

Southern Planning Committee

Agenda

Date: Wednesday, 2nd September, 2015
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes of Previous Meeting** (Pages 1 - 18)

To approve the minutes of the meeting held on 5 August 2015.

4. **Public Speaking**

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

Please contact Julie Zientek on 01270 686466

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

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

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

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

5. **14/5255N Land West Of Bunbury Lane, Bunbury: Detailed planning application for the proposed development of 52 dwellings, access and public open space for Macbryde Homes Ltd (Pages 19 - 38)**

To consider the above planning application.

6. **14/5206N Land Off Hill Close, Bunbury Cheshire: Outline application for proposed residential development for 21no. dwellings and proposed new stable block and paddock for CB Homes (Pages 39 - 58)**

To consider the above planning application.

7. **14/4810C 55, West Street, Congleton, Cheshire CW12 1JY: Demolition of No. 55 West Street and the construction of a new two storey building containing 10No. one bedroom flats with accompanying amenity space for Justin Sheard (Pages 59 - 68)**

To consider the above planning application.

8. **15/0001C Land off Goldfinch Close and Kestrel Close, Congleton: Reserved Matters following Outline Approval of 12/3025C for Mrs A Oakden, Seddon Homes Ltd (Pages 69 - 80)**

To consider the above planning application.

9. **15/1545N Site of 2 and 4 Heathfield Avenue and 29, 29A and 31 Hightown, Crewe, Cheshire, CW1 3BU: Construction of 9 houses and 5 apartments with associated parking and access provision for Nick Morgan, R.G. Harris Ltd (Pages 81 - 90)**

To consider the above planning application.

10. **15/2783N Adj 16, Huntersfield, Shavington CW2 5FB: Variation of Condition 3 on Application 14/2082N - 2 no. semis and 2 no. detached houses and ancillary works- resubmission of 14/0183N for Renew Land Developments Ltd (Pages 91 - 98)**

To consider the above planning application.

11. **15/2232C Land at Mossley House, Biddulph Road, Congleton, Cheshire CW12 3LQ: Full planning application for the erection of 10 no. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure for Elan Homes Ltd (Pages 99 - 110)**

To consider the above planning application.

12. **15/3336N Rose Cottage, 50, Stock Lane, Wybunbury, Cheshire CW2 5ED: Removal of condition 10 (Dwelling Type) on approval 15/0482N - Outline application for 3-4 bedroom detached dwelling with access from existing private driveway for Mark Beeston (Pages 111 - 118)**

To consider the above planning application.

13. **15/2776C 26, Elton Road, Sandbach CW11 3NE: Rear extension and first floor enlargement for Mr & Mrs C & E Shawcross (Pages 119 - 126)**

To consider the above planning application.

14. **15/2421C 13, Vicarage Lane, Sandbach, Cheshire CW11 3BW: Replacement workshop/garage at the rear of the property for Miss Kerry Thomas (Pages 127 - 132)**

To consider the above planning application.

15. **15/2879C 49, Pikemere Road, Alsager, Stoke-On-Trent, Cheshire ST7 2SE: Two Storey Side Extension with Internal Alterations for Mr A Buckley (Pages 133 - 138)**

To consider the above planning application.

16. **15/3339C 22, Bollin Close, Sandbach CW11 1WZ: Change of use of land from amenity to garden/ drive. Double existing drive width. Remove existing boundary fence and erect new boundary fence on new boundary line for Mr Anthony Elliott (Pages 139 - 144)**

To consider the above planning application.

17. **15/2058C School Farm, Alsager, Hassall, CW11 4SA: Proposed Agricultural Building for Miss Lowe (Pages 145 - 150)**

To consider the above planning application.

18. **Land to the East of Hermitage Lane, Goostrey (Pages 151 - 156)**

To consider the withdrawal of the Housing Land Supply reason for refusal relating to planning application 14/1964C.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 5th August, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, J Clowes, W S Davies, S Edgar, S Hogben,
A Kolker, J Rhodes, B Roberts, B Walmsley and A Moran (for Councillor P
Butterill)

OFFICERS PRESENT

Patricia Evans (Lawyer)
Neil Jones (Principal Development Officer - Highways)
David Malcolm (Head of Planning (Regulation))
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington, P Butterill, P Groves and D Marren

47 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received
correspondence regarding application numbers 14/4810C and 15/2776C.

With regard to application number 15/1315N, Councillor A Moran declared
that he had discussed the application with residents and at Nantwich Town
Council, and that he would withdraw from the meeting during consideration
of this item.

With regard to application number 15/2609C, Councillor B Walmsley
declared that she was a member of Middlewich Town Council but that she
was not a member of its planning committee and that she had kept an
open mind.

With regard to application number 15/2439C, Councillor G Merry declared
that it was in her Ward and that she had opposed the principle of the
development, which had been approved at appeal. She had not discussed
this application and had kept an open mind.

With regard to application number 15/0556N, Councillor S Edgar declared that he was a member of Weston & Basford Parish Council but that he had not discussed this application and had kept an open mind.

48 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 8 July 2015 be approved as a correct record and signed by the Chairman.

