, but not the present application area, were subject to a programme of systematic fieldwalking which examined a significant sample of the arable land that characterises much of the landscape today and is dotted with a number of small basin mires and mosses. This work recovered occasional sherds of Roman pottery and prehistoric flint work, as well as a more extensive spread of late medieval and early post-medieval pottery from the area between the present hall and the modern Hunterson Road c 200m to the south. The significance of this material is presently unknown but it may indicate areas of earlier settlement and it is possible that similar remains are present within un-surveyed parts of the park, including the application area.

The desk-based assessment concludes that the archaeological potential of the site is not sufficient to generate an archaeological objection to the development or to justify further pre-determination work (Paragraph 6.4). It does accept, however, that further archaeological mitigation will be necessary and recommends that this should take the form of an archaeological strip and record exercise within areas of new build, car park construction, and landscaping. This work will seek to identify, excavate and record archaeological deposits present within the areas subject to monitoring and will lead to the production of a report. It is advised that this represents an appropriate response and that the work may be secured by condition.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the *National Planning Policy Framework* (2012), published by the Department for Communities and Local Government and the still current *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

In addition, it is noted that the application contains proposals for the conservation of the Delves Hall or Doddington Castle, the medieval 'pele' tower, c 600m to the north of the present hall. The Heritage Statement (P33) specifically states that this will not involve anything beyond repairs to the fabric but it should be noted that the tower is associated with below-ground archaeological remains of a medieval hall and any works involving ground disturbance in this area would have significant archaeological implications.

### ***Flood Risk and Drainage***

A number of local residents have raised concerns regarding flooding. The Environment Agency and United Utilities have been consulted on the proposals and raised no objection subject to conditions. It is therefore not considered that a refusal on these grounds could be sustained.

### ***Highways***

The HSI has reviewed the highways reports submitted by the applicant in support of the development proposals and finds the following:

#### Locational Sustainability

The site is not in a sustainable location; it is located in a rural area with poor access to public transport and is not easily accessed on foot or by bicycle. However, given the nature of the development proposals, which would be unlikely to generate significant levels of traffic on a daily basis, the HSI does not consider there to be sufficient grounds for refusal on the basis of sustainability.

#### Access and Car Parking

It is proposed that the existing access to the site, taken from the A51 London Road, is retained. Vehicle speed surveys have been undertaken which demonstrate that the 85<sup>th</sup>ile wet weather speed of traffic in the vicinity of the site access is around 53mph, thus, in accordance with relevant design standards visibility splays of 2.4m x 160m are provided.

The layout and visibility splays set out in the access proposals are considered to be an acceptable solution to serve the development proposals.

In terms of car parking, the HSI is satisfied that the number of spaces proposed is sufficient to serve the development proposals.

#### Traffic Impact

The development proposals are expected to generate in the order of 600 two way (300 in, 300 out) vehicle movements per day between the hours of 0700 and 2100 which equates to on average around 40 movements (20 in, 20 out) per hour; and it is expected that some 72% of the daily traffic generation will occur outside of the morning and evening commuter peak periods.

The HSI concludes that the commuter peak hour and daily traffic generation associated with the development proposals would not be expected to have a material impact on the operation of the adjacent or wider highway network.

#### Conclusion and Recommendation

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

### ***Trees & Landscape***

The applicant has submitted a full tree report with the application. The Council's Heritage and Design (H&D) Manager has examined the document which appears to be comprehensive. For the most part he agrees with the proposals in the report except for:

- 1) T27 and T28 are category A Oak trees which are identified for felling. There will be impact on the root zone from the necessary improvement of the access road, but as these are both important trees in the landscape, the root zone is already affected by hard surfacing and a detailed design has not been submitted I cannot at this stage agree to them being felled. It will be necessary for the applicant to demonstrate that a reasonable alternative to felling the trees does not exist. For other category A and category B trees the requirement to fell is clear from the submitted details.
- 2) It is not clear why the northern part of Group 4 is proposed for felling – these trees are valuable to the landscape setting of the stable block and will help to screen the car park area from the parkland to the north.
- 3) The proposed tree protection is acceptable where it is shown, but there are gaps and areas where footpath construction will take place where the form of tree protection is not shown.
- 4) A service drawing is not submitted, so it is not clear how retained trees are to be protected from service runs (other than drainage).
- 5) The proposed drainage plan has the potential to cause substantial damage to retained trees and is unacceptable in its present form. If it is overlain on the tree survey this will become immediately apparent.
- 6) A significant number of trees and area of woodland will have to be felled to accommodate the proposed buildings, parking and roads. However very substantial compensatory planting has been indicated in the landscape and ecology reports – individual trees, woodland blocks W1 to W7 and parkland areas P1-P3. These proposals are sufficient if undertaken in full. Given the current issue with Ash disease it is suggested that Ash is not planted and should be substituted by another appropriate species such as Lime.
- 7) The area of parkland restoration P1 appears to include an area that is already within woodland and it would be helpful to review this boundaries are finalised.

In respect of the submitted landscape proposals, these are appropriate for the hall and its grounds. The H&D Manager would like to see the rhododendron planting confined to the "garden edges" of the woodland and rhododendron removed from other woodland areas such as by the lake both to help increase the biodiversity of the woodlands and to prevent the long term threat of "invasion". The opening up of the lakeside boundary immediately to the east of hall needs to be undertaken with sensitivity and should be marked and agreed on site. A woodland management plan was mentioned in the text, but I have not found it within the submitted documents. He suggests that this should also include long term management proposals for the restored parkland areas and Wilbraham's walk.

It is accepted that some lighting will be required for health and safety reasons and to enhance the night time views of the buildings and immediate garden areas. However the hall is in a prominent location within a relatively dark part of Cheshire East and the amount of external lighting should be minimised. The submitted proposals are indicative and should be subject to further agreement.

The submitted Drainage Planning Statement (both foul and surface water drainage) conflicts with both the retained trees and proposed planting. Also the proposed possible location for the “foul water package” conflicts with tree retention and could have landscape implications. Drainage for the hard surface car park and road is not shown.

No details appeared to be provided of proposed finished levels, it is relatively easy to understand levels around the spa, but not within the car park area or adjacent to the “bin store”

These concerns have been brought to the attention of the application who has submitted revised documents. The H&D manager has now confirmed that these have substantially addressed the issues raised above. The revised drainage proposals and changes to road construction mean that it is possible to retain/protect the large trees which were giving particular concern. The proposed tree protection is appropriate, but should be reinforced with a condition stating that any excavation within the root protection zone of retained trees should be supervised by an arboricultural consultant and undertaken by hand excavating or an agreed method such as an air spade (final wording tba). A management plan for woodland, trees, new tree planting, landscaping and parkland areas can be conditioned. Approval of external lighting can be conditioned, but again that this should be low key.

The submitted landscape assessment is appropriate and he does not disagree with its findings.

## **Economic Sustainability**

### ***Supporting Jobs and Enterprise***

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’*

The economic benefits of the development include, creation of a new hotel business in the Borough with associated employment as well as bringing direct and indirect economic benefits to the area including additional trade for local shops, businesses supply the hotel and it's guests, tourist attractions, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

*“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21:

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

### **Section 106 Agreement / 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.

In this case, there are no Section 106 requirements and consequently there is no conflict with the CIL Regulations 2010.

### **Other Matters – Enabling Development**

During pre-application consultation with the Council and local communities, the developer has indicated that “Enabling Development” may be required in order to make the hotel conversion scheme economically viable.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

A number of objections submitted to this application make reference to the possibility of an enabling scheme coming forward and raise 3 principal areas of concern:

- The proposal should be refused on the basis that enabling development will be required
- The approval of this application would set a precedent for approval of the enabling scheme or make such an application hard to resist.
- The proposal should not be considered until the enabling development application has been submitted and the extent of the development required is known.

However, it should be noted, that this application is not for enabling development. Any enabling development application, were it to come forward, would be a separate proposal which must be judged on its own merits on the basis of planning policy, the supporting information put forward, and other material considerations at that time.

After careful consideration the developer has elected not to submit the application for enabling development with the application for conversion of the listed building because until the conversion scheme is finalised, through the grant of planning permission and listed building consent, the final cost of the works, value of the finished asset and therefore amount of enabling development required cannot be finalised. Furthermore, unless the hotel scheme has the benefit of planning permission and listed building consent, it cannot go ahead, and therefore there would be no development to enable.

The hotel conversion proposals must therefore be considered on their own individual merits and not on the basis of the acceptability or otherwise of an enabling scheme which may or may not come forward in the future, the final form and scale of which has not been determined.

### **Planning Balance and Conclusion**

The site is located within the open countryside, where conversion of existing dwellings to hotels is acceptable in principle. The proposed general repair and restoration works to the Star Barn and Delves Tower do not require planning permission. The proposal is therefore acceptable in principle subject to compliance with other policies in the local plan.

Subject to appropriate conditions the proposal is considered to be socially sustainable in terms of its amenity implications.

The economic benefits of the development include, creation of a new hotel business in the Borough with associated employment as well as bringing direct and indirect economic benefits to the area including additional trade for local shops, businesses supply the hotel and its guests, tourist attractions, jobs in construction and economic benefits to the construction industry supply chain. There are no Section 106 requirements.

With regard to environmental sustainability, the proposal will not have any adverse flooding, highway or landscape impacts. Ecological and tree impacts can be adequately mitigated through the use of conditions. Whilst there will inevitably be some adverse impact on, and loss of the historic and architectural character of the listed building, building and its setting, including the historic parkland as a result of the proposed conversion, alterations and

extension, this harm is considered to be outweighed by the benefits of bring and historic building at risk back into a productive economic use.

Accordingly, it complies with the requirements of paragraph 134 of the Framework which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The proposal, which is solely for the conversion and extension of the building to form an hotel must be considered on its own merits separately from any proposal for enabling development which may or may not be submitted in the future. Any such proposal should also be judged on its own merits.

The proposal is therefore considered to be sustainable and benefits from the presumption in favour under paragraph 14 of the framework. It also complies with the relevant development plan policies and under the terms of paragraph 14 should therefore be approved without delay.

## **RECOMMENDATION**

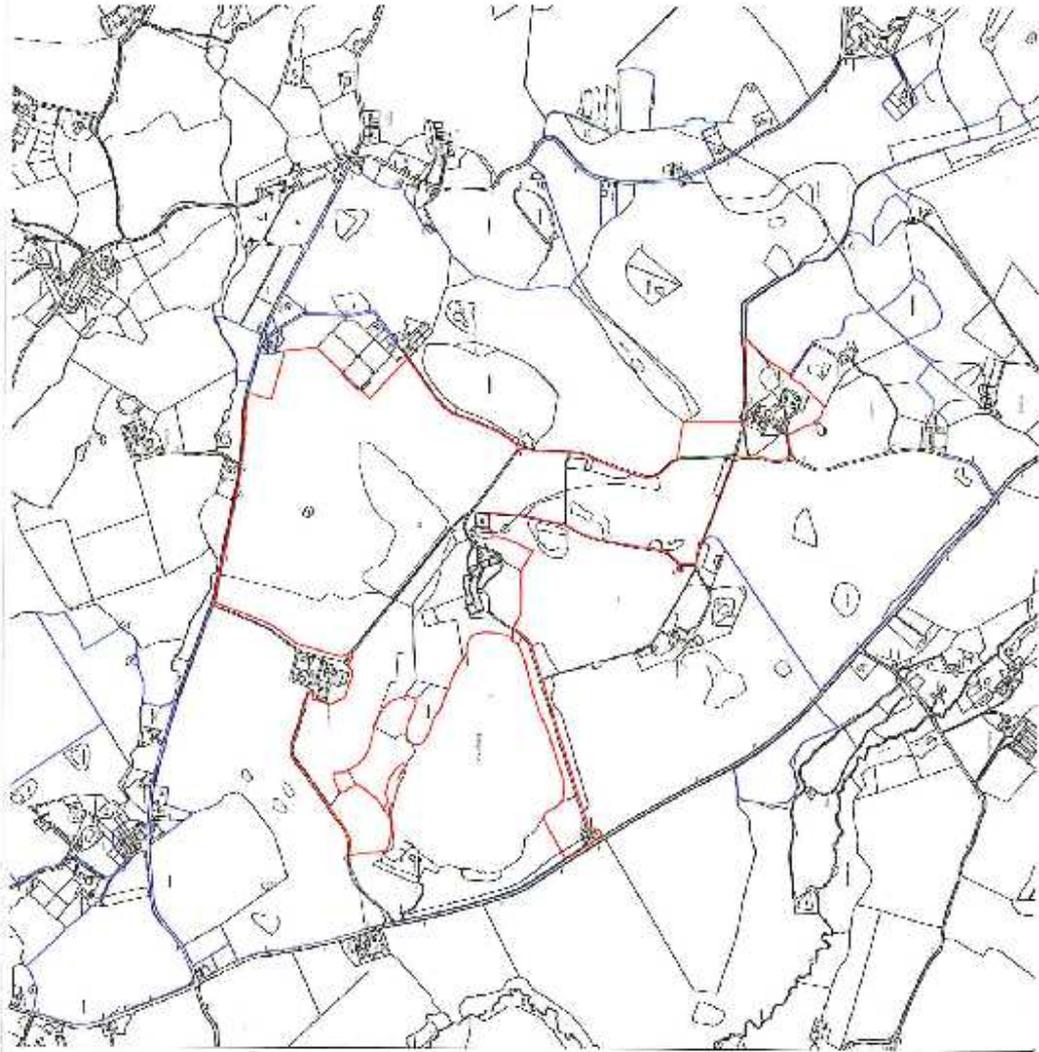
**APPROVE** subject to the following conditions:

- 1. Time Limit**
- 2. Plans**
- 3. Submission / approval and implementation of Materials**
- 4. Submission / approval and implementation of Construction Environmental Management Plan**
- 5. Hours of construction**
- 6. Submission / approval and implementation of External Lighting**
- 7. Submission / approval and implementation of Acoustic Enclosure of any fans**
- 8. Submission / approval and implementation of Electric Vehicle Charging Infrastructure,**
- 9. Submission / approval and implementation of scheme for the improvement of the existing sewerage system**
- 10. Submission / approval and implementation of Travel Plan**
- 11. Submission / approval and implementation of cycle facilities**
- 12. Submission / approval and implementation of programme of archaeological works**
- 13. Development to proceed in accordance with the recommendation made by section 6.3.5 the submitted Ecological Assessment dated 2<sup>nd</sup> December 2014**
- 14. Submission / approval / implementation of a detailed planting plan and method statement for the proposed woodland creation and parkland restoration.**
- 15. Submission / approval / implementation of a 10 year woodland and parkland management plan (including proposals for the removal of rhododendron from the woodlands around Doddington Pool (as identified as target notes 7 and 8 on submitted Phase One habitat plan)).**
- 16. Nesting birds requiring surveys to be carried out prior to commencement of works during nesting season**
- 17. Provision of nesting boxes**

18. Construction of access prior to first use
19. Provision of Parking prior to first use
20. Development to take place in accordance with submitted tree protection
21. Any excavation within the root protection zone of retained trees should be supervised by an arboricultural consultant and undertaken by hand excavating or an agreed method such as an air spade.
22. The retention of the veteran tree, bear pit, and early hydro.
23. submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.
24. Existing doors, windows (including retention of single glazing), fireplaces, floorboards, cornices and skirting boards to be retained and any repairs to any of these features to be carried out in like for like materials, design and colours.
25. Full details of its proposed design, materials and colours of marquee to be submitted for approval.
26. Provision of Heritage trail
27. Details of repairs to Delves Tower and Star Barn - a scheme of works including a timetable for implementation to be submitted prior to commencement of development.
28. Updated Badger Survey
29. Requiring the exact route of the pipeline for the heat exchange pumps to be agreed with the LPA prior to installation.

#### **Informative**

**Any works to the Star Barn or Delves Tower should not be carried out until a bat and barn owl survey has been carried out to ensure compliance with the Wildlife and Countryside Act.**



**PROJECT INFORMATION**  
Project Name: [Redacted]  
Project Number: [Redacted]  
Project Location: [Redacted]  
Project Date: [Redacted]

**Legend**  
- - - - - Proposed Boundary  
- - - - - Existing Boundary  
- - - - - Utility Lines  
- - - - - Easement

**Map Scale**  
Scale: 1" = 100'  
Date: [Redacted]

**Assael**  
[Redacted]  
[Redacted]

Application No: 14/5656N

Location: Doddington Hall, LONDON ROAD, DODDINGTON, CW5 7HN

Proposal: Listed Building Consent for proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application.

Applicant: Lady Rona Delves-Broughton, The Doddington Hall Conference Centre Ltd

Expiry Date: 20-Mar-2015

#### **REASON FOR REPORT:**

The proposal is for Listed Building Consent associated with a major planning application also included on the agenda.

#### **SUMMARY:**

Subject to appropriate conditions the proposal is considered to be acceptable in terms of it's impact on the historic and architectural interest of the building.

Accordingly, it complies with the requirements of paragraph 134 of the Framework which states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*" as well as the requirements off policies BE9 and BE10 of the adopted Local Plan and the equivalent policies in the emerging local plan.

The proposal, which is solely for the conversion and extension of the building to form an hotel must be considered on its own merits separately from any proposal for enabling development which may or may not be submitted in the future. Any such proposal should also be judged on its own merits.

#### **SUMMARY RECOMMENDATION:**

## **APPROVE**

### **PROPOSAL:**

The description of the development is broken down into 3 elements as follows:

1. Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity substation.
2. Proposed structural restoration and refurbishment of the Grade I Delves Castle (Delves Tower / Delves Hall): with its use to be defined at a later date outwith of this application.
3. Proposed structural restoration and refurbishment of the Grade II\* Star Barn : with its use to be defined at a later date outwith of this application.

### **SITE DESCRIPTION:**

The site is located within the rural area to the south east of Nantwich and south of Crewe; both located some 6 miles away.

The application site comprises the central core to the historic Doddington Estate which presently extends to some 323 ha (800 acres) of woodland, water features, agricultural pasture, remnants of ancient deer park and feature parkland.

The Estate still comprises its core assets, namely the Hall, Delves Tower and the Star Barn. It is set within a registered Park & Garden and whilst some of this feature is regrettably owned by a neighbouring third party it remains largely intact.

The application site has been drawn to define and include the Doddington Hall, Delves Tower and Star Barn and a large area of the parkland and this area extends to 82.33 ha (203 acres). The parkland area is included because the applicant considers that it is important that rather than simply isolating the buildings in some sort of cocoon manner they all site within an important landscape setting; one that benefits from its registered status and one that deserves some restoration itself.

The application site lies off the A51 London Road and is accessed by its principal estate drive that serves Doddington Hall and also provides access to a neighbouring residential property (known as Doddington Park Farm – owned by a third party).

### **RELEVANT HISTORY:**

There are no relevant previous decisions.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

### **Policies in the Local Plan**

- BE2 (DESIGN STANDARDS)
- BE9 (LISTED BUILDINGS – ALTERATIONS AND EXTENSIONS)
- BE10 (CHANGES OF USE FOR LISTED BUILDINGS)
- BE11 (DEMOLITION OF LISTED BUILDINGS)

### **National Policy**

National Planning Policy Framework

### **Cheshire East Local Plan Strategy – Submission Version**

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design

### **CONSULTATIONS:**

**Nantwich Civic Society** would like to SUPPORT this application. After many years of neglect, this fine set of listed buildings, amid a listed landscape, is close to being restored. The conversion to a hotel, is an obvious new use. The new hotel building and then Spa building, benefit from the lower position and separation from the main building. It leaves the Hall clearly isolated from the new buildings, keeping its character in the landscape. It will also create 60 new full time jobs, which is a significant number and benefit.

**Georgian Group:** No objection to hotel use but remain to be convinced that this scheme represents the most sensitive and sustainable solution for the long term future of the Hall and its associated structures. Recommend that the scheme is not determined until the design

issues outlined in their detailed comments have been satisfactorily resolved. Recommend that further revisions are necessary to the designs for the conversion of the stables in order that its architectural and historic interest may be better safeguarded. Would also advise that the relationship between the proposed new bedroom wing and the structures in the service yard is in need of further consideration, as is the design of the proposed new buildings facades.

**Councillor Clowes:** The application currently fails to:

1. Provide evidence that the owner has made all reasonable efforts to sell the building to secure its restoration WITHOUT progressing to the enabling development route.
2. To provide evidence that a Hotel & Spa function as proposed, is a sustainable and economically viable option for the future use of this building in the medium to long-term.
3. The Travel Plan is not robust and fails to identify that in terms of logistics and infrastructure, this site remains motor vehicle dependent.
4. There is no Highways assessment provided with this application, or assessment and modelling of the traffic movements that this development will generate on the highly rural infrastructure surrounding the Estate. (It must also be remembered that a further fourteen sites for enabling housing development are also proposed that will also have to utilise the same highways network.
5. Further work is required regarding design elements of the proposed re-modelling of the Hall and new build structures.
6. A far more robust and detailed renovation programme for the Hall, Star Barn and Delves Tower is required in order to better assess project viability. In the case of the Hall, this is essential to confirm if (in the light of years of neglect) it is economically feasible to restore it for long-term use.
7. Additional Ecological survey work is required in relation to the Star Barn, Delves Tower and Bat mitigation.
8. The Use of marquees for external events next to the Hall is contested both in terms of appropriateness within the listed park and next to the Hall.
9. The Use of marquees for 60 events per annum is considered a serious concern in relation to the amenity of local residents.
10. There has been no analysis of the costs required to ensure secure electricity and mains water supplies to service the Development and wider estate.
11. There is no analysis of flood and drainage risks to the wider community as a result of additional surface water run-off from the development, the high water table associated with the estate, poorly maintained estate field drainage systems and areas of flood risk along Bridgemere Lane.
12. This Phase 1 Enabling Application should not be approved until a sufficiently robust Business Case is submitted that enables the fiscal viability of the project to be assessed both in terms of the CONSERVATION DEFICIT and the sustainability of the business.
13. For the reasons outlined above, request that this Application is recommended for refusal

**Doddington and District Parish Council:** At a meeting of the Parish Council on Tuesday 10<sup>th</sup> February 2015, the council voted to object to the above planning application on the following material grounds.

## **1. Highways**

The impact of increased vehicles approaching and exiting the estate on the A51 along with substantially more traffic, both guest and deliveries, on surrounding narrow lanes, causes major concerns in regard to safety, based on the current infrastructure. The A51 is a very fast road and if the entrance is used for both entry and exiting the estate it will create a major safety concern.

The rural lanes are very narrow and many accidents happen on a regular basis, especially on Checkley Lane which is used by cars/vans as a rat run and by articulated lorries to Grange Farm. Any increase in vehicles on these lanes will have a major impact and the Parish Council are not aware of a Highways Impact Assessment being undertaken.

The access by service vehicles to the estate also causes concern. If this is from the A51 not only will large vehicles be braking to enter the estate, the estate road is single track and both guest and service vehicles will be attempting to pass each other.

## **2. The Hall**

The costs for development are still very sketchy and it is thought, having looked through the application documents, that key issues have not been addressed such as a detailed structural survey. Many budgets are overrun due to hidden costs and where the application documents cover a visual survey of the building it only addresses the structure of the building, rotten wood and damp areas without substantiating the cost effect on the overall budget.

Parking spaces do not seem to be adequate. Given that the application is for 120 bedrooms, when staff and day visitors to the restaurant and spa plus large events are factored in, it seems that there will not be enough spaces to accommodate all.

Although the application in its own right is to develop the Doddington Hall, Star Barn and Delves Castle, in the view of the Parish Council it is still deemed to be the first process in an eventual enabling application for 120 or so houses, so accurate costs are a major point in this application and it is felt that this has not been addressed in enough detail.

Some design issues do not seem to have been fully addressed as recommended by Cheshire East and English Heritage such as external lifts, copper style coverings to the spa, the glazed access routes etc.

There are numerous emails from Cheshire East and English Heritage raising the following:

A) The project cannot be considered as true enabling development because the property has not been market tested and in the absence of previous marketing it would be helpful to properly explain why the sale of the property has not been considered and to provide details of the outcome of when it was placed on the market some time ago.

B) With any enabling development the applicant needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the place. This should normally include the offer of the unrestricted freehold or long leasehold (125 years or more) on the market at a realistic price reflecting the condition of the place.

The council fully realise that this, on its own merit is not an enabling application but again counter this as a route toward an enabling application. It is also felt that English Heritage and Cheshire East Planning have not been proactive in enforcing any other way forward to save the hall without going down the enabling process. No one, neither councillors nor the public, are aware as suggested above, the hall has been looked at for other uses or to put it on the market.

### **3. External Events**

A number of the public have raised concerns about the impact of outside events and noise levels especially that on livestock. Horse owners are many surrounding the estate and noise from music and possibly fireworks when celebrating events will frighten horses, the council have in the past had numerous complaints from horse owners whose neighbours have used fireworks.

### **4. Utilities**

A proposed heat exchange system via the pool is a concern as the ecology of the pool may be affected by such a system.

The sewage treatment site identified does not go into enough detail and it is not known what is required for this size of facility.

### **5. Ecology**

Whilst it is seen that some surveys have been carried out and suggestions on how to support and counteract the ecological effect, the introduction of light, noise and humans will have a dramatic effect on many species which currently have freedom of the estate with little disruption.

The Parish Council have met numerous times with the estate representatives and members of the public at our regular meetings. The estate has listened to many of our concerns and addressed a number of them. The public have been invited to speak and have raised their concerns in question and answer sessions which have been beneficial, transparent and informative. The objection is based on the points raised over the past two years, after listening to both the estate representatives and the public, along with the documents read within the planning application.

**Hatherton And Walgherton Parish Council:** At their meeting held on 16th February 2015, Hatherton & Walgherton Parish Council resolved to strongly object to the proposal on the following material planning concerns, noting that we have been placed in the difficult position of being required to comment on this application, without being informed of the full implications to the community of enabling development. It was noted that there would be no conservation deficit if we had not witnessed the neglect of the Hall and the estate since 1985 when the Hall was last used. This dereliction has been brought about by the owner's disengagement to a point where renovation of the Hall may be unfeasible or only possible at such a high cost that the dis-benefits to the community outweigh the benefits to the owner. It is noteworthy that other local Grade 1 Listed Buildings in the area have been maintained in a good state of repair without cost to the local community.

The Statement of Community Involvement referred to in the planning documents cites Hatherton & Walgherton Housing needs survey as indicating a requirement for additional

housing to potentially fund Hall improvements. However, with recent approved barn conversions and granny annex extensions, our housing needs have already largely been met. Our objections are on the following grounds:

**1. No development should take place until the viability of the business case has been put forward and the conservation deficit established and audited.**

The developer has confirmed that the proposals will require enabling development. This will have considerable impact on the local community. No development should be approved until full and up-to-date structural surveys of the buildings have been completed and it has been confirmed that the development is logistically and financially feasible. CE Pre-Planning advice also requested further development of Star Barn and Delves Tower proposals and restoration of parkland and boathouse. These have not been addressed in the application. The application as it stands contains insufficient detail for the heritage deficit to be fully established.

**2. Design**

- The proposed external lift shaft is out of character with the historic building.
- The proposed glazed walkway is out of character with the historic buildings.

**3. Visual Impact and Noise/Light Pollution**

- There are significant concerns regarding the holding of up to **60** outside events per year. This will lead to considerable noise and light pollution and loss of amenity for local residents over a wide area. Noise and fireworks will also have a detrimental effect on horses and farm livestock in the area. The noise from existing local outside events, e.g. Betley, albeit held infrequently and therefore not too intrusive a nuisance, travels a considerable distance.
- Any external lighting of the hotel and grounds would be intrusive in this otherwise rural area of "dark skies".
- Marquees for the proposed 60 outdoor events per year on two or three proposed positions on the estate would be unsightly visual intrusions. As it takes several days to erect and decommission these structures, it is likely that they would become an unsightly permanent or semi-permanent feature. .

**4. Ecological Concerns**

- A full ecological survey of the Star Barn has not yet taken place. The proposed remedial repairs are sufficiently disruptive to require a full ecological survey prior to approval.
- The proposed illumination of trees and other external lighting would be detrimental to wildlife.
- The derelict hall and buildings are home six species of protected bat, two of which are significant presences in the county. The presence of six different bat species in one location is exceptional in Cheshire and great care will be needed to preserve their habitat. Some species of bat are natural building dwellers and attempts to rehouse them in bat boxes in trees may not be successful. Any additional light pollution from the 10 proposed external lighting sites plus hall restoration activities, will negatively affect this protected bat population. Any evening marquee music or externally lit events would also be detrimental to these protected species.
- There are some ancient trees on the estate which are older than the Hall itself, more aligned to the former hunting park associated with Delves Tower. These and their diverse wildlife populations may be put at risk.
- Badger populations would be disturbed.

## **5. Lack of or out-of-date Surveys**

- There is no survey of the Cottage. A full structural survey is required before permission can be granted.
- The Hall timber decay report is out-of-date (1998) but identified serious decay/rot. A new survey is required as timbers will have continued to deteriorate. The current timber decay condition may make renovation unfeasible.
- Main Hall structure – there are no structural survey details and no indication of costs involved in restoration/conversion.

As this is phase 1 of an enabling development, it should not be approved until full and up-to-date structural surveys of the fabric of the key buildings have been completed and it is known that it is logistically and financial feasible to proceed.

## **6. Travel Plan and Travel Assessment**

This is inadequate in the context of the rural location and associated infrastructure.

- A 120 bedroom 5 star hotel and spa, plus associated staff and spa day visitors, will require considerably more car parking spaces than planned.
- For large events, additional parking will also be required.
- The amount of car parking required will have detrimental impact on the historic parkland and thus the setting of the hall.
- There is no public transport along the A51 or other rural roads in this area, necessitating access only by private vehicles.
- The nearest major population centres are in excess of acceptable walking and cycling distances.

## **7. Access to and Servicing of the Estate**

In order to maintain the integrity of the listed parkland, only one access to the Hall is identified – through the main entrance off the A51 and past the lake. This route require a full highways survey to ensure it is suitable for service vehicles, HGVs and coaches, taking into account this will also be the access road for hotel guests, visitors and staff.

## **8. Highways Impact Assessment and Cumulative Impact on Surrounding Highways Infrastructure**

- There is currently no wider Highways Impact Assessment of this development on the surrounding road, lanes and settlements.
- The estate is bounded by the A51 and by narrow country lanes which are unsuitable for the considerable increase in traffic this development would bring to the area.
- The application should be refused in the absence of an accurate Highways Impact Assessment and the absence of financially viable mitigation solutions.

## **9. Utilities and Energy**

- The existing water utilities are in a “fragile” state with frequent water leaks and poor pressure. It is questioned whether the proposed bore hole will supply adequate water for a development of this scale, thus putting unsustainable load on the existing pipe network.
- Electricity supply in the area is mainly by overhead power lines which are vulnerable to outages in poor weather. The proposed development is likely to place considerable additional demand on electricity supply. Upgrading of supply lines may be required, with consequent disruption to residents.

- The proposed heat exchange system in Doddington Pool does not identify the potential impact of the cooling on the ecology of the pool.
- The amount of heat generated from the pool during winter months is likely to be negligible, but demand may be high.
- There is insufficient detail regarding the size or capacity of the proposed package treatment plan. A development of this size will require a significant soil/sewage treatment plant definition before permission can be granted.

#### **10. Drainage and Flooding**

- A development of this size will generate considerable surface water run-off. The Estate and surrounding area is known to have a high water table, with water-logged woodlands and regular flooding along parts of Bridgemere Lane.
- Due to the high water table levels throughout the Estate, this application should be refused until a robust flood and drainage assessment with associated hydrological survey has been completed and appropriate mitigation designed to prevent negative collateral impact on sites at distance from the application site.

#### **11. Marketing Exercise**

This application is phase 1 of a complex system of enabling development planning applications to meet an unnecessary conservation deficit, which will have considerable impact on the local community, also English Heritage requested that a marketing survey be completed to justify the option of developing the Hall into a five-star hotel and spa to create a sustainable enterprise to preserve the historic assets of the estate. However:

- There is no evidence of a marketing exercise in the papers associated with this application to date, although this was requested by Cheshire East Pre-Planning advice in order to demonstrate the robustness of the application.
- There are at least three other 5 star hotels in South Cheshire and it is questioned if another is sustainable in this area.

#### **Conclusion**

Although this application is for the restoration and conversion of Doddington Hall, it should be considered in the context of the future enabling development applications which will be considered in their own right at a later date.

It is essential that a robust, detailed and sustainable business case is presented to the Strategic Planning Board and made available in the public domain for this application. This needs to include the costs of restoring and converting the historic assets, the costs of the new build elements and infrastructure, together with the five year forward business case identifying the total end value of the fully completed hotel and spa. It is only at this stage that the fiscal viability of the project can be assessed both in terms of the conservation deficit and the sustainability of the business. This information is required to effectively judge the benefits versus the dis-benefits of the schemes and must be submitted as part of this initial application.

#### **English Heritage:**

#### Summary

This letter relates to amended plans, including changes to the new accommodation block and stables. We have no objection to the revised plans. However, we remain concerned that details and phasing of repairs to the grade I Delves Tower be secured with any consent and recommend that a planning condition be applied and that we be consulted on the wording of this.

#### Historic England Advice

The revised plans referred to above have been received further to our letter of the 6 February 2015 in which our support in principle was tempered by a number of concerns about the proposals and their impact on the grade I listed building.

The proposed amendments to the siting, form and massing of the new accommodation block has improved the relationship with the cottages and service wing of the listed building. The alterations to retain the existing entrance and re-locate links to the stables is a significant improvement. Retaining the important central entrance to the stables and its architectural and spatial character and making circulation easier and more compatible with the simple internal planning of the original building are significant improvements on the previous design. We can therefore confirm that the proposed amendments satisfactorily address our concerns.

With regard to Delves Tower, we note that there are no details on the repairs within the submission and it was confirmed at a meeting with the agents in March that this was unlikely to be forthcoming in the short term. It was proposed that this aspect be resolved by planning condition(s), including a date for carrying out the works. It is extremely important that the repair of the grade I listed Tower takes place as part of this development, given its poor condition, and that the date for completion (as opposed to commencement) is tied into a consent for this development. A date for the commencement alone would clearly be deficient as it would allow repairs to be started but left incomplete, possibly indefinitely.

We note that there is a condition survey with the planning application but no details of proposed repairs. We believe it is vital that the repair of this grade I listed building, which is an essential component of the registered landscape and setting of the grade I Doddington Hall, is addressed at an early stage in the re-development and not left to later phases at some uncertain point in the future. Given the very serious condition of the building and that there are no details of the proposed conversion of the Tower submitted with the application we are very concerned about the potential for delay. We would therefore advise that the essential structural repairs of the building and its roof should take place well before the hotel conversion of the Hall is completed.

We would therefore recommend that a phasing condition(s) be applied for the submission and approval of a fully-costed schedule of repairs and for thereafter carrying out and completing the repairs. We would strongly advise the need for the condition to specify that repairs to the Tower be completed at least 6 months prior to the first use of the Hall as a hotel following its conversion. Because of the importance of such a condition(s) we would request that its precise wording be agreed with ourselves before the issuing of any consent. We would also request our consultation in any proposals to varying such conditions subsequent to consent being granted. A condition for the approval of details for the subsequent conversion of the Tower would also be necessary.

We presume a condition in relation to the siting of a marquee would also form part of any approval. Approval of its size and appearance is required together with the period of time for its siting, to ensure it does not effectively amount to a permanent feature within the setting of the grade I hall. We would refer you to our guidance <http://content.historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events/temporary-structures-historic-places.pdf/>. Other conditions for more detailed approval are also likely to be required with respect to the works to the listed buildings and landscaping within the registered Park and Garden, including details/samples of joinery, materials, finishes, services, internal & external lighting and measures to protect the historic fabric, particularly decorative elements, during the construction phase.

Subject to the above we are satisfied that the proposals now meet the statutory and policy tests within the 1990 Act and the NPPF. We therefore confirm our support for the scheme as amended subject to the above matters.

### Recommendation

We have no objection to the proposed amended scheme subject to our further involvement in advising on conditions to secure the phased repair of Delves Tower.

### **REPRESENTATIONS:**

Circa 30 representations of objection have been received to the application raising the following points;

#### **Principle**

- Already sufficient hotel / spa facilities in the area
- Site is a greenfield site not brownfield
- No commercial justification for the number of bedrooms
- No evidence to support commercial viability / business case
- No mains gas in the area
- Use of the hall should be minimum necessary to secure it's future
- This may not be the most profitable but may be a more balanced proposition causing less harm
- No voluntary active involvement by the community in caring for the hall because they have been discouraged.
- Hall does not have a huge significance to local people
- Owner does not have any real regard for the heritage of the hall.
- It has been allowed to become derelict like other estate properties.
- No work has been done since English Heritage stopped in to stop the rot 15 years ago.
- The cost of previous work has already been paid for by English heritage
- Much of the parkland not in applicant's ownership. Therefore no public access to this land.

#### **Design / Conservation/ Listed Building**

- Concern about piecemeal additions which are harmful to the building

- Objections from the Georgian Group
- Insufficient information to allow the local community evaluates the proposals.
- Failure to demonstrate the current proposals represent the most sensitive / commercial viable use for the building
- Lack of consideration of alternatives
- Council has a duty to preserve and not harm the setting of the building
- No survey of the cottage undertaken
- Hall Timber Survey is out of date
- Lack of Structural Survey of Hall
- No indication of costs of the work
- Insufficient information on the restoration and repair works
- Objections to the loss of historic fabric by the Georgian Group.
- Bedroom block has bland, overpowering facades with poor palette of materials that has more in common with and resembles a low cost leisure/sports centre that seriously harms and detracts the setting of this sensitive and important building, rather than a quality building that is truly complimentary, sympathetic, and subservient to the listed building. CEC should not permit this heritage Asset to be ruined in this way.
- Concerns regarding design of the proposed new external lift shafts on the side of the original house.
- Concerns regarding choice of black (dark) copper treatments of third floor of new bedroom block.
- Concern about alterations to stable block
- The proposed new bedroom block and the proposed new spa building are also extremely modern and rather ugly in design and not at all in keeping with the existing buildings.
- The English Heritage comments state that some works proposed are harmful to the listed building.
- Temporary event space will adversely affect setting of the building. Whilst these are erected on a 'temporary' basis they often become permanent to the detriment of the listed building
- Concern that hotel use is the most sensitive / suitable. Likely to result in most significant harm in medium to long term
- Concern about size of extension encroaching onto historic parkland / setting of listed building
- The addition of a new build hotel block, separate spa building, sewage treatment plant, carparks, electricity sub-station are major alien features in this rural landscape and not essential to restoration of the hall itself.
- The restoration plan is also incomplete as it does not include other Doddington Estate listed buildings - Star Barn, Delves Tower and the boat house. This is a business proposition without solid foundation.
- Proposal would destroy setting of hall by huge extensions and tents
- Would look like an encampment
- Concern about visual impact on open countryside.
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## **Ecology / Flooding**

- Concern about water abstraction
- Previous ponds have result in loss of parkland.
- Risk of Flooding
- Risk of subsidence due to soluble rocks.
- Harm to Doddington Pool SIB as a result of Heat Exchanger
- Concerns remain regarding mitigation for Bat Species and Badgers.
- Star Barn: To date, this site has only been subject to preliminary ecology surveys.
- No detailed plans for treatment plant for sewage. Dirty water getting into watercourses causing problems for wildlife.
- Lack of adequate sewerage / treatment plant.
- Community is well aware of the presence of many protected species living in and around the hall and its outbuildings. The area is known for its many species of Bats, Owls and Newts, there are certainly Badgers too. It also has to be a concern around the potential damage to the Trees and other flora and fauna that are the nesting areas for a huge variation of wild birds.
- Impact on protected species, of noise, light disturbance and building works
- Loss of farmland for food growing
- Under the Protection of Badgers Act 1992, it is an offence to willingly and/or deliberately cause harm to badgers by death, injury or disturbance. Badger setts have already been identified very close to the suggested new build/extension. How would they not be disturbed or harmed by this building work?
- The Wildlife and Countryside Act 1981 states it is an offence to willingly and/or deliberately cause harm to bats by death, injury or disturbance. Within the hall itself are several species (Kingdom Ecology Report). Work on the hall would result in disturbance at the very least.
- Estate has a high water table. Regular flooding and drainage problems on Bridgemere Lane
- Concern about effluent from outdoor events
- Naturally we are concerned about how the developments will affect the rural area and its wildlife, we are aware of the bats and newts which make their habitats amongst the old buildings and existing meres and feel the development would put them at risk. The area has historically been recognised as a conservation area and is in threat of ruin. Already huge trees are being felled around the manor house and excavations to the main property can be seen. One proposal outlining up to 40 chalets dwellings around the lemon pool was beyond belief and emphasises the greed of the project

## Highways

- Travel plan assessment is inadequate in the context of the rural location and associated infrastructure.
- Insufficient parking
- Single point of access / narrow driveway is insufficient to take construction and hotel traffic.
- Distances from major population centres are in excess of acceptable walking and cycling distances (7 miles from Crewe, 6 miles from Nantwich)
- No public transport services exist along the A51 or along other minor routes adjacent to the Estate.
- Failure to consider wider highway impacts inc. M6 junctions and Bridgemere Lane/Hunsterson Road / other traffic generators in the area e.g. Dagfields / Whitakers green Farm Waste Site / Hazardous Junction at Boards Head

- Fatalities on main road A51 nearby
- Spa and secondary entrance shown off Bridgemere Lane – totally unsuitable
- Concern about impact of holiday village proposals
- Insufficient parking spaces (120). Residents expect 300 parking spaces required for guests and up to 2000 for the 60 events per year. This would require 12 to 15 acres of parking with associated contamination and flooding issues.
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### **Amenity**

- Concern about fireworks and Chinese lanterns affecting wildlife and livestock.
- Concern about noise / music from outdoor events / marquee
- Light pollution spoiling countryside
- Proposals focus entirely on preserving the view over the parkland with little consideration of the setting in its totality or wider landscape or visual impacts from other aspects
- Residents live in the area because of the environment and do not want it spoiled
- Do not want to see open countryside destroyed.

### **Enabling Development**

- This is Phase one of an enabling development
- It is not credible to remove the enabling development.
- Most of the financial gain from the enabling development would be to provide infrastructure from the housing not restoring the hall.
- The intention of removing was to avoid considering it under enabling development policies
- The Local Authority is doing a disservice to residents accepting the application in its current form.
- It is a 1 side application There is no indication of the harm  
Without knowing costs it is uncertain whether the scheme is financially viable  
It is like signing a blank cheque.
- Failure to comply with EH guidelines on enabling development e.g. marketing, consideration of alternative uses etc.
- Lack of costings for enabling development
- Unclear whether enabling development will be required
- Concerns about impact of 135 houses in different locations around the area. There areas are no longer part of the estate.
- Impact of houses on countryside / road infrastructure / school places/ doctors etc.
- Insufficient waste and energy infrastructure to support development. No mains drainage etc.
- Should not be considered independently of enabling proposals
- There would be no conservation deficit if we had not witnessed the wilful neglect of the whole estate buildings since 1985 when the Hall was last used. This dereliction has been brought about by the owner's disengagement to a point where the Hall may be past preserving.
- The majority of renovations of this nature overrun their budget due to unforeseen circumstances. There is much that is unforeseen in this overview of a plan. There will be far too much of a conservation deficit to bridge. It should be best preserved as a ruin and prevented from further decay.

- The proposal presents all the private gain with all the harm to the community
- Any balanced judgement has been avoided to established whether
  - o if the proposal destroys more than its saves,
  - o is the proposal the minimum necessary to secure the hall,
  - o does the proposal minimise harm to public interests
  - o Does the benefit of securing the future of the hall through what will inevitably result in an enabling application through ha Trojan Horse approach outweigh the disbenefits
- Impossible to assess the planning balance because only one side of the equation is presented and development is purely speculative
- Enabling development should be at the heart oOf the proposals
- The proposal is premature
- Any enabling development proposals are pure conjecture.
- The hall owner who lives in London clearly has no concern about the implications these proposals will have upon local people and their lifestyles as this is purely nothing more than a money making venture.
- A proper business case should be put forward stating
  - o If it is a viable option
  - o What other options have been considered and why have they been disregarded
  - o Is the proposal sustainable
  - o What is the conversation deficit
  - o How many houses will be built
  - o Where will they be built?

## **APPRAISAL:**

### **Main Issues**

Policy BE9 of the local plan deals with alterations and extensions to listed buildings. It states that such proposals will not be permitted unless the proposal respects the scale, materials, colour, detailing and other significant features of the building concerned and the proposal does not detract from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

Policy BE 10 states that planning permission for the change of use of a listed building will be granted provided that the special architectural or historic interest of the building, its curtilage structures and its setting would be preserved. Proposals should incorporate details of all intended alterations and/or extensions in order to demonstrate their effect on the listed building, its curtilage structures and settings in terms of architectural and historic interest.

It is also necessary to consider the application in the light of the national planning policy guidance including the requirements of paragraph 134 of the Framework which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*

The main issue in the consideration of this application is therefore the impact of the development on the historic and architectural interest of the listed building. Other matters are dealt with under the parallel planning application considered elsewhere on this agenda.

## ***Design***

### Background

Doddington Hall is a Samuel Wyatt designed mansion house, listed grade I. The Hall comprises the main house and the servants wing to the west, with the L shaped grouping completed by the Stable block to the north, grade II. The Hall sits within its historic parkland, which is listed grade II on the National Register of Historic Parks and Gardens. Also within the grounds are the separately listed Boat House (grade II) and the entrance wall/gates, also grade II. Two notable buildings/groupings within the estate are the Delves Hall (also known as Delves Tower and Castle), a remnant of the mediaeval manor house, listed grade I and the Demesne Farm buildings (the Star barn) also designed by Wyatt, grade II\* and associated farmhouse and cottages, grade II. Delves Hall is circa 500 m to the north, whilst Demesne Farm is circa 1 km to the north west of the Hall.

The park comprises a mix of parkland, agricultural land and woods/copses with Doddington Mere, a large waterbody circa 0.5 km wide to the east of the main house. Another large water body lies circa 2-300 metres to the south west of the Hall. Whilst the general topography of the area is relatively flat, the land does fall away to the south west of the Hall, with the servants wing, cottages and stables sitting below the elevated position of the Hall. The grounds are more heavily wooded to the south west of the Hall, around the western, northern and southern edges of the lake and on approach to the Hall via the main entrance driveway from the north.

The Hall, Star Barn and Delves Tower are all identified on the Heritage at Risk Register compiled by Historic England. The lower grade assets except Demesne House, which was recently occupied and re-acquired by the estate, would also be considered to be at risk as a consequence of their state of repair and/or lack of use. The Hall roof was extensively repaired in the recent past, with the benefit of English Heritage grant aid and this has gone some way to halting deterioration within the main house. However, the servant's wing is in a far worse condition, with the first floor structure largely removed due to dry rot.

### Proposals

The proposals comprise adaptation of the Hall, servants wing and stables with the main extensions/new buildings located in the area behind the service wing/cottages to provide a 2.5 storey bedroom wing and hotel spa, both of which are partially accommodated below natural ground level, with careful re-contouring. Light links are proposed to connect the new and old elements in the area behind the service wing/cottages, particularly to provide an enclosed connection to the stables, which are also proposed for conversion to additional bedrooms. A new lift tower is proposed at the intersection of the Hall and the service wing. The new elements are proposed in a restrained contemporary character, which is honest and clearly references the development as being current rather than pastiche. This approach is also reflected in the materials palette comprising a light brick, copper cladding and detailing and large expanses of glazing within the Spa and the glazed links

A car park is proposed in the area to the west of the stables, with further parking in the area of the disused tennis courts.

A parterre garden is proposed to the south of the Hall, with some modest, light touch enhancements to the wider parkland landscape. Repairs are also proposed to Delves Tower and to the Star barn, with schedules provided as part of the application. The extent of those repairs needs to be fully determined and controlled via an appropriate mechanism and triggers.

### Impact of the proposals

This section of the report considers primarily the new build elements, these largely relate to an assessment of the impact of the proposed development upon the assets within their setting. The refurbishment and alterations to the listed building itself are dealt with elsewhere.

It is clear from the heritage assessment that the significance of the hall and other heritage assets is largely derived from their individual architectural and historic interest, their value in group terms and the wider historic and aesthetic value of the historic landscape. But, it is also clear that the setting of the individual heritage assets is interconnected and that there are differing degrees of sensitivity for different areas in proximity to the Hall and within the historic landscape.

This sensitivity analysis informed initial stages of work to identify where potential extensions would best be located to minimise impact upon the setting. This approach led to the collective view that the area to the south west of the service wing was the zone where an extension would have least impact in built heritage terms, whilst also meeting the operational needs of a hotel operator.

Subsequent iterations at pre-application then sought to resolve massing and form considerations for the extensions, both in terms of plan layout but also architectural identity and massing of the extensions: should they seek to mimic, or define a contemporary design language that clearly expressed these works as 'of today' interventions? And, should the buildings be strident or subservient? It was considered that a contemporary approach, informed by the language of the Hall, but mainly the servant's wing, should be adopted and the sense of diminishing scale and subservience should also be reflected in form and detail, exploiting the site topography.

### The bedroom wing

Several designs were tested, both at pre-application and early in the application itself, with concern expressed by both Historic England and ourselves that the design of the additional bedroom wing was still not right. The concerns related to the proportions within facades, the detailing of the roof storey, the imbalance of solid and void and proportion within fenestration (i.e. not reflecting the pattern, rhythm and proportionality displayed in the main house and servants wing), the lack of fenestration on the southern elevation and that its form and detail did not appropriately express or respond to the architectural character of the existing buildings.

The amended design for this building has addressed concerns about the interface with the servant's wing/cottages, the general mass and form of the building and the detailing of the

extension, most particularly the pattern of fenestration and the proportions and detailing of the roof storey.

At a finer level of detail, a more active and animated façade has been created and there is now a harmonious balance between subservience and 'being part of the family of historical architecture' that is Doddington but also the building having a sufficiently strong identity of its own so that it didn't appear like an afterthought or try to hide itself away. This has been achieved by complimenting the classical character and rhythms within the historic grouping of buildings, most notably the neoclassical pattern and proportion of windows, the horizontal strength and robustness of the parapet and string courses, setting back of the roof and the tone of the main facing. A more articulated frontage with insets within the building line, defined by copper cladding and glazing and the regular arrangement of Oriel type windows framed in copper creates a contemporary reflection of classical design. The design and materiality of the roof storey also ensures a respectful but also contemporary approach to what proved a thorny detail to resolve. This all combines to create a subtly individual building that will provide another positive layer in the history and evolution of Doddington Hall.

#### Spa building and interface with stable yard

The spa building's location to the west, harnessing the natural change in levels within this part of the site, has resulted in a multi-level building that works well for the Spa function but which also steps away in scale from the Hall and the servant's wing, reinforcing a sense of subservience in relationship to the most sensitive listed elements. The relationship to trees and landscape to the south west also benefits the Spa use. A key issue in relation to this particular part of the scheme is the quality of the interrelationship between it and the cottages and the stable block, including the enclosure of space between, echoing the enclosure of the existing yard area. A significant aspect is in the materiality in this part of the site. Namely, whether it should be red brick to reflect the cottages and the stables, or, a pale facing brick to reflect the bedroom extension and the Hall and service wing.

The latter approach, although not the initial preference, does help unify the new elements of the scheme, as illustrated in the latest visualisations but it will create a significant contrast with the historic elements of the functional part of the Hall complex. Use of the same pale brick and copper detailing reinforces the 'of today' credentials of the Spa building whilst form and architectural expression also reflect its function as a leisure building, with larger areas of glazing and expanses of unpunctuated walling. The mass of the Spa building has been effectively managed by use of areas of flat living roofs in conjunction with a pitched roof for part of the building.

#### Glazed link/yard area

Whilst it would be preferable to not physically link the stables and the new build elements, this has been identified as an important requirement to make the hotel use viable. To this end, discussion has therefore focused on creating 'light', reversible interventions and in their positioning to achieve both the best practical but also aesthetic outcome. This has resulted in a system using structural glazing with a minimalist roof, which is overtly contemporary but also eminently reversible with minimal impact. Its revised siting to the west of the cottages, removes this as a feature of the historic courtyard, instead placing this within the space

between the rear of the cottages and the new build elements, meaning the service courtyard retains more of its open character.

A further glazed link of the same type is situated between the yard cottages and the new bedroom block to articulate the junction between.

### Stable block

The Listed Building Section of the report principally considers this as part of the impact of proposals on the historic fabric, although it should be noted that the revisions seem to reflect discussions that the central archway be enclosed with structural glazing and the space utilised as a communal/circulation area rather than for bedroom accommodation, which better lends itself to the character of the space and its central, focal position. However, no updated floor plans are included and therefore it is difficult to verify this. These are being sought from the Applicant.

### Car parking

Initially there were concerns about the location and extent of car parking originally proposed. The location to the west of the stables makes best use of the space behind the stables but seemed modest for this scale of hotel. There was concern that informal, fly parking would occur. There was also a desire to remove car parking in views on approach from the drive, in front of the main house.

Subsequently, an area was identified to the west, on the former tennis courts to provide additional parking, where the landscape was less sensitive and where a more informal approach and additional landscaping could be achieved, set away from the house and its immediate setting.

This approach is generally supported, although I would defer on the landscape detail to others.

Within the parking zone, is an historic bear pit, mounting block and the remnants of the hydroelectric infrastructure that once powered the Hall. These are all to be integrated within the parking area and intervening landscaping with interpretation, which is welcomed and retains elements of the history of the Hall for visitors to appreciate. This approach could be extended more widely to create an informal heritage trail around the grounds and potentially within parts of the Hall too and could be secured by condition.

### Lighting

As part of the landscape and external works, there are proposals to introduce both functional and aesthetic lighting. Whilst a degree of lighting is both a necessity and aesthetically desirable, there remain concerns that the night time environment and setting could be harmed if the appropriate balance in lighting is not achieved. There is a danger that too much light would affect the setting/ambience of the park and its tranquillity and also introduce light pollution within the wider countryside.

### Conclusions

Inevitably, with this scale of intervention, there will be a degree of change to the setting of the Hall; this will be as a consequence of the physical changes and additions, impact on the localised landscape but also as a consequence of the change in use. It will be busier, less tranquil and generally more active than it would have been when in use as a country house. This will change seasonally but also at different times of the day and on different days of the week, depending on usage and events. This is all part and parcel of the use as a hotel.

But, it also shouldn't be forgotten that when in use as a country house there would have been activity. It was a living, breathing country estate, supporting the local community and economy, the life and energy of which has been missing from Doddington for many years. The House and its wider environment are in need of re-use to breathe new life into the property, secure its repair and long term use and to reverse the tide of decline. This investment will secure its removal from the national At Risk register.

Consequently, the scale of impact upon the asset within its setting needs to also be balanced against the sensitivity of the re-use and the benefit it will bring. This also needs to be compared against the relative impacts of other alternative usage, having regard to the significance of the assets themselves and the likely impacts arising from alternative use. Other uses could be less sensitive in terms of fabric and plan, residential re-use of the main house for example. It could also lead to the estate being in multiple ownership rather than staying within control of the current owners and their future descendants.

In terms of the physical changes, these are considered to be as sensitively conceived as they could be given the proposed use; respecting the hierarchy within the building grouping and utilising site topography to reduce perceived scale and prominence. The buildings will clearly express their modernity but in a way that is respectful of the history around them, and with limited impact upon the heritage assets in their setting. Appropriate conditions will also add a level of control over detailing and materiality and control over lighting and temporary structures associated with the use.

Whilst there will inevitably be a degree of harm to the setting arising from the development, given the revisions and refinements this will be relatively low and decisions relating to the design have been informed by an understanding of the assets and their significance. Being mindful of the statutory provisions in Section 66, in the round, the scheme will generate such benefit to the heritage assets in terms of physical investment and a future use that any harm to setting would be outweighed by the buildings sustainable re-use and conservation, and with the benefit of landscape mitigation, these impacts will also further lessen in time. For these reasons, the proposals are therefore supported.

It is suggested that more clarity is needed as to the exact nature, extent and timing of the investment into repairs to the Star Barn and Delves Hall to help inform a planning condition

### ***Listed Building Considerations***

Doddington Hall is a Grade I listed building within a Grade II Historic Park and Garden. Its adjacent stable block is listed Grade II together with the Boat House next to the lake (Doddington Pool). To the north is the Grade I listed Delves Hall (Tower) and to the north

west its Grade II listed Woodside Cottages, next to which is the Grade II listed Demesne House and its star shaped Grade II\* Barn and Farm Buildings.

The proposed works to convert Doddington Hall, its service wing and stables have been considered by the Council's Conservation Officer and it is considered that their impact upon the architectural and historic interest of this Grade I listed building will be minimal. Provided, conditions are inserted within the decision notice to require the submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.

#### Doddington Hall

It is appreciated that the current proposals involve the retention and repair of existing doors, windows, fireplaces, floorboards, cornices and skirting boards but conditions should be inserted to require the retention of single glazing and to ensure that repairs to any of these features are carried out in like for like materials, design and colours.

Whilst the proposed introduction of an external glass lift to the west gable is a significant addition and will result in the removal of a internal staircase it is accepted on balance, given that the glass lift will be set back from the principal elevation and its design is sympathetically simple and given that the staircase is of limited importance within the hierarchy of staircases.

#### Service Wing

The proposed works are similarly minimal and will address problems of dry rot which is welcome. The proposed retention of the internal railway is also welcome.

#### Stable Block/Cottages

Whilst the proposed works for conversion will serve to retain the distinctive stable building the proposed loss of the central entrance hallway and the associated demolitions would be regrettable, as now noted by English Heritage in their consultation response. The agent should therefore be asked re-consider the internal layout in order to retain the majority of the walls, arched stable entrances, cupboard doors and circular windows which are significant components of the original design, based on the advice given by English Heritage in their consultation response. Revised floor plans were awaited in respect of this matter at the time of report preparation and a further update will be provided.

The proposed retention of the cottages is now welcome, following officer's advice.

#### Delves Hall Tower

This structure is owned by a third party and subject to restrictive covenants relating to its use. Planning Statement.

A condition survey has been submitted for Delves Hall Tower as part of this current application, with the Heritage Statement suggesting it will be made watertight and repaired on a like for like basis to retain this structure which may in future years be used in association with a local existing programme of shooting events.

### Star Barns

This structure is now in single ownership and has recently been subject to emergency repairs, under the guidance of English Heritage.

A schedule of repairs for the Star Barns prepared in May 2013 has also been submitted as part of this application, with the Heritage Statement suggesting that a further phase of repairs may in future years enable it to be used for wedding events.

### Bedroom Extension/Spa & associated Glazed Links

These aspects need to be addressed in the light of comments received from English Heritage and our design colleagues, which may involve the need for a much smaller more focused meeting as now suggested by English Heritage.

### Landscape Proposals

The landscape proposals will introduce a new formal terrace to the south front of the hall, following the broad unimplemented early twentieth century design principles for a new partere garden on the site. On this basis this aspect is considered acceptable.

The proposed siting of the marquee set back to one side of Doddington Hall is also acceptable, as it follows officer advice at pre application stage. Full details of its proposed design, materials and colours will need to be submitted for officer approval.

The second marquee to the rear of Doddington Hall would be acceptable on a temporary basis/as a removable temporary structure. Full details of its proposed design, materials and colours will need to be submitted for officer approval.

### Conclusions

The proposal is acceptable and justified, provided the issues highlighted above are conditioned as appropriate the comments of the Design Officer & English Heritage on the design of the glazed links and new bedroom block and spa are taken into account and the comments of the landscape officer are taken into account.

### **Other Matters – Enabling Development**

During pre-application consultation with the Council and local communities, the developer has indicated that “Enabling Development” may be required in order to make the hotel conversion scheme economically viable.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some negative impact as a result of planning permission being

granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

A number of objections submitted to this application make reference to the possibility of an enabling scheme coming forward and raise 3 principal areas of concern:

- The proposal should be refused on the basis that enabling development will be required
- The approval of this application would set a precedent for approval of the enabling scheme or make such an application hard to resist.
- The proposal should not be considered until the enabling development application has been submitted and the extent of the development required is known.

However, it should be noted, that this application is not for enabling development. Any enabling development application, were it to come forward, would be a separate proposal which must be judged on its own merits on the basis of planning policy, the supporting information put forward, and other material considerations at that time.

After careful consideration the developer has elected not to submit the application for enabling development with the application for conversion of the listed building because until the conversion scheme is finalised, through the grant of planning permission and listed building consent, the final cost of the works, value of the finished asset and therefore amount of enabling development required cannot be finalised. Furthermore, unless the hotel scheme has the benefit of planning permission and listed building consent, it cannot go ahead, and therefore there would be no development to enable.

The hotel conversion proposals must therefore be considered on their own individual merits and not on the basis of the acceptability or otherwise of an enabling scheme which may or may not come forward in the future, the final form and scale of which has not been determined.

### **Planning Balance and Conclusion**

Subject to appropriate conditions the proposal is considered to be acceptable in terms of its impact on the historic and architectural interest of the building.

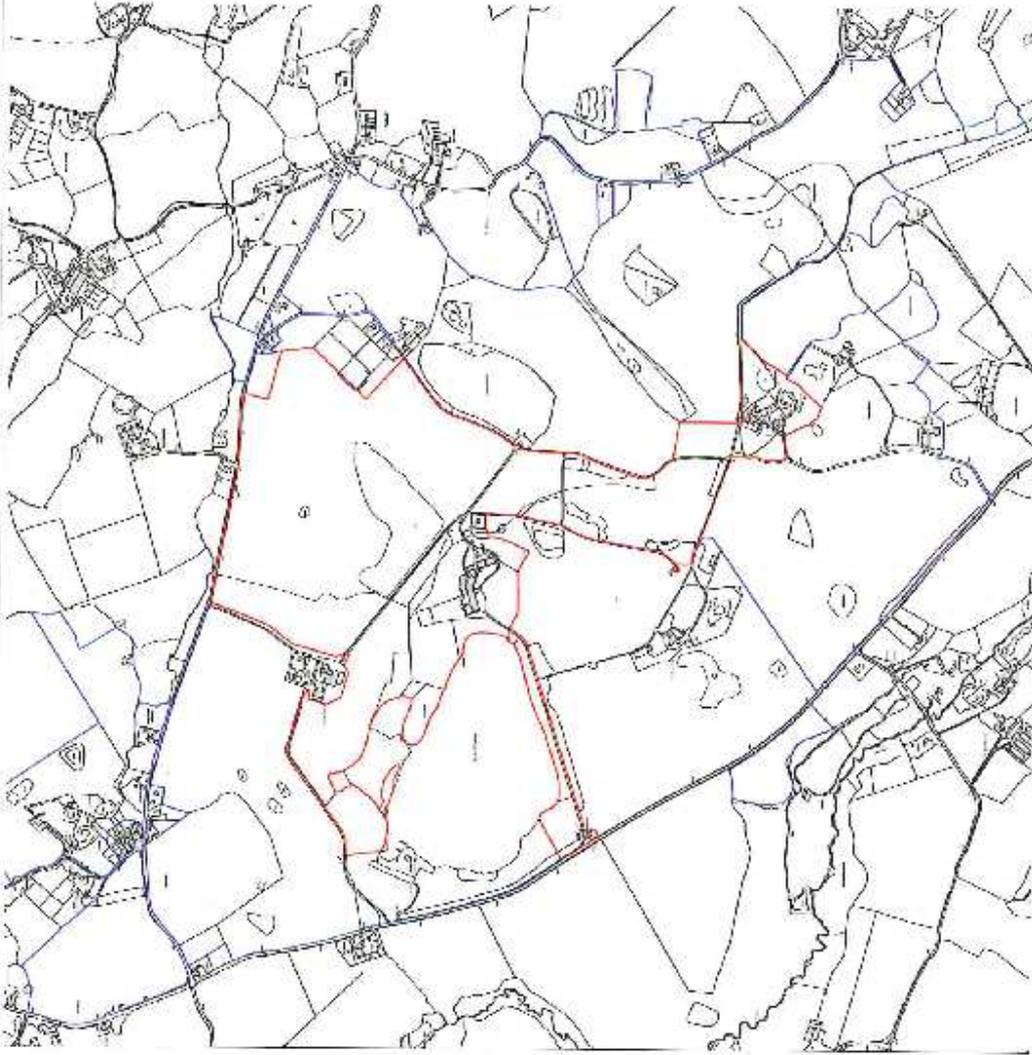
Accordingly, it complies with the requirements of paragraph 134 of the Framework which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”* as well as the requirements of policies BE9 and BE10 of the adopted Local Plan and the equivalent policies in the emerging local plan.

The proposal, which is solely for the conversion and extension of the building to form an hotel must be considered on its own merits separately from any proposal for enabling development which may or may not be submitted in the future. Any such proposal should also be judged on its own merits.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Time Limit
2. Plans
3. Submission / approval and implementation of Materials
4. The retention of the veteran tree, bear pit, and early hydro.
5. submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.
6. Existing doors, windows (including retention of single glazing), fireplaces, floorboards, cornices and skirting boards to be retained and any repairs to any of these features to be carried out in like for like materials, design and colours.
7. Full details of its proposed design, materials and colours of marquee to be submitted for approval.
8. Provision of Heritage trail
9. Details of repairs to Delves Tower and Star Barn - a scheme of works including a timetable for implementation to be submitted prior to commencement of development.



**NOTES:**  
1. All dimensions are in feet and inches.  
2. All areas are in square feet.  
3. All areas are in square feet.  
4. All areas are in square feet.  
5. All areas are in square feet.  
6. All areas are in square feet.  
7. All areas are in square feet.  
8. All areas are in square feet.  
9. All areas are in square feet.  
10. All areas are in square feet.

**Legend:**  
- - - - - Public Property  
- - - - - Private Property  
- - - - - Utility Lines  
- - - - - Easements  
- - - - - Other

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- - - - - Public Property  
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- - - - - Other

**Assael**  
1234 Main Street  
City, State, Zip  
Phone: (555) 123-4567  
Fax: (555) 987-6543

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Application No: 15/1867N

Location: Land At Former Stapeley Water Gardens, LONDON ROAD, STAPELEY

Proposal: Amendment to approval notice 14/2155N for replan and plot substitution of Plots 18-21, 56, 57, 58, 60, 61, 63-67, 77, 79-85, 87, 88, 91, 93, 94, 96-98, 111-119, 121-123, 125-136, 139-142, 145-151, 158, 159 & 164-168.

Applicant: Mrs Jacquelyn Colquhoun, David Wilson Homes North West

Expiry Date: 23-Jul-2015

### **SUMMARY**

The proposed development is a minor change to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore considered to be sustainable development.

### **RECOMMENDATION**

Approve subject to conditions and a deed of variation

### **PROPOSAL**

Planning permission 14/2155N gave approval for the erection of 171 dwellings. The site would be accessed via a single access point which would be located onto London Road.

The dwellings include a mix of detached, semi-detached, terraced dwellings and apartments. The site would include the provision of 30% affordable housing.

This application seeks to make minor changes to the approved layout and house types which have been approved as part of application 14/2155N.

### **SITE DESCRIPTION**

The application site measures approximately 6.91 ha and is predominately flat. The site is accessed via the existing access arrangements off London Road which served the former garden centre. Phase 1 of the development is located immediately to the east of the application site and is currently under construction. A Public Right of Way (Stapeley No.1) crosses the site along the existing driveway from London Road before turning north at the western part of the site towards Peter Destapleigh Way.

The application site forms part of the wider former Stapeley Water Gardens which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is also allocated as a Mixed Use Regeneration Area which is covered by Policy S.12.5 of the Local Plan. The land to the north of the access road forms the former Stapeley Manor curtilage and grounds and contains a large number of number of trees covered by TPONo.200.

## **RELEVANT HISTORY**

14/2155N - Full planning permission for the erection of 171 dwellings, public open space, alterations to existing access off London Road, and plot substitutions for two dwellings (Plot 49 and 50, approved under planning permission ref: 12/1381N) – Approved 19<sup>th</sup> February 2015

12/1381N - Erection of 146 Dwellings, Public Open Space, Access and Associated Works – Approved – 8<sup>th</sup> November 2012

09/4017N – Planning permission approved for The Construction of Two Newt Mitigation Areas and Associated Connection Corridors on 23<sup>rd</sup> April 2010.

P06/1001 – Outline Planning Permission was approved for the redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure on 21<sup>st</sup> May 2010.

## **NATIONAL AND LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development  
56-68. Requiring good design

### **Development Plan**

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:

NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
NE.17 (Pollution Control)  
NE.20 (Flood Prevention)  
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)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.9 (Footpaths and Bridleways)  
S.12.5 (Mixed Use Regeneration Areas - Stapeley Water Gardens)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG6 – Spatial Distribution of Development  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
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

### **CONSULTATIONS**

**CEC Highways:** No objection

**CEC Strategic Housing Manager:** No objection

**CEC Flood Risk Manager:** Do not have any objections in principle on flood risk grounds.

**CEC Environmental Health:** Conditions suggested in relation to noise mitigation, construction management plan, external lighting, travel plan, electric vehicle infrastructure, dust control and contaminated land.

**CEC PROW:** It appears unlikely that the application will affect the Public Right of Way (Stapeley No 1). An informative should be attached to any approval.

**Natural England:** Advise that the proposal is unlikely to affect and statutorily protected sites or landscapes. For advice on protected species refer to Natural England standing advice.

## **PARISH/TOWN COUNCIL**

No comments received.

## **REPRESENTATIONS**

No representations received

## **APPRAISAL**

### **The key issues are:**

- Design and impact upon character of the area
- Amenity of neighbouring property
- Highway safety

### **Principle of Development**

Given that the principle of development has been established by the granting of full planning permission as part of application 14/2155N this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates to minor changes to the house types on this site.

### **Design**

The layout would be very similar to the approved scheme with the position of the access point, location of the public open space, internal access roads and location of the affordable housing all remaining unchanged.

The changes relate to the house types on plots 18-21, 56, 57, 58, 60, 61, 63-67, 77, 79-85, 87, 88, 91, 93, 94, 96-98, 111-119, 121-123, 125-136, 139-142, 145-151, 158, 159 & 164-168. These changes relate to amendments to the design of the approved house types with changes to the elevational design and the position of fenestration. The changes in house types would be consistent with those which have been approved on this site and on Phase 1.

These minor changes would still respect the character and appearance of the area and would comply with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Amenity**

The main properties affected by this development are located to the east of the site within Phase 1 of the Stapeley Water Gardens development. In this case the required separation distances would be met and as such there would be no greater impact upon residential amenity.

Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Trees**

The amendments which form part of this application do not raise any additional arboricultural issues.

### **Highways**

The changes to the house types are considered to be minor and would not raise any greater issues than the approved plans.

The access to serve the development would not change as part of this application. The Strategic Highways Manager has raised no objection to this development and the proposal would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Affordable Housing**

The development would still provide the same level of affordable housing. The Strategic Housing Manager has raised no objection to this application.

### **CONCLUSIONS**

Full planning permission has already been given for residential development on this site.

The proposed amendments to the house types and housing layout would not raise and amenity, design, highways or ecology issues and the development is considered to be acceptable.

### **RECOMMENDATIONS**

**That the application be approved subject to completion of Section 106 Deed of Variation securing:**

**1. A scheme for the provision of 30% affordable housing– 50% to be provided as social rent/affordable rent with 50% 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 financial contribution of £314,542 towards improved primary school provision.**

**3. A scheme for provision of a Public Open Space to be maintained by a private management company in perpetuity. The scheme shall include:**

- Timing and delivery of POS and its phasing into the development

- Long term maintenance and management

Approve subject to the following conditions;

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees/hedgerows and aftercare
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Pump Station to be submitted
9. Submission of 10 year habitat management plan including proposals for monitoring
10. Implementation of recommendation made by the submitted Protected Species Survey undertaken by CES Ecology.
11. Survey for breeding birds
12. Features for Breeding Birds to be submitted and approved in writing by the LPA
13. Details of newt tunnels to be submitted and agreed in writing by the LPA
14. Parking to be provided prior to first occupation of the dwelling
15. Method Statement for pile driving to be submitted. All piling operations shall be restricted to - Monday– Friday: 09:00 – 17:30 hrs, Saturday: 09:00 –13:00 hrs, Sunday and Public Holidays: Nil
16. Noise mitigation measures to be carried out in accordance with Acoustic Statement including provisions for ventilation
17. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
18. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
19. Removal of permitted development rights
20. The development hereby permitted shall not be commenced 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.
21. 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.
22. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing
23. Details of phasing of development to be submitted and approved
24. Tree and hedgerow retention and protection scheme to be submitted and agreed in writing
25. A single Electric Vehicle Charging Point shall be provided in each property with designated parking spaces (including garages). Charge points to be suitable for overnight charging of electric vehicles.
26. A robust Travel Plan shall be developed for with the aim of promoting alternative /low carbon transport options. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and

enforced throughout the use, reviewed every 5 years, with a report provided to the LPA annually on achievements against the agreed targets.

27. Details of external lighting to be submitted and agreed in writing with the LPA

28. Full details of the footpaths/cycleways to be submitted and agreed in writing

29. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.

30. Upon completion of the 25<sup>th</sup> dwelling the developer will provide MOVA control at the A5301 Peter DestapleighWay / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.

31. Upon completion of the 25<sup>th</sup> dwelling the developer will provide a UTC system at the A5301 Peter DestapleighWay / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.

32. Upon completion of the 25<sup>th</sup> dwelling the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.

33. Drainage Scheme to be submitted and agreed in writing

34. Features for Hedgehogs to be incorporated into the scheme

35. Prior to the commencement of development detailed proposals for the incorporation of a suitable access to be provided to the adjacent great crested newt mitigation area.

36. Prior to the commencement of development details for a scheme for rainwater harvesting from the proposed residential properties to provide an additional source of water for ponds A2, A3 and A4 to be submitted to the LPA prior to the commencement of development.

37. Bin Storage

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 Principal Planning Manager, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Application No: 14/5886C

Location: LAND AT THE GREEN, MIDDLEWICH, CHESHIRE

Proposal: Re-plan of previously approved development 11/4545C to provide 13 dwellings instead of 8 units in this area (increase by 5).

Applicant: Mr Sean McBride, Persimmon Homes

Expiry Date: 06-Apr-2015

**CONCLUSION:**

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside. The proposal will make better use of the site and ease pressure for housing development on other greenfield sites. The proposal is acceptable in terms of design, amenity, access and parking and additional Section 106 contributions will address additional demands on education, greenspace etc. The proposal is therefore economically, environmentally and socially sustainable.

**RECOMMENDATION: APPROVE subject to Section 106 and Conditions.**

**PROPOSAL:**

Full planning permission was granted in 2012 for 63 homes together with associated public open space, access and highway works. The scheme included a mix of affordable and open market housing within the site, with affordable units making up 30% of the total development. The site has one vehicular access taken from The Green. The proposed open space is located on either side of the access road with properties fronting onto this public open space in a crescent shape. Work has now commenced on implementing this consent.

In May 2014, the applicant received consent for the substitution of 22 dwellings for 35 dwellings to the northern part of the previously consented scheme.

This application originally sought full planning consent for a further replan and substitution of housetypes of the 8 currently consented dwellings on plots 15-22 for 14 smaller family houses. As a result of concerns regarding lack of parking an amended plan has been submitted reducing the number of dwellings proposed by 1 to 13.

**SITE DESCRIPTION:**

The application relates to 0.25ha of land, which forms part of a larger development site of 2.25ha in area, situated to the south-west side of The Green. The site lies within the Open Countryside adjacent to the Middlewich Settlement Boundary and is bordered by residential properties to its northern, southern and eastern boundaries, with open fields to the west.

The site is relatively flat although it is set at a higher level than The Green. Hedgerows and fencing form the boundaries to the site and there are a number of trees along the boundaries of the site. The surrounding residential development consists of bungalows fronting onto The Green with two-storey detached and semi-detached properties to the north, east and south.

#### **RELEVANT HISTORY:**

10/4065C                    Outline Application for 68 Residential Dwellings over 2.25 Hectares. Access from The Green with some Matters Reserved – Refused 4<sup>th</sup> February 2011

11/2833C                    Outline planning permission is sought for up to 68 homes together with associated public open space, and highway works. – Approved 9<sup>th</sup> January 2012

11/4545C                    Residential Development Comprising 64 Dwellings (Including 30% Affordable Housing) and Associated Highways, Landscaping and Public Open Space – Approved 30<sup>th</sup> March 2012

13/1418C                    Substitution of house types, at increase from 22 dwellings to 35 dwellings on the north west part of the site - Approved

#### **NATIONAL & LOCAL POLICY**

##### **National Policy**

National Planning Policy Framework

##### **Local Plan Policy**

PS8 - Open Countryside  
GR21 - Flood Prevention  
NR4 - Non-statutory sites  
GR1 - New Development  
GR2 - Design  
GR3 - Residential Development  
GR5 - Landscaping  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR17 - Car parking  
GR18 - Traffic Generation  
GR 22 - Open Space Provision  
NR1 - Trees and Woodland  
NR3 - Habitats

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 (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

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

**CONSULTATIONS:**

**Environment Agency** - No comments to make on the proposed development

**Brine Board** - At original planning stage, the Board did not make any structural recommendations for this site and therefore they have no comments on the proposed substitution.

**Middlewich Town Council** - Objection regarding Highways concerns raised on previous application 13/1418C

**Education** – At the time when 11/4545C came in a contribution was not required as there was forecast to be some surplus in the future.

On our spreadsheet 13/1418C is recorded as being 39 dwellings generating 7 primary and 5 secondary aged pupils and a contribution of £81k. However as education had not claimed originally and they could only claim for a number of the extra houses which equated to £32,685. On this basis an extra 6 dwellings would equate to another pupil taking the contribution up to £49,028. Its one of those scenarios where numbers have changed over a period and the school has since become oversubscribed and so other applications in Middlewich we seek full contributions for secondary. So the new figure is £49,028

**Highways – No objection**

## **OTHER REPRESENTATIONS**

2 representations have been received making the following points:

- This development was originally approved for 64 dwellings. After construction commenced the plans were changed to 71 dwellings. This further change results in 83 dwellings
- The developer did not judge the market correctly
- How many houses can you legally build per acre.
- This site is already densely packed.
- A 30% increase from the original approval will increase light , noise and general pollution by the same amount.
- a 30% increase from the original approval is unacceptable .
- It would not have been approved for this many dwellings originally so it should not be now.
- Suggest more public open space instead of houses they can't sell.
- This is due to the builder not being able to sell the larger detached houses in the current market.
- This is something that all the objectors to the original approval cited at the time !
- The market has not changed and now there is another 600 + houses being built less than a quarter of a mile away that Persimmon has boxed themselves into a corner and should not be allowed to ride over the original approval for capital gain.
- There are still unsold houses on this site that were built nearly two years ago.
- Each property has one car parking space with an average of two cars per household. This means the pavements become obsolete and therefore more dangerous for pedestrian movement which will also increase.
- The Green was strongly objected to by local people and some councillors alike
- It was initially refused then, the house builders, continued to amend the quantity of houses up and down, continuing to submit new proposals in a bid to obtain permission, which eventually they received.
- No consideration what-so-ever was given to the residents who purchased their properties specifically because they backed on to 'Green Belt' land
- Existing residents have had houses built, directly behind their own property where people are staring into their kitchen window. It is a worst nightmare, come true.
- Increasing the number of activity in the gardens to double making life in my existing gardens even more unbearable.
- The developers wish to amend these houses because there are over 200 new builds a few hundred yards away, which are of a far higher standard of house. Warmingham Lane has been targeted with 230 houses on the right and 400+ on Glebe Farm land, on the left, leaving Middlewich.
- It has to remain the problem of Charles Church builders if they cannot sell the planned, approved dwellings. Why should the residents be once again 'kicked in the teeth' and overruled, to merely line the pockets of Charles Church builders. They should have done their homework first.
- The properties Charles Church Builders they have designed and built are the most boring, characterless, penny pinching, cost cutting version of a property ever seen.
- Existing residents must put up with it or move.

## **OFFICER APPRAISAL**

## **Main Issues**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 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.

However, the granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission is being, and can continue to be, implemented, this application does not present an opportunity to re-examine those issues.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are sustainability of the proposal in terms of economic, social and environmental factors.

## **SOCIAL SUSTAINABILITY**

### **Open Countryside and Housing Land Supply**

This proposal, is a full planning application for 13 dwellings on the north-west part of the site, which will increase the total number of properties on the site to 86. Although a greater number of dwellings is now proposed, the site boundaries remain the same. Therefore, it will not result in any greater loss of open countryside, than that which has already been accepted and by increasing the density, it will make better use of the land which will increase the contribution that the site makes to housing land supply, and will ease the pressure to develop other greenfield sites elsewhere in the Borough

### **Affordable Housing**

The proposed re-plan includes an overall increase in the number of dwellings on site resulting in an increase in the affordable housing requirement and the requirement to provide a further 2 affordable units. The applicant is proposing 2 x 2 bed units provided as one rented and one intermediate unit. This is acceptable and in line with the Council's Interim Planning Statement. The proposed re-plan places the two affordable units in the middle of a terraced row, adjoining market units on either side.

Initially Housing officers were concerned over the deliverability of the affordable units if provided in this way and they suggested that the applicant provides the two affordable units required as a pair of semi-detached units not adjoining market units. If arrangements cannot be made for the existing provider on the remainder of the site to take the units, housing would have concerns over appetite of Registered Providers (RPs) to take two units in isolation. Therefore they requested to see evidence provided that discussions with RPs to take the two additional affordable units have taken place.

In response additional information has been provided by the developer and Housing Officers have confirmed that they are happy for the additional two affordable units to be provided both as Intermediate tenure. This is due to the impracticalities of having one rented unit in isolation. The

units could be delivered as Shared Ownership delivered with an RP partner or Shared Equity delivered direct by Persimmon. They are satisfied that the email correspondence from Dane Housing alleviates concerns around the deliverability of the units within a terrace of market units. Therefore they have withdrawn their objection. However, the Section 106 agreement should ensure the two affordable units to be provided as Intermediate tenure, not just Shared Ownership. This is to ensure we have options that are deliverable.

### **Amenity**

The site is bounded to the west by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Eardswick Road to the north, Broxton Avenue to the east and Beeston Close and Bunbury Close to the south. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties in those roads listed above, the recommended minimum distances will be achieved.

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. A number of plots fail to achieve this standard and the minimum garden areas are now approximately 45sq.m.

Whilst the proposal fails to meet all the requirements of the Council's SPG and Policy GR6 of the adopted Local Plan, the provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

With regard to noise pollution, air pollution and light pollution caused by the development, the Environmental Health Department, have raised no objection to the development subject to conditions. Similar conditions were imposed on the previous consent and therefore these could be carried over to any further approval. As a result, it is not considered that these issues would warrant the refusal of this application.

### **Open space**

The size, shape and location of the proposed on-site open space provision are identical to that shown on the previously approved scheme. This was originally, considered to be adequate to serve a development of 68 homes. However, it was not considered to be sufficient to provide for the larger development.

With regard to Children and Young Persons Provision, following an assessment of the existing provision accessible to the proposed development, carried out as part of the previous application, there was considered to be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity was identified for the upgrading of an existing facility at Moss Drive, to increase its capacity. The existing facility is a Local Equipped

Area for Play (LEAP), located off Chadwick Road/ Moss Drive. This facility is within 800m of the entrance of the proposed development accessed via a footpath off Chadwick Road, close to the existing road called The Green.

The existing facilities at the identified site were substandard in quality and consequently the applicant agreed to pay a commuted sum towards improvements. For the whole site, including both the replanned and previously approved parts of the application site, these equate to:

- £25,853.52 for children's playspace (£335.76 per dwelling)
- £5,742.93 for amenity greenspace (£74.57 per dwelling)

The further increase in the number of dwellings now proposed would clearly increase the demand for play facilities and the pressure on the Chadwick Road / Moss Drive site. It is therefore recommended that the contribution should be increased accordingly on a pro-rata basis by the following amounts:

- £1678.80 for children's playspace
- £372.85 for amenity greenspace

The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contribution and the establishment of the management company, it is considered that the revised proposal is acceptable in Open Space terms.

## **Infrastructure**

The Councils Education Department were consulted as part of the original application and stated that the existing schools in the area should be able to accommodate the additional pupils from this development and therefore no Section 106 Developer contributions were required in respect of that proposal.

The previous increase in numbers of dwellings on this site generated a requirement for school places and a contribution was secured which equated to £32,685.

On this basis the extra 7 dwellings now propose would equate to another pupil taking the contribution up to £49,028.

Therefore, an additional Section 106 contribution of £9343 is required.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of*

*overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.*

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case, ecological issues were given full consideration at the time of previous approval, and it was concluded that subject to the imposition of certain conditions, the proposal would not have a detrimental impact on protected species within or adjoining the site. Given that the site area remains unchanged, provided that the same conditions are imposed, the proposed re-plan and increase in the numbers of dwellings will not have a materially different or greater impact than the approved scheme.

### **Landscape**

In respect of the previous application, the Council's Landscape Officer expressed the view that the proposals would not have a significant landscape or visual impact and therefore offers no objections to this application. Given that no change is proposed to the extent of the development area, or the site boundaries, it is not considered that any additional landscape impact would occur as a result of this proposal.

### **Trees**

The Council's Landscape Officer has examined the application, and commented that she does not envisage any significant new forestry impacts.

### **Drainage and Flooding**

United Utilities and the Environment Agency have raised no objection to the proposed modifications and a condition can be imposed requiring the site to be drained in complete accordance with the previously submitted and approved strategy which ultimately states that all surface water flows generated by the new development will discharge to soak-away or watercourse only.

## **Design**

With regard to the layout of the site, the re-planned part of the site would be arranged around a cul-de-sac with a turning head at the end, which is the same as the approved scheme. The properties are orientated in such a way that active frontage is provided to the roads and a sense of enclosure and overlooking is maintained at the end of the turning heads. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. Whilst greater than that of the approved scheme, the density, of the development, and the spacing between the dwellings, will not appear out of character with that of the remaining part of the site and the adjoining development.

However, the increase in the density has resulted in the majority of plots now having frontage parking on both sides of the road. To address this amended plans have been submitted showing the removal of 2 no Penrose housetypes and replacement with 1 no. Rufford housetypes, which has an integral garage. This revision will reduce the number of plots within the application site from 14 to 13 and also lessens frontage car parking within the site.

This also allows sufficient landscaping is proposed between spaces to break up the hardstanding and avoid creating the impression of a car dominated frontage which will detract from the character and appearance of the proposed street scene contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function. This is considered to be sufficient to deal with these concerns and also satisfies those concerns raised in the objection set out by the resident of 36 Jubilee Pastures.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Of the 4 housetypes proposed in the re-planned area, three are incorporated within the existing approved scheme and are therefore deemed to be appropriate. The fourth housetype "Penrose" are 2 stories in height which reflects the more recent developments in the surrounding area.

The properties are traditional gabled and pitched roofed dwellings which incorporate features such as lean-to porches and window head details that add visual interest to the elevations and are similar to other properties in the vicinity. The proposals are in keeping with those on the previously approved scheme, and the remaining part of the site. Similar designs have been employed on the neighbouring developments at and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

## **Ground Conditions**

A consultation response was received from the Cheshire Brine Board in respect of the previous application which raised no objection to the proposed development. Given that there is no change to the site area, no additional concerns are raised in this respect.

Matters of contaminated land were also addressed as part of the previous permission, and the conditions attached thereto, and consequently, Environmental Health have raised no objection subject to a condition being added requiring all work to cease in the event that previously unsuspected contamination is encountered.

## **ECONOMIC SUSTAINABILITY**

### **Loss of Agricultural Land**

The proposal will not result in any greater loss of agricultural land than the previously approved scheme.

### **Highway Safety and Traffic Generation**

The Strategic Highways Manager commented that as originally submitted, plot numbers 80 – 83 and 86 – 89 had insufficient off-street parking provision to comply with CEC minimum park standards. For 2/3 bedroom properties two off street parking spaces per dwelling are required. As stated above a revised layout has now been submitted and the Strategic Highways manager has withdrawn his previous objection.

## **CONCLUSIONS AND PLANNING BALANCE**

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside. The proposal will make better use of the site and ease pressure for housing development on other greenfield sites. The proposal is acceptable in terms of design, amenity, access and parking and additional Section 106 contributions will address additional demands on education, greenspace etc. The proposal is therefore economically, environmentally and socially sustainable.

## **RECOMMENDATION**

**APPROVE** subject to Deed of Variation to the existing Section 106 Agreement to bind the whole site and secure:

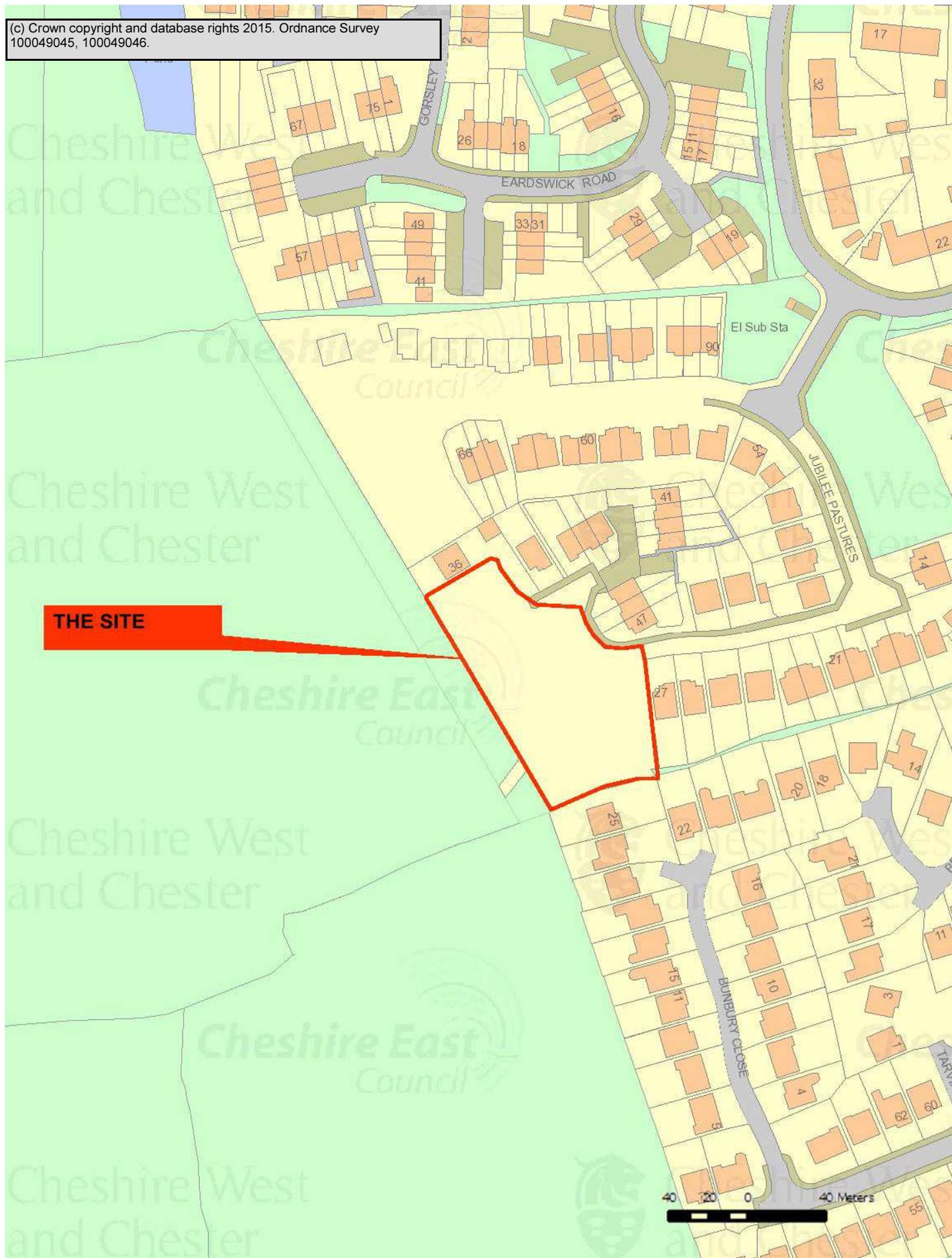
- **Affordable housing comprising 2 additional intermediate tenure dwellings**
- **Additional payment for children's playspace (£1678.80)**
- **Additional payment for amenity greenspace (£372.85)**
- **POS contributions to be spent in accordance with the Council's interim policy within 800m of the development site**
- **Provision for a local residents management company to maintain the on-site amenity space**
- **Additional Education Contribution (£9343)**

**And the following conditions:**

- 1. Time Limit**
- 2. Approved Plans**
- 3. Remove permitted development rights**
- 4. Submission / Approval of Contaminated Land Investigation / Mitigation**
- 5. Submission / Approval of Details of External Lighting**
- 6. Hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays**
- 7. Submission / Approval of details of any piling**
- 8. Submission / Approval of bin storage**
- 9. Submission / Approval of scheme to manage overland flow**
- 10. Submission / Approval of scheme to limit surface water runoff**
- 11. Surface water discharge to mimic that of the existing site**
- 12. Submission / Approval of detail of Sustainable Urban Drainage**
- 13. Only foul water to be connected to sewer**
- 14. Details of bat and bird nest boxes**
- 15. Submission / Approval of Landscaping**
- 16. Implementation of Landscaping**
- 17. Submission / Approval of Tree protection**
- 18. Implementation of Tree Protection**
- 19. No works to take place during nesting season without submission / approval of bird survey**
- 20. Enhancement of existing hedgerows**
- 21. Development to take place in accordance with Great Crested new mitigation measures**
- 22. Submission / Approval of materials**
- 23. Submission / Approval of road construction details**
- 24. Provision of car parking**
- 25. Submission / Approval of details of boundary treatment**
- 26. Submission / Approval of construction management plan**



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Application No: 14/5579C

Location: Land Off, MAIN ROAD, GOOSTREY

Proposal: Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works

Applicant: Gladman Developments Ltd

Expiry Date: 03-Mar-2015

## REASON FOR REPORT

The application is a major development and is a departure from policy, and therefore requires a committee decision.

### SUMMARY

The proposal is contrary to policies PS8, PS10, BH4 and H6 of the Congleton Borough Local Plan First Review. As a result, 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 proposal is also contrary to relevant policies within the Framework.

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.

Paragraph 49 of the NPPF states that 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the identifiable benefits of the proposal would be predominantly social:

- Much needed affordable housing provision
- It would help towards the delivery of the Council's 5 year housing land supply.
- The provision of public open space (although its acceptability has still to be confirmed by the Council's Greenspace Officer.
- Contributions towards local education.

Balanced against these benefits, the harm arising from the proposal would be:

- The principle of residential development in open countryside, contrary to development plan policies
- The less than substantial harm to the setting of Swanwick Hall.
- The loss of 6.9 hectares of the best and most versatile agricultural land.
- Impairment to the efficiency of the Jodrell Bank Radio Telescope.

The harm to the efficient operation of the Jodrell Bank telescopes is considered to impact upon all three aspects of sustainable development. In environmental terms, the development will have a direct line of sight to the telescope and therefore will not benefit from terrain shielding to the telescope. It also lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). The telescopes and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics and cosmology. These facilities are used by most university astrophysics groups in the UK and by hundreds of scientists across the world. By impairing the operation of the telescopes, the development will have a negative impact upon the social role of sustainable development. Finally, any significant reduction in the efficient operation of the telescopes also has the potential to impact upon the funding that JBO receives, and its attractiveness as a tourist facility, thereby impacting upon the economic role of sustainable development.

Overall there are considered to be insufficient public benefits to outweigh the harm to Jodrell Bank, the setting of a designated heritage asset and the loss of some of the best and most versatile agricultural land.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. There are no material considerations that indicate a decision otherwise than in accordance with development plan policies should be made.

#### **RECOMMENDATION**

The application is recommended for refusal.

#### **PROPOSAL**

The application seeks outline planning permission with all matters reserved except for access for a residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works.

Whilst access has been applied for in this application, not all access has been included. The Development Management Procedure Order states that *“access” in relation to reserved*

*matters, means the accessibility to and within the site...*” The applicant considers that the level of detail is sufficient for the Council to be able to formally consider the application as is. But they acknowledge that if it was considered that there was insufficient information, access could revert to being a reserved matter.

Given that the level of detail submitted does not include all access *“to and within the site”*, it is considered that this should be dealt with as a reserved matter.

The Secretary of State has received a request to intervene from a third party. Whilst a resolution can be made by the Committee, the decision cannot be issued until the Secretary of State’s assessment on call in is determined.

## **SITE DESCRIPTION**

The application site extends over three fields and covers an area of approximately 6.9 hectares of agricultural land. To the west of the application site are the residential dwellings located along Sandy Lane and Swanwick Close. To the south the site is bound by those properties located along Main Road; access to the site is proposed from Main Road to the west of Shear Brook, which follows part of the eastern boundary of the application site. To the east of Shear Brook are the residential dwellings located along Shearbrook Lane and Willow Lane. The northern boundary follows a track (Footpath 12 Goostrey ) that links Sandy Lane to the west with Swanwick Hall, a listed building located to the north of the application site. To the north of Footpath 12 Goostrey is the wider agricultural landscape. The site is located within the Open Countryside and the Jodrell Bank Consultation Zone as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

14/5071S - Environment Impact Assessment Request for a Screening Opinion - residential development of up to 132 dwellings with all matters reserved – EIA Not Required 06.03.2015

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

128-135 Heritage assets

### **Development Plan**

#### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

PS10 (Jodrell Bank Radio Telescope Consultation Zone)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)  
GR4 (Landscaping)  
GR5 (Landscaping)  
GR6 (Amenity and Health)  
GR7 (Amenity and Health)  
GR8 (Amenity and Health - pollution impact)  
GR9 (Accessibility, servicing and provision of parking)  
GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR16 (Footpath, Bridleway and Cycleway networks)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 & H2 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)  
BH4 (Listed Buildings)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

**Other material considerations:**

- Interim Planning Statement: Affordable Housing
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- SPG2 - Provision of Private Amenity Space in New Residential Development

**CONSULTATIONS**

Flood Risk Manager – Comments not received at time of writing.

Environmental Health – No objections subject to conditions relating to travel planning, electric vehicle infrastructure, dust control, pile driving, contaminated land, and the submission of an Environmental Management Plan.

Public Rights of Way – No objections

Head of Strategic Infrastructure – Concerns raised over visibility and sustainability

Housing Strategy & Needs Manager – No objections

Archaeology – No objection

Education – No objection subject to financial contribution towards primary education

Open Space – Comments not received at time of writing

Jodrell Bank – Object on grounds that the development poses a significant risk to the efficient operation of the telescopes

Historic England – Not necessary for Historic England to be notified

NHS England – No comments received

Environment Agency – No objection subject to a condition requiring the submission of a scheme for the provision of compensatory flood storage.

United Utilities – No objection subject to condition requiring submission of foul and surface water drainage details.

Twemlow Parish Council – Object on the grounds that the development is unsustainable. The NPPF advises that housing applications should be considered in the context of sustainable development and 'suitable location'. This proposal is in open countryside, outside the village settlement boundary, contrary to Cheshire East policies in both prior and emerging local plans. The development will permanently remove economically valuable agricultural land.

The current bus service only runs once an hour between the hours of 9:30am – 2:30pm so isn't suitable for Goostrey to act as a commuter village. There is no direct transport to Knutsford, Middlewich, or Congleton which are all large areas of employment. The site is located within the 6 mile radius of Jodrell Bank. The government has put millions of pounds into the project to fund science and radio astronomy. An 120 house development will have a severe impact on the functionality of Jodrell Bank due to radio interference.

Holmes Chapel Parish Council – Holmes Chapel PC - As representatives of the closest 'Service Centre' the PC considers this development would place unsustainable pressures on services within Holmes Chapel. It would significantly worsen the existing pressures on traffic/parking/schools/health centre. Should development go ahead Holmes Chapel Parish Council would seek recompense from the developer for the impact on village services.

Goostrey Parish Council – objects on the grounds that the proposal is not sustainable and will have a detrimental affect on Jodrell Bank Observatory (JBO), and make the following specific points:

- Cheshire East has already refused smaller developments in Goostrey because of JBO.
- There are no available places at either Goostrey Primary school or Holmes Chapel Comp/Academy.
- The nearest library and health centre (full to capacity) is in Holmes chapel. There is no Doctor in Goostrey, only a pharmacy.
- There is a very limited bus service from 9.30am to 2.30pm unsuitable for school runs and people that work outside the village.
- The train service is hourly but the car park is always full of existing commuters and the potential of another 200 cars would have significant impact on the Main Road in Goostrey.
- There are sections of narrow pavement which are difficult for parents with pushchairs any children.
- There would also be an adverse affect on the A50 which is already an accident area with a regular 3/4 mile queue of traffic trying to get into Holmes Chapel between 16.30 and 18.00hrs.
- Goostrey has no supermarkets, no garage/petrol station, no doctors or dentist surgeries, it does have a sub post office 4 afternoons a week, a pharmacy and a limited general store. All but a few residents use Holmes Chapel, Knutsford, Northwich, Middlewich and Sandbach as their Local Service Centre.
- There would be a permanent loss of 17 acres of prime agricultural land, with a loss of jobs and valued income.
- No local jobs for new residents so they will have to travel by car to employment outside the village.
- The development would have a detrimental impact on the landscape particularly from footpath12.
- Such a large (13% increase to the village) development would be extremely detrimental, changing the dynamics and character of the village.
- At a public meeting (09.01.2015) of the village residents 203 responded against and only 2 voted for the development.

- In the emerging local plan, it says:- 'In the case of Goostrey which adjoins Holmes Chapel a larger LSC, it is anticipated that development needs will be largely be provided for in Holmes Chapel.'

## REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle.

Approximately 600 letters of representation have been received from local residents, visitors to Goostrey and the local MP objecting to the proposal on the following grounds:

- Impact on local schools which are already full
- Impact on local health centre
- Contrary to open countryside policies
- Additional traffic
- Highway safety
- Drainage issues / flooding
- No jobs to support this number of houses
- Very limited facilities in Goostrey
- Will destroy village character
- Impact on Jodrell Bank
- Landscape impact
- Station car park used to capacity
- Limited shops in village
- Housing will be too dense
- Impact on neighbouring properties
- Ecological impact
- Light pollution
- No local youth facilities
- Enough brownfield sites for development
- Development too large
- Unsustainable
- 50 houses rejected opposite this site
- Bus service limited
- Loss of best and most versatile agricultural land – impairment to economic sustainability – poorer quality land exists
- Pavements have limited width
- Loss of trees and hedgerows
- Urban sprawl
- Congestion and pollution
- No public consultation / community engagement
- Impact on public footpath
- Dangerous access
- Impact on water supply / pressure
- Impact on electricity supply
- Outside of settlement boundary
- Housing shortage is in north of the borough
- Contrary to 3 dimensions of sustainable development in the NPPF
- Scale out of proportion with village

- Traffic assessment flawed
- No land available to expand school
- Impact on setting of listed building
- Fuel pipeline below entrance
- No demand for homes in Goostrey
- Impact upon living conditions of neighbours
- Cumulative impact with recent approval at New Platt Lane
- Cheshire East Plan refers to a limit of 50 houses in Goostrey
- NPPF – “use of sound science responsibly”
- Inadequate car parking for primary school
- Known accidents on Main Road not quoted in report
- No provision for renewable energy incorporated into houses
- Attenuation pond is a safety hazard
- Results in over 12% increase in size of village
- Reliant on car use
- EIA is required
- Ancient public rights of way exist across the site
- Impact on setting and social and economic viability of Jodrell Bank
- Loss of historic field patterns
- Inaccuracies in submission
- Education formula for s106 contributions is out of date
- Impact on (undesignated heritage asset) Holly Bank

#### **APPLICANTS SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

- Planning Statement
- Built Heritage Report
- Design & Access Statement
- Landscape and Visual Impact Appraisal
- Sustainability Report
- Socio-Economic Sustainability Statement
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Arboricultural Assessment
- Flood Risk Assessment
- Foul Drainage Report
- Air Quality Statement
- Noise Assessment
- Archaeology Report
- Infrastructure Cost Details
- Response to Jodrell Bank Consultation
- Statement of Community Involvement
- Agricultural Land Use & Soil Quality

#### **APPRAISAL**

The key issues are:

- Principle of the development
- Loss of open countryside
- The impact upon Jodrell Bank
- The impact upon trees and hedgerows
- Impact upon infrastructure
- Impact upon nature conservation interests
- Landscape and visual Impact
- Amenity of neighbouring property
- Highway safety

### **Principle of Development / loss of open countryside**

The site is located in the Open Countryside as designated by the Congleton Borough Local Plan 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, 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**

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Holmes Chapel Rural sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 17 new affordable units per annum for the period 2013/14-2017/18. In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 25 applicants who have selected the Goostrey lettings area as their first choice.

The proposal is for 119 dwellings, including a minimum of 30% affordable dwellings which equates to 36 dwellings which should be provided as 23 affordable or social rent and 13 intermediate. This is in line with the Council's Interim Planning Statement on Affordable Housing (IPS), which states that the general minimum proportion of affordable housing for any site will normally be 30%. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

On this basis the proposal would comply with the IPS and policy H13 of the local plan.

The applicant has also put forward the possibility of providing 20% on-site and 15% off-site affordable housing. Whilst the off site provision of affordable housing can be acceptable in some circumstances, there is not considered to be enough information regarding the proposed on/off site mix to properly assess that alternative proposal.

### **Public Open Space**

The Planning Statement identifies that 2.4ha of on site public open space will be provided. The open space will include formal footpaths, areas of amenity and meadow grassland to provide areas for recreational activities and to enhance biodiversity.

The Council's Greenspace Officer has been consulted on the application, but to date no comments have been received on the proposal and the amount/type of public open space proposed. Any comments received prior to committee will be provided as an update.

### **Education**

The Council's education department has been consulted on the application and advise that a development of up to 119 dwellings will generate 21 primary aged pupils and 15 secondary aged pupils.

The local primary schools to the application site are Goostrey Community Primary School and Hermitage Primary School. Current forecasts show that there are insufficient places in the local primary schools to accommodate the primary aged pupils generated by the proposed development. Therefore a financial contribution will be required towards providing primary accommodation for these additional pupils. The contribution will be:

$$21 \times \text{£}11,919 \times 0.91 = \text{£}227,772.09$$

The local secondary school is Holmes Chapel Comprehensive School. Forecasts show that there is currently a surplus of 96 places with only 29 being taken up by approved housing developments. Therefore the secondary aged pupils generated by the current proposal can be accommodated at Holmes Chapel Comprehensive.

It is noted that the Holmes Chapel Comprehensive School Governors have commented on the application and state that Holmes Chapel Comprehensive is oversubscribed and could not admit more children. This is clearly at odds with the comments from Council's education department, and therefore clarification on this matter is currently being sought.

In addition some of the letters of representation refer to the fact that the local primary school cannot be extended due to the physical constraints of the site. Clarification is also being sought on this and will be reported as an update.

### Health

Comments received in representation, including from the local Health Centre in Holmes Chapel, have raised concerns regarding the pressure on existing local health facilities. NHS England was consulted on the application but have not commented on the application. Recent appeal decisions have accepted that new developments can have an impact on health infrastructure. However, in the absence of specific schemes Inspectors have concluded that there is insufficient evidence to justify any s106 contributions.

## ENVIRONMENTAL SUSTAINABILITY

### Location of the site

Goostrey is identified as a Local Service Centre (LSC) in the emerging local plan. LSCs are defined in the Local Plan Strategy Submission Version as: *"Smaller centres with a limited range of employment, retail and education opportunities and services, with a lower level of access to public transport."*

Paragraph 34 of the Framework 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. Paragraph 55 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.

Accessibility is a key factor of sustainability that can be measured. The submission version of the local plan strategy provides a guide to the appropriate distances for access to services and amenities.

CRITERIA	RECOMMENDED DISTANCE	APPROXIMATE ACTUAL
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		<b>DISTANCE</b>
Bus stop	500m	752m (+252m)
Public Right of way	500m	0
Railway Station	2km where possible	1.9km
Amenity Open Space / Park	500m	368m
Outdoor Sports	1km	830m
Convenience Store	500m	600M (+100m)
Supermarket	1km	4km (+3km)
Post Box	500m	600 (+100m)
Post Office	1km	670
Bank or Cash Machine	1km	4km (+3km)
Pharmacy	1km	700m
Primary School	1km	1.2km (+200m)
Secondary School	2km	5km (+3km)
Medical Centre	1km	4km (+3km)
Leisure Facilities	1km	5km (+4km)
Local Meeting Place / Community Centre	1km	1.3km (+300m)
Public House	1km	1.1km (+100m)
Child Care Facility	1km	700m

The table above shows the distances in green meet the appropriate distance guidance set out in the emerging local plan.

The site fails to meet the distance standards to various facilities, however in some cases the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Bus Stop (500m) – Main Road 752m
- Primary School (1000m) – 1200m
- Local meeting place (1km) – 1.3km
- Public House (1km) – 1.1km
- Convenience Store (500m) – 600m
- Post box (500m) – 600m

In summary, the site does meet or is within a reasonable distance of the majority of the public facilities listed. In addition, the illustrative masterplan drawing shows how pathways could be provided through the site to increase permeability for pedestrians and cyclists from the public right of way along the northern boundary to Main Road at the southern end of the site.

The comments received in representation relating to the limited bus service (between 9.30 and 14.30) and the overcrowded station car park are acknowledged. It is also accepted that the private car is likely to be the favoured mode of travel for journeys beyond Goostrey. However, there are clearly alternative modes of transport available, and the applicant has now offered to fund an enhanced service for the 319 bus to provide an hourly service between 08.00 and 18.00 for a period of five years. Overall it is considered that the site is reasonably accessible for a rural settlement and is therefore locationally sustainable.

### **Landscape Impact**

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area. These are the National Character Areas as identified by Natural England, the East Lowland Plain, LFW1 Marthall, as identified in the Cheshire Landscape Character Assessment 2008.

The Landscape Assessment indicates that the development would have a minor-moderate adverse landscape effect at the construction phase and a negligible effect on the local landscape character and also on the wider landscape at the completion stage.

As part of the visual assessment 19 photo viewpoints have been assessed, this identifies that visibility will be limited to those residential receptors closest to the application site, that there will be a moderate adverse impact on users of Public Rights of Way and that the visual effect on road users, namely Main Road, will be negligible.

The Council's landscape officer agrees with the assessment that the zone of visual influence is relatively small, and that a limited number of residential receptors will be affected. However, any effective mitigation and enhancement will be dependent on the additional planting as identified on the Illustrative Masterplan and Development Framework drawing being implemented, since without this the effects could easily be more adverse than identified, especially for those residential receptors adjacent to the site and users of the footpath leading to Swanwick Hall to the north of the application site.

### **Heritage Assets and their Setting**

Swanwick Hall is Grade II listed, and its listing identifies it as a 17th century farm house with later additions and a 19th century appearance. The conservation officer has commented on the proposal and notes that the significance of Swanwick Hall appears to largely lie in its 17th century origins and as a good example of an agricultural building. The principle elevation of the farmhouse faces into the farm courtyard. The barns on the site are not listed in their own right but are listed by virtue of falling within the curtilage of the farmhouse. These buildings add to the historic interest of the farmhouse in that together with the farmhouse they form a group and provide evidence of agricultural activities. The site and its surroundings have a rural, agricultural character. This character and view of the buildings is evident from the access to Swanwick Hall. The heritage assessment provided by the applicants appears to agree with this assessment by stating in paragraph 7.4 *"The significance of this property lies in its associations with farming in the area...the 17th, 18th and 19th inhabitants of Goostrey relied on the areas successful farms, attracting wealthy farming families to the village. The*

*farmhouse itself is considered to be of historical significance due to its age, evolution and survival as a house and attached farm”.*

The listed farmhouse and barns can be seen from the entrance on Booth Bed Lane where the buildings appear at the terminus of the farm track / public footpath. To either side of the farm track the setting is open with a number of mature trees and a post and rail fence. However, during the summer it is fair to assume that the listed building will be less visible. Nonetheless, the buildings appear isolated and within a landscape setting to be expected of a farm. The growth of Goostrey has encroached on the agricultural land and is visible further along the farm track and from the farm buildings, however these buildings are at some distance, and there remains a substantial block of land between the housing and the listed buildings. The land does not appear as a designed landscape and is informal.

Neither the Visual Impact Assessment nor the Heritage Assessment accompanying the application make reference to the fact that Jodrell Bank can be viewed from the public footpath leading to Swanwick Hall, or make any comment on the impact of the significance of the structure. The Grade I listed telescope structure is mentioned in the Marthall Character area “In the south the Jodrell Bank radio telescope provides a local landmark as it is visible over a large expanse”. It is however considered to be unlikely that the proposed development would have a significant impact upon the setting of the telescope, given the separation distance involved.

The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Swanwick Hall is a farm house and along with its ancillary buildings are surrounded by agricultural land, a setting which has largely remained the same from the tithe map to the present day. This makes a positive contribution to the significance of the listed buildings at Swanwick Hall and makes an important contribution to the ability to appreciate that significance. These features of the site enable the significance of the farm buildings to be fully appreciated. The immediate setting of the farm house and the relationship with the barns, the wider setting is the land in which it has a history and a tangible link, one that without, the building’s origins and function as a farmhouse would make little sense.

The fact that the setting of these listed buildings has changed in terms of the expansion of Goostrey does not detract from the fact that the land that surrounds it today makes a positive contribution to the significance and understanding of the heritage assets. Goostrey has expanded with time and the fields have been reduced in extent by 20th century residential development. The same setting remains predominantly intact today. Although not as isolated as it once was, the Hall remains as it was when first built, surrounded on all sides by large fields.

As an outline application, it is harder to assess the full impact of the development without knowing the orientation of houses, heights, layout, landscaping etc....The heritage statement talks about two-storey buildings to minimise the impact, but the D&A talks about 2.5 storeys. The proposed development would wholly alter the balance of the agricultural surroundings; relatively close-set houses would encroach closer to Swanwick Hall, the character of the driveway would also change. The resulting sense of urban development here, irrespective of the merits of architectural style, would seriously reduce the agricultural character of the Hall’s

setting when viewed from the listed building looking out and also when approaching the site from the driveway.

The National Planning Practice Guidance (NPPG) confirms that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Overall, the proposed development on the site would result in an urbanisation of the Hall's setting. The terminus of the entrance track will not change the view of the Hall, but it is the visual impression of the entrance, the loss of open land, built up housing and dense planting which will alter how the Hall is appreciated particularly from the public footpath's Booth Bed entrance and also from the hall itself.

Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Heritage assets are irreplaceable, any harm or loss should require clear and convincing justification

Based on the information currently submitted with the outline application the harm to the setting of the listed building is less than substantial and in accordance with paragraph 134 of the Framework, this harm should be weighed against the public benefits. Whilst the harm is less than substantial, there is still harm, and as such the proposal will be contrary to policy BH4 of the local plan.

### **Design / Character**

The importance of securing high quality design is specified within the Framework 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."

This is an outline application and as such, only limited information is available at this stage regarding layout and design. The application indicates that the dwellings will provide between 1 and 5 bedrooms, be 2 to 2.5 storeys in scale with a density of 26.4 dwellings per hectare. The majority of properties within the immediate area are either single or two-storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward as part of the reserved matters. The proposed density is also considered to be acceptable.

### **Residential Amenity**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

Whilst the views beyond the residential gardens of those existing properties that back onto the application site will change significantly the layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the existing and proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

Environmental Health has also recommended that an Environmental Management Plan be submitted and agreed prior to the commencement of development to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of noise and disturbance during the construction phase.

### **Ecology**

The nature conservation officer has provided the following comments on the application:

#### Great Crested Newts

A number of ponds have been surveyed for this species. Due to access limitations it was not possible for the applicant's ecological consultant to obtain permission to survey one pond. A further field survey has also been undertaken to examine a further pond that appears on the OS plan however the pond no longer exists. Based upon the available information great crested newts are unlikely to be present or affected by the proposed works.

#### Watercourses

In order to safeguard the ecology of the Brook on the eastern boundary of the application site it is advised that if planning permission is granted a condition should be attached to ensure no development takes place within 10m of the top of the bank of the brook.

#### 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 and so the species may occur on the application site. If planning consent is granted a condition requiring proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing is recommended.

#### Grassland

For survey purposes the grassland habitats on the site have been divided into two compartments labelled the "Central" and "Southern" field. The central field whilst supporting a number of grassland species is unlikely to be of sufficient nature conservation value to be considered as a Priority Habitat or to qualify for designation as a Local Wildlife Site. The southern field however supports a sufficient number of indicator species (Pignut, meadow vetchling, autumn hawkbit and joined rushes) to be considered priority habitat and to qualify as a Local Wildlife Site under site selection criteria H12.

The valuable grassland habitats are located primarily on the slope down to the watercourse towards the site's eastern edge. The applicant's consultant has estimated that only 0.03ha of high quality habitat would be lost as a result of the proposed development but proposes that 0.18ha of species rich grassland be created to compensate for this loss.

The precise impacts of the development would depend upon the details submitted at the reserved matters stage and the methodology used to construct the access road. Considering the small area of valuable grassland habitat lost the proposed compensatory habitat creation is broadly acceptable. If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by a strategy for the retention of Local Wildlife Site quality grasslands and the provision of compensatory habitat creation to address any unavoidable losses.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. It appears likely that much of the existing hedgerows could be retained as part of the development of the site, but there likely to be some losses of hedgerow to facilitate access roads. If outline planning consent is granted it must be ensured that adequate replacement planting is incorporated into the scheme to compensate for those hedgerows lost. This matter may be dealt with by means of a condition.

#### Badgers

An active badger sett has been recorded offsite and a second inactive sett is also present on site. If this second sett were to become active it is likely that it would require closure under the terms of a Natural England license to avoid the risk of badgers being disturbed or injured during the works.

Badgers have been recorded as foraging on site but the majority of higher quality habitat for this species is likely to be retained as part of the proposed development. The proposed development is likely to have an adverse impact upon badgers but this impact could be mitigated for through the careful design and landscaping of the open space areas associated with the development at the detailed design stage.

If planning permission is granted, a condition is recommended requiring any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

#### Breeding Birds

The application site is likely to support a number of breeding birds including some species which are a priority of nature conservation. The retention of the habitats adjacent the stream along the eastern boundary of the site is likely to retain some better quality habitat for breeding birds. If outline planning consent is granted it should be ensured at the detailed design stage that the open space associated with the development is maximised for its potential for nesting birds.

#### Reptiles

The grassland habitats adjacent to the stream have been identified as potentially supporting grass snakes. Much of this better quality habitat for reptiles is likely to be retained as part of the development. The nature conservation officer therefore advises that provided the open space associated with the development is treated sensitively at the detailed design stage the proposed development is unlikely to have an adverse impact upon reptiles.

However, to ensure the risk to individual animals is minimised it is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by a reptile mitigation method statement.

### Bats

A number of trees have been identified as having potential to support roosting bats. The submitted ecological report states that one of these trees (T41) is earmarked for arboricultural works which may affect roosting bats if they are present. A further survey of this tree has now been submitted and roosting bats are not reasonably likely to be affected by the proposed development.

No further ecological issues are raised.

### **Trees and Hedgerows**

#### Trees

Hedgerows and mature trees line sections of the internal and external boundaries of the site. The Shear Brook forms the eastern boundary of the site and is tree lined. Trees lining the Shear Brook to the south east and trees on the north western boundary, to the rear of several properties in Swanwick Close, are protected by Congleton Borough Council (Goostrey No 3) TPO 1975.

Since the original submission of the application, the Cheshire East Borough Council (Goostrey - Land North of Main Road) Tree Preservation Order 2015 was made on 9th March 2015 and affords protection to trees on and adjacent to the site. Further information has also been provided by the applicant relating to trees and hedgerows.

An indicative layout plan (6007-L-07) showing the trees along the western boundary shows that a layout taking account of the shading influence of trees of high amenity value on the boundary could be achieved for this part of the site.

A further additional plan (6006-L-08) indicates two existing unprotected trees would require removal to accommodate the position of the suggested access with two native species replacement trees proposed in their place.

The illustrative masterplan drawing (6006-L-08) shows an internal access road which requires the loss of protected trees at the southern end of Group G2 of the 2015 TPO (T7, T8 and T9 of the AIA). Assessment of these trees has been done individually with T7 classified as a C(i) category tree with T8 and T9 as B(i). It is clear however that the trees are a cohesive group rather than individual specimens and confer collective visual importance on the landscape. The group is clearly visible from Footpath (Goostrey F12) and a permissive path to the north east and therefore contribute to the public amenity of the area. It is noted that the majority of trees within Group G2 are rated as category B with an Age Class early mature (1/3 to 2/3 life expectancy). Taking into account the age classification and the condition of the trees which has been assessed as Fair (F) it must be concluded that the category assessment should be Category A rather than B as there is no suggestion in the AIA that any defects would necessarily reduce their life expectancy.

The applicant maintains that the loss of trees will be sufficiently mitigated by replacement planting. The requirement for mitigation assumes there is an adverse impact and whilst

replacement planting would provide enhancement such replacements will take some considerable time to attain the size of the trees lost to development.

Of course the loss of three protected trees has to be seen in the context of the overall planning balance nevertheless there is scope within the site for avoiding the loss of the three protected trees as there is the potential for the access 'loop' to be constructed between protected groups G2 and G3 with only the loss of a 'C' category Hawthorn (T14).

### Hedgerows

Additional evidence provided by the applicant indicates that three lengths of existing hedgerow on the site are considered 'Important' under criteria 5a in the Hedgerow Regulations 1997. The hedgerows mark the southern site boundary along Main Road, the east to west internal boundary and the north to south internal boundary and were found to form an integral part of a field system pre-dating the Enclosure Acts.

The main access and road layout shown on the additional plans Illustrative layout 6006-L-09 and Illustrative Access Proposals Main Road plan 6006-L-08 indicate there would be impact on sections of the 'Important' hedges on Main Road frontage and the north to south internal boundary and the former shows an indicative footpath link through a hedge running west to east. The second plan indicates translocation of part of the existing hedge and some new hedge planting on Main Road.

The presence of 'Important' Hedgerows and any impact upon them is a material consideration in the determination of the application.

As an outline application with all matters reserved, only limited weight can be given to the submitted layout plans and full arboricultural and hedgerow impacts would only be identified at reserved matters stage.

On the basis of the information submitted, the access off Main Road would result in the loss of two existing unprotected trees. The proposed internal road layout would result in loss/translocation of sections of 'Important' hedge and three protected Oak trees. There is the potential for further hedge loss where indicative footpaths links are shown.

The indicative layout would provide opportunities for tree planting in mitigation of losses, planting within the development and new structural planting. Full details of all new/replacement tree planting could be secured as part of a comprehensive landscape scheme.

In the event of approval, the detailed design for a full reserved matters application would need to take full account of BS 5837:2012 and a submission would need to be supported by a comprehensive package of arboricultural data.

### **Highways**

The Head of Strategic Infrastructure has provided the following comments on the proposal:

The applicant has undertaken a number of traffic surveys on the local highway network in order to base the predicted traffic impact of the development. The trip generation for the 119 units has been derived from the Trics database. The predicted trip generation from the

development in the peak hours is between some 75 to 80 trips. The trip rates used are not considered to be unreasonably low for residential development, and the distribution of traffic from the site has been based upon the current traffic movements on Main Road with 50% travelling west and 50% travelling east.

To assess the impact of traffic on the network a number of local junctions have been assessed: The new access junction, Sandy Lane/ Main Road and Booth Bed Lane/Hermitage Lane/Main Road. The results indicated in the Transport Assessment show that there are no capacity issues at the junctions tested. As there are relatively low background flows at these junctions the traffic impact would not have produced a capacity issue and traffic impact is not a reason to refuse the application.

With regard to the accessibility of the site, the site is located near to other residential developments and there is a footway on one side of the road only, the development side, which provides access to local amenities on foot. Given the distances to local facilities, the Head of Strategic Infrastructure then raises some concerns regarding the sustainability of the site. Whilst these concerns are noted, views on the location of the site have been set out previously in the report.

The access to the site is a priority junction and the visibility splays have been based on a speed survey undertaken by the applicant and the figures presented indicate speeds to be 59 and 61kph wet weather speeds. These speeds are on the borderline of requiring DMRB visibility requirements to be used but using the Manual for Streets the splays to be provided is 60m in each direction. Although the applicant has stated that this level of visibility has been provided, the junction drawing submitted only provides visibility splays of 2.4m x 43m which is not acceptable.

Further details have been provided to show visibility splays of 57m eastbound and 61m westbound. Comments are awaited from the Head of Strategic Infrastructure on these revised details and will be provided in an update.

Subject to these details being acceptable, no further highway safety issues are raised.

### **Public Right of Way**

The property is adjacent to public footpath Goostrey No. 12 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit request an informative to ensure that developers are aware of their obligations in terms of the public right of way.

### **Contaminated land**

The Contaminated Land team raise no objection to the proposal but note that the application area has a history of agricultural use and therefore the land may be contaminated and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition requiring a Phase I contaminated land report is therefore recommended.

### **Flood Risk**

The Environment Agency has noted that the watercourse Shear Brook flows along the eastern boundary of the site. Their Flood Maps show that land adjacent to the brook is within

Flood Zone 3, which is high probability of fluvial flooding. The Flood Maps are however indicative only and are not of sufficient accuracy to determine the risk of flooding at a specific location.

A relatively small part of the site's 'Indicative Primary Road' is shown as being within Flood Zone 3. The submitted Flood Risk Assessment explains that should the road be raised and floodplain lost, compensatory flood storage will be provided. This is acceptable in principle. A condition is recommended relating to the provision of compensatory flood storage.

Comments from the Council's Flood Risk Manager will be reported in an update.

### **Air Quality**

Environmental Health initially objected to the proposal on the grounds that insufficient information had been submitted with the application relating to the potential impact on local air quality. Additional information has since been submitted, and Environmental Health has removed their objection.

The submitted information demonstrates that the proposed development will lead to a negligible deterioration of local air quality.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development and safeguard future air quality, irrespective of whether the development would lead to an exceedance of an air quality objective or the declaration of an Air Quality Management Area.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. Appropriate conditions are therefore recommended.

### **Jodrell Bank**

Policy PS10 of the local plan states that, *"Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the proposals map and inset maps, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope."*

The Jodrell Bank Observatory has provided the following comments on the application:

The University of Manchester's Jodrell Bank Observatory (JBO) operates the 76-m Lovell Telescope along with other radio telescopes on the JBO site and across the UK as part of the e-MERLIN network. These radio telescopes, and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics

and cosmology. Facilities at JBO, including e-MERLIN, are used by most university astrophysics groups in the UK and by hundreds of scientists in the UK, Europe and across the globe.

Radio interference has an impact on almost all the observations which are carried out. It may reduce the effective sensitivity of observations and the precision with which particular measurements can be made such as the precise timing of pulsars. Searching for new pulsars is one example of scientific experiments which are now no longer feasible at Jodrell Bank, due to increased radio interference. In many observations it is the main factor which limits the quality of the data.

Much effort is already devoted to recognising and trying to remove the worst interference from observations, including the development of automated algorithms and careful scrutiny by expert observers. Every increase in the amount of interference makes this more difficult and may reduce the amount of useful data. Stronger signals can often be removed but this usually involves some degree of prejudice to separate terrestrial and astronomical signatures.

Interference is correlated with human activity, whether due to intentional transmissions or unintentional leakage from a wide range of electrical and electronic devices. The amount of interference received at the telescope from a given location depends on the distance from the telescope and the intervening terrain as well as the strength of the emission itself. JBO has constructed detailed maps of the loss due to distance and terrain based on digital elevation data supplied by the Ordnance Survey and internationally recognised propagation models (ITU P.452). The calculations take into account diffraction over the terrain profile from each location to the focus of the Lovell Telescope and assume a frequency of 1.4 GHz, one of the key protected bands for radio astronomy and the typical observing frequency for the Lovell Telescope.

This analysis confirms that the proposed development itself is likely to generate interference which exceeds the internationally agreed threshold for what constitutes 'detrimental interference' to radio astronomy observations. This threshold is defined by the International Telecommunications Union in ITU-R 769 and is used in national and international spectrum policy negotiations.

This work has now been extended in order to put the potential emission from a proposed development in context of existing developments across a wide area (up to 40km from JBO). Again using high-resolution digital mapping from the Ordnance Survey the distribution of buildings can be overlaid on the radio loss map. In order to assess the relative contribution from different locations, the number of buildings and their area can be used as an indicator of the potential for radio interference. Hence estimates can be made for the potential interference arising from all development as a function of distance and direction from the telescope.

According to this analysis the proposed development could increase the total potential interference in that sector (10 degrees wide, out to 40km) by at least 10%. This is a significant contribution even as a single development and JBO would therefore oppose this development.

This development is by some margin the largest that has been proposed at this distance from the Observatory for many years. Its location has a direct line of sight to the telescope and hence there is no benefit of terrain shielding to the telescope. It lies to the SW of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). Taking all these factors into account it poses a significant risk to the efficient operation of the Jodrell Bank telescopes as formulated in Policy PS10 of the Local Plan.

The applicants have responded to the above consultation stating that JBO has not provided any evidence to substantiate their objection the planning application or demonstrate that the proposed housing development in Goostrey will result in unacceptable impairment to the operation of the telescope, compared to the current baseline position. The applicants maintain therefore that there is no evidence available to the Council to support a conclusion that the application proposal causes conflict with local plan policy PS10. The applicant considers that the matter can be appropriately dealt with by condition.

The applicant's comments are acknowledged, including their references to a previous planning appeal in Twemlow which considered the issue of the impact of a development upon Jodrell Bank. This appeal involved a housing scheme of only 13 dwellings, whereas the current proposal is for 119 dwellings, which could increase the population of Goostrey by approximately 13%. This is a substantial difference. It is also noted that the applicants have not provided any information to contradict the consultation response from JBO. The applicants could have commissioned their own independent study themselves, from a relevant professional in this field to show the impact of the development. The best evidence available to us indicates that there will be a harmful impact arising from the proposed development.

According to the analysis carried out by JBO the proposed development could increase the total potential interference in the sector containing the application site (10 degrees wide, out to 40km) by at least 10%. This is a significant contribution, and as noted above this development is by some margin the largest that has been proposed at this distance from the Observatory for many years. Its location has a direct line of sight to the telescope and hence there is no benefit of terrain shielding to the telescope. It lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). Having regard to all of the above, and the absence of any evidence to the contrary from the applicant, it is considered that the proposed development will impair the efficient operation of the Jodrell Bank telescopes, and is therefore contrary to policy PS10 of the local plan.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Goostrey and other local centres including additional trade for local shops and jobs in construction and economic benefits to the construction industry supply chain.

### **Loss of Agricultural Land**

The Framework states at paragraph 112 that:

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”*

Grades 1, 2 and 3a represent the “best and most versatile land”.

A Soil Resources and Agricultural Use and Quality of Land Report has been submitted with the application. This states that within the 6.9 hectare application site 3.3 hectares (48%) of the site is Grade 2 and 3.6 hectares (52%) is Grade 3a. The whole site therefore comprises the best and most versatile agricultural land, which will be lost, and whilst this is not considered to amount to a reason for refusal in its own right, this matter does weigh against the proposal.

### **PLANNING BALANCE**

The proposal is contrary to policies PS8, PS10, BH4 and H6 of the Congleton Borough Local Plan First Review. As a result, 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 proposal is also contrary to relevant policies within the Framework.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to justify a decision contrary to the Development Plan.

Paragraph 49 of the NPPF states that 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the identifiable benefits of the proposal would be predominantly social:

- Much needed affordable housing provision
- It would help towards the delivery of the Councils 5 year housing land supply.
- The provision of public open space (although its acceptability has still to be confirmed by the Council’s Greenspace Officer.
- Contributions towards local education.

Balanced against these benefits, the harm arising from the proposal would be:

- The principle of residential development in open countryside, contrary to development plan policies
- The less than substantial harm to the setting of Swanwick Hall.

- The loss of 6.9 hectares of the best and most versatile agricultural land.
- Impairment to the efficiency of the Jodrell Bank Radio Telescope.

The harm to the efficient operation of the Jodrell Bank telescopes is considered to impact upon all three aspects of sustainable development. In environmental terms, the development will have a direct line of sight to the telescope and therefore will not benefit from terrain shielding to the telescope. It also lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). The telescopes and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics and cosmology. These facilities are used by most university astrophysics groups in the UK and by hundreds of scientists across the world. By impairing the operation of the telescopes, the development will have a negative impact upon the social role of sustainable development. Finally, any significant reduction in the efficient operation of the telescopes also has the potential to impact upon the funding that JBO receives, and its attractiveness as a tourist facility, thereby impacting upon the economic role of sustainable development.

Overall there are considered to be insufficient public benefits to outweigh the harm to Jodrell Bank, the setting of a designated heritage asset and the loss of some of the best and most versatile agricultural land.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. There are no material considerations that indicate a decision otherwise than in accordance with development plan policies should be made.

Accordingly, the application is recommended for refusal for the reasons set out below.

#### **RECOMMENDATION**

**The application is recommended for refusal for the following reasons: (Any decision is subject to the determination of the Secretary of State's assessment on call in.)**

1. The proposed residential development is located within the Open Countryside and the Jodrell Bank Consultation Zone, and will result in impairment to the efficiency of the Jodrell Bank Radio Telescope. The proposal is therefore contrary to policies PS8, PS10 and H6 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF. These factors significantly and demonstrably outweigh the economic and social benefits of the proposed development in terms of contribution to boosting housing land supply, including the contribution to affordable housing.
2. The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm is considered to amount to "less than substantial harm" as defined in the National Planning Policy Framework. The public benefits of the proposal, when taken as a whole, are not considered to be sufficient to outweigh this harm to the heritage asset. The proposed development is therefore contrary to policy BH4

of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF.

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*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 Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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Application No: 15/1247W

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE, CW5 7PP

Proposal: Application to Vary Condition 11 of Permission 7/2006/CCC/11, Condition 8 of Permission 11/3389N and Condition 8 of Permission 13/3774W to increase the permitted vehicle movements in respect of Bank and Public Holidays from 10 movements (5 in, 5 out) to 20 movements (10 in, 10 out).

Applicant: Mr F H Rushton

Expiry Date: 17-Jun-2015

**SUMMARY:** There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role in that it enables greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy.

This should be balanced against any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and would not give rise to unacceptable impacts on the highway network, public rights of way, residential amenity or the environment. As such the scheme is considered to accord with policies of CRWLP, CNBLP, and the approach of the NPPW and NPPF

**SUMMARY RECOMMENDATION: Approve amendment to condition 11 of permission 7/2006/CCC/11; condition 8 of permission 11/3389N; and condition 8 of permission 13/3774W.**

## **PROPOSAL**

This application proposes to increase the permitted number of vehicle movements on Bank and Public Holidays (excluding during the Christmas period) during the period of 1 April to 31 October. As such the application proposes the variation of the following conditions:

Condition 11 of permission 7/2006/CCC/11;  
Condition 8 of permission 11/3389N; and  
Condition 8 of permission 13/3774W

**Conditions 8 of permission 11/3389N and 13/3774W currently provide for the following:**

*Between 1 April and 31 October:*

- *The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which, no more than;*
  - *A maximum of 40 (20 in, 20 out) on any one day Monday – Friday;*
  - *A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800 and 1200)*
  - *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays (between 0830 – 1600)*
- No green waste vehicle movements on Sundays.*

*Between 1 November and 31 March:*

- *the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;*
- *A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.*
- *No green waste vehicle movements on Saturday or Sunday*
- *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays*

*Reason: To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan.*

**Condition 11 of permission 7/2006/CCC/11 states:**

*'No more than ten vehicle movements (5 in and 5 out) shall enter or leave the site on any day'.*

**This planning application seeks to vary these conditions with the following wording:**

*'Between 1 April and 31 October:*

*- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:*

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday*
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)*
- A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)*

*No green waste vehicle movements on Sundays'*

The provisions for the period between 1 November and 31 March would remain as currently drafted.

The effect of this variation for permissions 11/3389N and 13/3774W would increase permitted vehicle movements on Bank and Public Holidays (excluding during the Christmas period) to 20 vehicles (10 in, 10 out) for the period 1<sup>st</sup> April to 31<sup>st</sup> October. No amendment is proposed to the existing permitted vehicle movements on Bank and Public Holidays from 1 November to 31 March. For permission 7/2006/CCC/11 this would result in an increase in vehicle movements to that described above which would provide consistency across all three permissions.

On the planning application form it states the proposal includes for the variation of condition 11 of permission 7/2006/CCC/11. The planning statement submitted to accompany the application however makes reference to the variation of condition 11 of permission Ref: 7/2006/CCC/11 *'as previously varied by an Inspector on appeal, Decision ref: APP/R0660/A/12/2183676'*. This is a reference to a further application that was submitted Ref: 12/1445N which was allowed on appeal and which amended the wording of condition 11 of permission 7/2006/CCC/11 to permit the export of compost from the site. Given that the application form explicitly states that it is condition 11 of planning permission 7/2006/CCC/11 that is being varied, and not permission 12/1445N to which that appeal decision relates, this application has been assessed on the basis of varying only condition 11 of 7/2006/CCC/11.

## **SITE DESCRIPTION**

The application site is an existing green waste composting facility, located within the open countryside, approximately 13km south east of Nantwich and 1km south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property Fox Moss is 230 metres to the north east of the

site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The access track to the compost site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building.

Hunsterson Footpath No. 22 lies immediately on the southern and eastern boundary of the compost site. This connects with Hunsterson Footpath No. 16 and broadly follows the route of the access track serving the site, also connecting with Hunsterson Footpath Numbers 4 and 5. A wider network of footpaths lie in the locality and part of Bridgemere Lane towards A529 forms a section of South Cheshire Way.

**RELEVANT HISTORY:** The site has a long complicated planning history. Permission was granted in 2004 (Ref: **7/P04/0124**) for the use of land for the composting of green waste; with a site extension then granted in 2007 (Ref: **7/2007/CCC/7**). A number of subsequent variations of the conditions on the development were then sought; the most relevant of which are as follows:

- Variation of permission 7/P04/0124 to allow importation of green waste on Bank Holidays granted in 2006 (Ref: **72006/CCC/11**)
- Variation of permission 7/P04/0124 to increase green waste vehicles from 10 to 40 a day refused 2008 (Ref: **7/2008/CCC/9**) and subsequent appeal dismissed due to level of traffic generated being unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads; and unacceptable impact on local communities and the local environment with regards to increased noise and disturbance.
- Variation of permission 7/P04/0124 for increase in green waste vehicle numbers (but with seasonal variations in maximum vehicle numbers and restricted hours of delivery) granted March 2009 (Ref: **7/2009/CCC/1**)
- Variation of permission 7/2009/CCC/1 to remove the restricted hours of delivery imposed so to increase hours of operation to those permitted prior to the increase in vehicle numbers (Ref: **10/4485N**). Refused due to unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.
- Variation of permissions 7/P04/0124, 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **10/2984W**) to allow export of compost – appeal against non-determination dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- Variation of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours approved 2012 (Ref: **11/3389N**)
- Variation of permissions 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **12/1445N**) to allow export of compost. Appeal against non-determination allowed March 2013
- Variation of permission 11/3389N for increase hours of operation in the winter period (Ref: **13/3774**) approved in December 2013

In addition permission was granted for a new access track to the site in 2009 (Ref: 7/2008/CCC/7) subject to legal agreement regarding routing; and further permission for improvement and extension of track granted October 2009 (ref: 09/1624W).

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, and 17.

National Planning Policy for Waste (NPPW)

### **Development Plan:**

The Development Plan for this area is the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Local Plan.

The relevant Saved Policies are: -

#### **Cheshire Replacement Waste Local Plan**

Policy 1 Sustainable Waste Management

Policy 2 Need

Policy 12 Impact of Development Proposals

Policy 16 Historic Environment

Policy 20 Public Rights of Way

Policy 23 Noise

Policy 24 Air Pollution

Policy 28 Highways

#### **Crewe and Nantwich Local Plan**

Policy NE.2 Open Countryside

Policy NE.17 Pollution Control

Policy BE.1 Amenity

Policy RT.9 Footpaths and Bridleways

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 Sustainable Development

Policy PG 5 Open Countryside

Policy SD1 Sustainable Development

Policy SD2 Sustainable Development Principles

Policy EG2 Rural Economy

Policy SE1 Design

Policy SE7 Historic Environment  
Policy SE11 Sustainable Management of Waste  
Policy SE12 Pollution, Land Contamination and Land Instability  
Policy CO1 Sustainable Travel and Transport

Other considerations

National Waste Management Plan for England  
National Planning Practice Guidance  
Cheshire East Waste Needs Assessment 2014

## **CONSULTATIONS:**

**Highways:** The transport impact of the proposal is not considered severe and the Head of Strategic Infrastructure has no objection to this planning application.

**Environmental Health:** The planning application effectively seeks to increase the maximum number of vehicles accessing the site from 5 to 10 on Bank Holidays between 1 April and 31 October (effectively between 3 and 5 days). Giving consideration to previous noise assessments and a lack of relevant substantiated complaints received by this department, whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity.

However, it is important to note that this department would consider cumulative impacts should any further proposals to increase site related activities on Bank Holidays be submitted.

**Public Rights of Way:** Wish to note the following comments concerning the increased risks to safety for pedestrians.

The development has the potential to affect Public Footpath No. 4 16 & 22, as recorded on the Definitive Map of Public Rights of Way. The current proposals do not constitute any direct obstruction or alteration to the footpaths therefore we are unable to submit an objection.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

In response to previous changes to the operating hours at this site, application no 13/3774W, our comments were to express concern for the safety of pedestrians where the path coincides with the access used by large vehicles during the hours of darkness.

Our current concern would be that the Bank Holidays between April and October are the days most likely to see increased numbers of people walking for recreation on the footpaths concerned. The access lane is narrow and in places only sufficient to accommodate the width of the vehicles in use. This is of increased concern when greater numbers are likely to be evident on spring/summer bank holidays. The South Cheshire Way also runs along part of Bridgemere Lane where pedestrians are likely to encounter the same vehicles.

**Built Heritage:**

The proposed route down the track to the application site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building. The outbuildings are brick built and fairly substantial and the presence of the grass verge should serve to distance the vehicles from the buildings to mitigate against potential damage resulting from vibration of physical impact to a degree dependent upon the width of the verges.

The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track leading to the application site will of course be more limited in this respect and increasing vehicle movements may therefore be more problematic in relation to this particular building.

Comments from our highways colleagues on this aspect in relation to the proposed increase in days of operation and hence vehicle movements would assist.

The proposal is acceptable and justified, provided highways officers are satisfied on safety issues and the current proposals to intensify the days of operation which are already permitted.

Recommended conditions:

-size, width and number of vehicles and their operating hours should not exceed those currently in use on non Bank Holidays/week days, to mitigate against potential damage resulting from an increase in vibrations or impact

**Waste Management Authority (Ansa)**

Ansa delivers garden waste collected as part of its kerbside collection service to a number of sites across Cheshire East. It recognises that the sites it delivers to do have constraints imposed by planning permissions. Having been operating within these constraints for several years we have developed working patterns that can accommodate these whilst ensuring the continuity of service delivery.

Therefore Ansa has scheduled these alternative arrangements into its collection cycles so it is not reliant on Whittakers Green Farm's availability on key days or affected by any vehicle movement limitations. As this is the case, Ansa neither supports nor objects to this application.

**Parish Council:** Hatherton & Walgherton Parish Council strongly object on the following grounds.

Previous planning decisions (21 in total)

The current permission relating to the permitted vehicle movements, 5 vehicles/day on Bank and Public Holidays, was a condition set in place in 2006, repeated in 2011 and again in 2013. No circumstances have changed to support the increased vehicle movements. On the contrary, 9 years on, there is more leisure traffic on Bridgemere Lane on Bank Holidays and there is a strong case to cease altogether waste site traffic on Bank Holidays. The consequences of waste vehicles injuring vulnerable Bank Holiday road users are unthinkable.

The applicant states on Para 4.11 of his supporting statement “The present limit on vehicle movements is also making it such that opening the site on Bank and Public holidays is becoming less viable.” In that case, in the interests of road safety and Bank Holiday rural peace and tranquility, the site should be closed on Bank Holidays. ANSA have stated that they are not dependent on this facility being available.

The applicant’s premise in support – “is to operationally assist the Waste Management Authority”. This is untrue as, again, ANSA have confirmed that they are not dependant on this facility being available. We believe there is no justification in seeking an increase.

#### Loss of amenity

The Waste site is accessed from the A529 then along the narrow lanes of Birchall Moss Lane and Bridgemere Lane, both of which have houses close to the road which are affected by the noise and vibration from these large vehicles. Bridgemere Lane forms part of the South Cheshire Way walking route and the Cheshire Cycle route and is used daily by horse riders. Indeed, since 2006 there are more pedestrians, cyclists and horse riders using the road - especially on Bank Holidays when the peace and tranquillity of the countryside should be available to all residents and leisure road users.

#### Highway safety

The above road users are vulnerable and will be placed in more danger. There are no roadside footpaths for them to use as the waste vehicles approach taking up most of the width of the road.

#### Noise and Dust

On Bank Holidays, residents often like to enjoy the peace of their gardens, not having to endure the incessant clatter of HGVs bowling down the road to deposit the Green Waste. This week, a resident walking home along Bridgemere Lane from the bus stop, was showered in dust thrown up from the wheels of a passing Waste Site lorry.

#### Resident’s Liaison Committee

The waste site operators failed to notify the liaison committee of their intention to apply for increased vehicle movements in advance of the application being made. This committee was set up in April 2013 with a view to improving communications (condition 16 of PP 11/3389N).

For these reasons the Parish Council strongly object to any increase in vehicle movements

#### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

In excess of 14 letters have been received objecting on the following grounds:

- The rural roads are busiest during bank/public holidays, with increased use by non motorised users;
- Roads are unsuitable, not wide enough for HGV vehicles, visibility is poor and there is increased risk to non-motorised users;
- The local road network is part of South Cheshire Way and a promoted cycle route;

- Impact on peace and tranquillity, need for respite on bank/public holidays;
- Intensification of use creating an industrial use in the countryside;
- Planning history has resulted in removal of planning conditions controlling scale of development;
- Reference made to earlier planning appeal decisions identifying concerns over sensitivity of countryside, rural character of the area and impact on amenity of local residents;
- Need for the development is not justified;
- All vehicles using the site could be large HGVs;
- Reference made to enforcement history on the site;
- All activity on bank holidays should cease;
- Development is not appropriate in a rural area.

A representation has been received from the local ward member raising the following issues on behalf of Hatherton & Walgherton Parish Council; Doddington & District Parish Council; and residents (Bridgemere Lane & Whittakers Green) and members of the Whittaker's Green Residents Liaison Group:

- Vehicles can all potentially be HGVs with 25t capacity
- Justification that proposal will assist Waste Management Authority is an unsubstantiated assumption
- No financial evidence to support statement by applicant that current planning restrictions make the business unviable and no evidence that the business is operating at maximum capacity
- There have been no material changes to the operations on bank/public holidays to justify the change proposed.
- The site is not essential to the Council's Bank Holiday Green Waste delivery activity
- Proposal will have significant amenity impacts as bank/public holidays are when there is the largest number of non-vehicular road users including cyclists
- There are regular cycle races in the local area
- Previous appeal decisions identify level of disturbance is higher than what would be expected from a rural area
- The conditions on hours and vehicle numbers are the only mechanism to control level of tranquillity and amenity.

#### **APPRAISAL:**

The key issues are:

- Sustainable Waste Management
- Need for the proposal
- Intensification
- Impacts on local highway network
- Pollution control
- Impact on non-vehicular road users
- Impacts on built heritage

### **Sustainability.**

The proposed development should be considered against the NPPF. The NPPF identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The NPPF defines sustainable development and states that there are 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 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*

***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*

*These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*

### **Economic Sustainability**

#### Sustainable Waste Management

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*.

The National Planning Policy for Waste (NPPW) states that planning plays a pivotal role in delivering the country's waste ambitions through (amongst others) delivery of sustainable development and resource efficiency by driving waste management up the waste hierarchy and ensuring that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can make to the development of sustainable communities. It also emphasises that waste planning authorities should provide a suitable network of facilities to delivery sustainable waste management.

A key objectives of the Cheshire Replacement Waste Local Plan (CRWLP) includes protecting primary resources and making the best use of waste generated in Cheshire by promoting (in order of priority) increased re-use, recycling and composting, and energy recovery to reduce the quantity of waste being disposed to landfill.

The application site provides a recycling facility for green waste, offering a means of recycling waste higher up the waste hierarchy in accordance with national and local waste planning policy objectives. It also contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles. It is also noted that the recent Review of Waste Policy and Legislation by the EU has introduced a range of higher targets for recycling and there remains a requirement under the Waste Framework Directive for a recycling target of 50% by 2020. This application would therefore enable greater volumes of waste to be delivered to this site, contributing to meeting European and national waste management targets. It also serves local businesses, thereby providing benefits to the local economy. In this respect the application accords with the approach of the NPPF, NPPW and CRWLP.

### Need for the proposal

The Parish Council and objectors to the scheme state that the applicant has not demonstrated a need for the increase in vehicle numbers proposed, making reference to there being no change in circumstance to support the proposed increase in vehicle movements. They make reference to the supporting statement which says that the limit on vehicle number on the current permission is making it such that opening on Bank Holidays and Public Holidays is becoming less viable and consider that in these circumstances the site should be closed on bank/public holidays in the interests of road safety and to limit disturbance to peace and tranquility. In respect of this point it should be noted that the principle of vehicle movements on bank/public holidays has already been established by virtue of previous permissions and NPPG makes it clear that the local planning authority must only consider the disputed conditions that are subject of the application, it would not be reasonable to revisit the principle of operating the site on bank/public holidays.

The supporting statement makes the case that the proposal is sought in order to assist the operations of the Waste Management Authority. They note that green waste output is higher around the bank holiday period particularly from civic amenity sites and increased vehicle movements would provide additional waste management capacity. They also note that current restrictions on waste processing at the site on bank/public holidays mean that they employ a member of staff on these days solely to book in a maximum of 5 vehicles which has financial implications; and should it become unviable to operate on those days, the resulting reduction in capacity at this site on those days would have implications for the Waste Management Authority.

The Parish Council highlight communication from Ansa in March 2015 in which they confirm that they have not been in contact with the applicant and have not been asked to support any application. It clarifies that although some of the Council's green waste is deposited at the site, Ansa has no direct relationship with the owners and during bank holiday periods, Ansa are not dependent on the facility. With regards to this point the applicant has asked for members to be made aware of communication from Ansa Contracts and Procurement Officer to the Local Planning Authority in November 2014 seeking guidance on the scope of advice to provide to the applicant prior to submission of the application. The communication states that Whittakers Green Farm is used by Ansa for garden waste collected as part of the fortnightly waste collection service, and confirms that Ansa were asked by the applicant to provide a letter in support of the forthcoming application. It states that the current restriction, limiting

vehicle movements to 10, causes major operational difficulties and results in vehicles being re-directed sites in Sandbach and Scholar Green which is extremely costly.

The planning authority has sought clarification from Ansa on these points and their formal position is set out under the consultations section of this report.

In respect of any 'need' case being presented, Policy 2 of CRWLP states that the waste planning authority will consider the planning objections and benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits, need will be considered and if there is no overriding need for the development, the planning application will not be permitted. The NPPF also states that applicants should only be expected to demonstrate the qualitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; and in such cases waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any need.

This is an existing waste management facility and this proposal would enable an increased volume of green waste to be recycled at the site. This offers benefits in terms of driving waste up the waste hierarchy, contributing to national waste management targets, assisting local businesses and households in the management of their waste and contributing to the waste management objectives of the proximity principle and self sufficiency. Subject to any potential impacts on residential amenity, built heritage, users of the public rights of way network, and highway impacts being adequately addressed as considered below, these benefits are considered to outweigh any potential policy conflict and accordingly, the 'need' for the proposal is not required to be demonstrated to outweigh harm caused by the development in order to satisfy CRWLP Policy 2.

Despite this it is however noted that the recent Cheshire East Waste Needs Assessment identified that 41,151 tonnes of green waste was collected in Cheshire East in 2013/14. The total organic waste arisings until 2030 are forecast at between 82,000 – 91,000 tonnes per annum; however the corresponding available waste management capacity is forecast at 48,000 to 2030, leaving a potential annual capacity gap of 43,000 tonnes. This application therefore would make a contribution to the overall waste management capacity provision, thus helping to meet the overall approach of NPPW which requires waste planning authorities to identify sufficient opportunities to meet the identified needs of their area for the management of waste. As such, it is considered that the proposal is considered to accord with the approach of CRWLP and NPPW.

Any economic benefits of the development should be balanced against the impacts of increased vehicle movements on residential amenity, users of the public rights of way network and the Environment. These are addressed below.

#### Intensification of use

Residents have raised concerns that the proposal will further intensify a commercial business in the open countryside and that the previous planning history has resulted in removal of planning conditions controlling the scale of the development. As identified above the application presents a number of benefits in terms of sustainable waste management. Whilst it would result in an increase in vehicle movements on bank/public holidays and thus the volume of waste being imported, it is not considered that this development would amount to a

fundamental change in the character of the development for which previous planning permissions have been granted. The proposal is supported in the NPPF in that it supports an existing rural business, enhancing the rural economy.

## **Environmental Sustainability**

### Impacts on the Local Highway Network

Policy 28 of CRWLP does not support proposals that would generate a level and type of traffic that would exceed the capacity of the local road network or present an unacceptable impact on amenity or road safety.

At present during the April to October period, the site is permitted a maximum of 198 vehicle movements (99 in, 99 out) over a 5.5 day week; of which no more than 40 movements (20 in, 20 out) are permitted on a weekday, a further 18 (9 in, 9 out) on Saturday mornings, and 10 (5 in, 5 out) on bank/public holidays.

This application seeks to double the permitted vehicle movements on bank/public holidays to 20 (10 in, 10 out); which would be delivered during 0830 to 1600 hours. The level of vehicle movements proposed would remain well within weekday allowances (being half of that permitted) and would be not dissimilar to that established for Saturdays. It is noted that on Saturdays such level of vehicle movements are restricted to a 4 hour period, whereas on bank/public holidays permitted hours would extend to a 7.5 hour day. It is therefore the specific impacts on the highway network arising from an additional 10 movements (5 in, 5 out) on bank holidays (of which there are on average between 3 and 5 in the period of April to October) over the course of 365 days which is of consideration.

Concern has been raised by local residents regarding the suitability of the road network for HGVs and potential for increased harm to non-motorised users including walkers, cyclists and horse riders; and they note that there would be larger numbers of such activities on bank/public holidays. Concern is also raised over poor visibility, the road width, the size and weight of the vehicles, and reference is made to recent damage to highway verges.

The nature of the road network surrounding the site is typical of those in rural areas; narrow with poor visibility and not ideally suited to large vehicles. However, the character of traditional agricultural activities leads to larger vehicles visiting farms frequently and utilising the roads in the area.

With regard to the adequacy of the road network, it has already been accepted that up to 40 movements (20 in, 20 out) can be accommodated on the local road network on any weekday by virtue of previous planning permissions. It is also noted that Bridgemere Lane is subject to a weight restriction preventing the green waste vehicles from travelling east from the site towards A51, and as such it is assumed that the roads which serving the site (Bridgemere Lane west to A529) has been assessed as being adequate to accommodate such large vehicles.

In the appeal decision regarding the export of compost in 2013 (Ref: 12/1445N) the Inspector notes that the Council's Senior Development Engineer agreed with the views of the appellant's highways witness that the local network '*can easily accommodate the volume of*

*traffic and can deal with HGV traffic safely. All vehicles including HGV traffic and large agricultural vehicles with trailers negotiate this route safely at low speed with little or now hold up in traffic flow'. Similarly the appeal decision in 2012 (Ref:10/2984W) identifies that there was no substantial evidence to show that the increased vehicle movements associated with the site since permission was granted to increase vehicle numbers to 40 movements (Ref: 7/2009/CCC/1) have caused significant highway safety problems.*

With respect to suggestions that vehicles delivering to Whittakers Green Farm are causing damage to the roads and the verges, previous appeal decisions at this site note that some degree of erosion associated with all large vehicles in rural areas is not uncommon. It is also noted that the highways authority is responsible for repairs on the public highway large vehicles.

On the basis of these points it is considered that the proposal would accord with policy 28 of CRWLP and the approach of NPPW and NPPF. The impacts on non-vehicular road users are considered below.

#### Pollution control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. CRWLP Policies 23 and 24 does not permit developments which would give rise to any unacceptable levels of noise pollution or where the impact of dust would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. In determining waste planning applications NPPW states that waste planning authorities should consider the likely impact on the local environment and on amenity against a range of locational criteria which includes noise, air emissions and odour. It states that considerations will include the proximity of sensitive receptors, potential for noise and vibration from waste operations and from vehicle movements associated with the site; the extent to which adverse emissions or odour can be mitigated.

Additional vehicles travelling to and from the site are likely to generate additional noise and disruption on the site and on the local roads serving the site. An earlier Inspectors Report into application 10/2984W noted that the dwellings on the access track occupy a relatively isolated position in the open countryside, away from public highways and so are likely to be particularly sensitive to increases in traffic noise likely to be associated with passing HGVs.

It is noted however that that the impacts from noise and disruption associated with the higher level of 40 movements (20 in, 20 out) has previously been deemed acceptable and the vehicle movements are half of what is permitted; and such impacts would be limited to a small number of days out of the year (between 3-5 on average).

The Environmental Health Officer raises no objection and gives regard to the noise assessment submitted for previous application which did not identify any significant adverse noise impacts on sensitive receptors from the transport of vehicles to and from the site. The lack of relevant substantiated complaints of noise and disruption from the existing operations received by the Council is also noted. Overall the officer considers that whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity. On this basis, it is considered that the application would not give rise to any

unacceptable levels of noise pollution and would accord with CRWLP policy 23, the NPPW and NPPF.

In respect of concerns over increased dust and odour, given that the level of dust and odour arising from existing permitted vehicle movements has previously been deemed acceptable and no changes are proposed to the current operations on site, it is not considered that such impacts would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. As such the application is considered to accord with policy 24 of CRWLP and the approach of the NPPF and NPPW.

### Impact on Built Heritage

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

NPPW requires consideration to be given to the impacts of waste management proposals on the historic environment, particularly the potential effects of the significance of heritage assets and any contribution made by their setting. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (Policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.

In respect of these considerations, the impacts of vehicle movements passing the listed building have previously been deemed acceptable in the grant of permission 7/2009/CCC/1 and the development remains well within the maximum level of vehicle movements which were permitted by that consent. It is also noted that the Built Heritage Officer, in the consideration of application 12/1445N, identified that there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. In addition, the existing speed restrictions on the access track are considered likely to offer further protection to this built heritage asset. In view of the above, and the lack of any objection from the Built Heritage Officer is not considered that the scheme would conflict with Policies 12 or 16 of CRWLP, or the approach of NPPW and the NPPF.

## **SOCIAL SUSTAINABILITY**

### Impact on non-vehicular users

Concerns are raised by the public rights of way officer due to potential conflicts between footpath users and large vehicles on the narrow access track; which is identified as being of particular issue on bank/public holidays when larger numbers of users are likely to be evident. They also highlight the potential for further conflicts on South Cheshire Way which runs along part of Bridgemere Lane towards A529.

In the consideration of the last application (Ref: 13/3774W) the public rights of way officer raised concerns due to the potential conflict of green waste delivery vehicles with footpath users, especially during hours of darkness and given that footpath 22 runs alongside the access track for part of its length with no barriers to separate the two users. As a result additional mitigation was imposed on the planning permission to require the erection of speed restriction signs and signs warning of pedestrians on the access road leading to the site. It was also noted that some speed restriction ramps are already in place on the metalled section of the access road. As a result the public rights of way officer considered that the installation of this mitigation would assist in reducing the potential for conflict between vehicles and pedestrians, and no objections were raised.

The impact of green waste vehicles on non-vehicular road users has previously been considered through various consents and deemed acceptable. In the 2012 appeal decision (Ref: 10/2984W concerning export of compost) the Inspector notes that *'a number of local people have raised concern that for non-vehicular road users, HGV traffic associated with the site can be intimidating and give rise to a fear of accidents.... I have no reason to believe that these concerns are not genuinely held and I consider that this is a material planning consideration'*, however it goes on to state *'on balance the concerns raised that HGVs using the local highway network can be intimidating and give rise to a fear of accidents would not be sufficient on their own to justify withholding planning permission in this case'*. Likewise the later appeal decision concerning export of compost in 2013 (Ref: 12/1445N) notes that the highway authority confirmed that there is no record of any personal injury accidents occurring along the route from the site to Audlem Road.

The Public Rights of Way officer is not able to quantify the level of non-vehicular road users on local footpaths on bank holidays and no qualitative or quantitative assessment of the potential impacts to these users has been undertaken in support of their views. As such it is difficult to establish the level of potential impact that a further 5 vehicles on up to 5 days over a year would present to these users. The views of the Highways officer are noted in that do not raise any concerns over road safety or impacts on non-vehicular road users; nor is any record of personal injury accidents in this area noted. On this basis, given that there are no record of safety issues associated with the existing 5 vehicles permitted on bank/public holidays and in the absence of any objection from either highways or public rights of way officer, and given the conclusions of the previous Inspectors in relation to this issue, it is not considered that there is sufficient evidence to demonstrate that the impacts of 5 additional vehicles on non-vehicular road users is of such significance as to warrant refusal on this basis alone.

As such the scheme is considered to accord with policy 20 and 28 of CRWLP: and the approach of the NPPW and NPPF.

## Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

### **PLANNING BALANCE**

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The economic benefits of the scheme are clear in that it enables greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy. This should be balanced against any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and as such the scheme is considered to accord with policies of CRWLP, CNBLP, and the approach of the NPPW, NPPF and Local Plan Strategy.

### **RECOMMENDATION**

**That the Board agrees to the amendment of condition 11 of permission 7/2006/CCC/11; condition 8 of permission 11/3389N; and condition 8 of permission 13/3774W to read:**

***'Between 1 April and 31 October:***

***- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:***

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday***
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)***
- A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)***

***No green waste vehicle movements on Sundays'***

***Between 1 November and 31 March:***

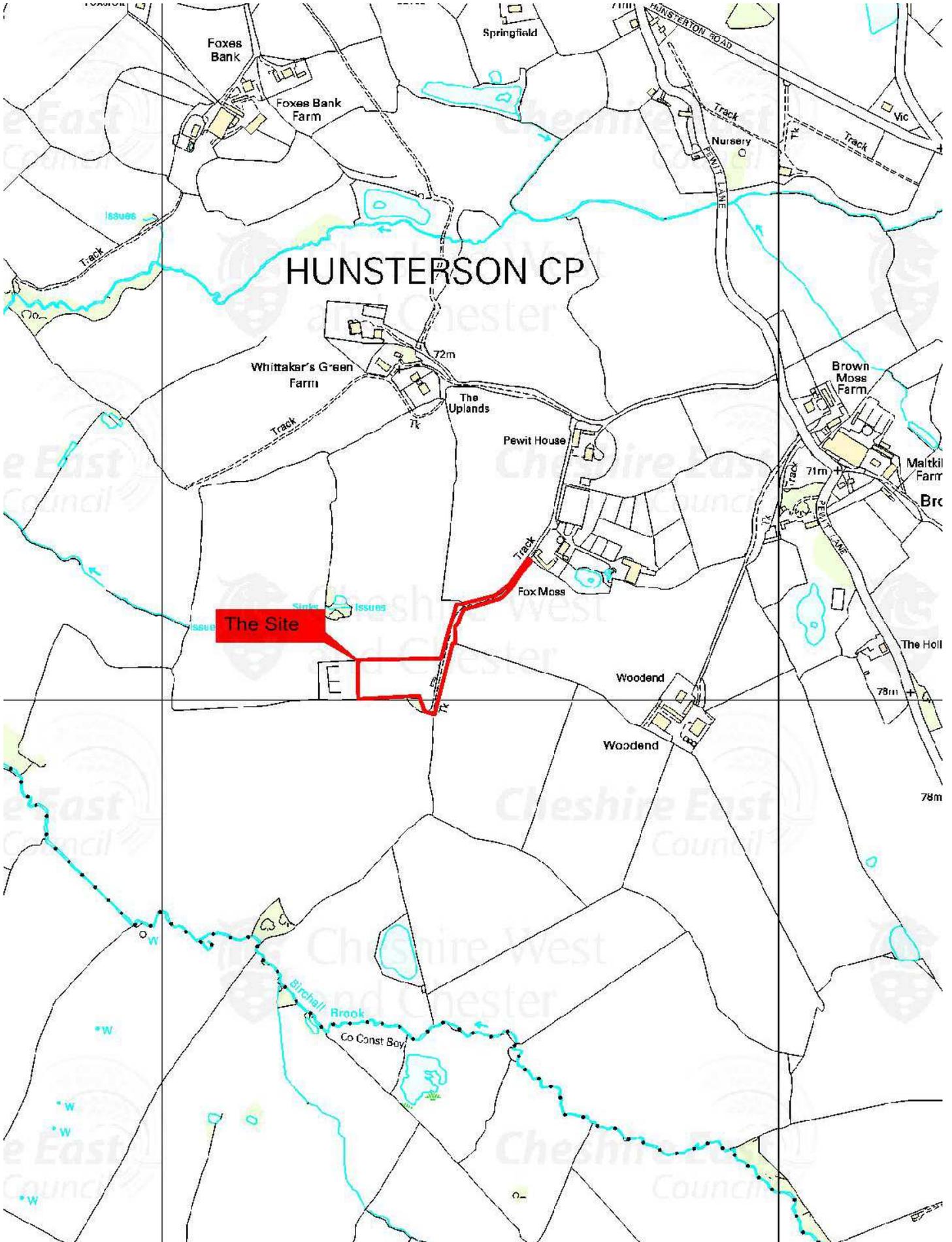
***- the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;***

- ***A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.***
- ***No green waste vehicle movements on Saturday or Sunday***
- ***A maximum of 10 (5 in, 5 out) on Bank or Public Holidays***

**Reason:** To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan.

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic 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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