**49 15/0275N LAND OFF MILL LANE, BULKELEY, CHESHIRE SY14 8BL:
FULL APPLICATION TO ERECT 14 DWELLINGS ON LAND OFF MILL
LANE, BULKELEY FOR M SCHOFIELD**

Note: Mr C Bowen attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

(a) That the application be REFUSED 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:

- the unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with its unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and 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 Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:

1. A scheme for the provision of affordable housing – 3 units to be provided as social rent/affordable rent with 2 units as 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.

50 14/4062N LAND OFF OAK GARDENS, BUNBURY: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 17 DWELLINGS WITH PRIMARY ACCESS OFF OAK GARDENS, WITH ALL OTHER MATTERS RESERVED FOR ELAN HOMES LTD

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

51 14/4228N ROOKERY COTTAGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE CW5 6DJ: THE ERECTION OF ONE 2 STOREY DETACHED DWELLING HOUSE AND DETACHED DOUBLE GARAGE FOR ALAN HILL

Note: Mr A Hill (applicant) attended the meeting and addressed the Committee.

Note: Ms D Lloyd had registered her intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 1. Commencement
 2. Submission of reserved matters (all matters other than access)
 3. Approved plans
 4. Submission of a Phase II Contaminated Land Assessment
 5. Submission of tree protection measures including a 'no-dig' solution for the driveway

6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Reserved matters to include details of any external lighting.
8. Submission of drainage scheme to include foul and surface water
9. Breeding bird survey for works in the nesting season
10. Submission of details of features suitable for use by breeding birds and roosting bats

- (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 Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

52 15/0535N WISTASTON BERKELEY COUNTY PRIMARY SCHOOL, LAIDON AVENUE, WISTASTON, CHESHIRE CW2 6RU: CONSTRUCTION OF TWO NEW CLASSROOMS WITH INTERGRAL WC BLOCK AND GLAZED CONNECTION TO EXISTING SCHOOL BUILDING, TO BE BUILT AS PHASE 1 AND THEN STUDIO WITH INTERGRAL KITCHEN BLOCK BLOCK AS PHASE 2. EXTERNAL WORKS SUCH AS OUTDOOR TEACHING AREAS AND LANDSCAPING MODIFICATION OF CAR PARKING AREA FOR CAROLYN BROWN, THE BERKELEY PRIMARY SCHOOL

Note: Councillor J Clowes arrived at the meeting prior to consideration of this item.

Note: Councillor S Pochin (Ward Councillor) had registered her intention to address the Committee but was not in attendance at the meeting.

Note: Mr K Mitchell attended the meeting and addressed the Committee on behalf of the applicant.

Note: Miss C Brown (applicant) had registered her intention to address the Committee but did not speak.

The Committee considered a report regarding the above planning application. The Head of Planning (Regulation) reported that Phase 2 had been withdrawn.

RESOLVED

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

1. Standard time 3 years
2. Plans

3. Materials
4. Piling hours
5. Dust Suppression Statement
6. Tree Protection Condition

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

53 15/2439C ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, CHESHIRE CW11 1YG: PROPOSED PLOT SUBSTITUTION OF PREVIOUSLY APPROVED HOUSE TYPES ON PLOTS: 3, 23-25,28-30, 36-38, 41,44, 50, 52, 67-70, 89, 92 INCLUDING THE REPOSITIONING OF HOUSE TYPES TO FACILITATE THE ABOVE. (PREVIOUSLY APPROVED UNDER REF: 12/2426C. APP/R0660/A/13/2196044) FOR J GOULD, ROWLAND HOMES

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Deed of Variation to include the amended scheme application number to secure, affordable housing provision, and secure education and highway contributions and provision of public open space and a management company for future maintenance in relation to application 12/2426C

and the following conditions (as per the appeal decision):

1. Approved Plans
2. No development shall take place until an Environmental Management Plan for all construction and remediation operations has been submitted to and approved in writing by the Local Planning Authority. The plan shall address environmental impact in respect of air quality, vibration, noise, waste management, parking, loading and unloading of contractor's vehicles and the use of plant on existing residents during the remediation and construction phase. Development shall be carried out in accordance with the approved details.
3. No remediation / construction works or deliveries shall be undertaken at the site outside the hours of Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs nor at any time on Sundays, Bank or Public Holidays.

4. Any piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. No piling operations shall be undertaken at the site outside the hours of Monday – Friday 09:00 to 17:30 hrs; Saturday 09:00 to 13:00 hrs nor at any time on Sundays, Bank or Public Holidays.
5. A method statement for any necessary piling to include the following details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of such operations:
 - Details of the method of piling,
 - Duration of the pile driving operations (expected starting date and completion date),
 - Prior notification to the occupiers of potentially affected properties,
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaintDevelopment shall be carried out in accordance with the approved details.
6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
7. No development shall take place until full details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours: proposed ground levels and finished floor levels for the buildings hereby permitted; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Notwithstanding the details shown on the approved plans, the parking area within the area of public open space adjacent to the southern boundary shall be substituted for lay-by parking along the access road.
9. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order shall be erected on the common boundary with 7 Boothsmere Close or on the northern boundary to plots 45-48, 50, 51 and 56-64 unless approved pursuant to condition 17 of this consent or a further planning permission has first been granted on application to the Local Planning Authority.
12. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme, which shall be in place prior to the commencement of work. The approved protection scheme shall be complied with for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the Local Planning Authority. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
13. No development shall commence until a Construction Method Statement (for the adoptable highway and access footways which extend within the Root Protection Areas as defined within BS5837:2012), a Tree Pruning/Felling Specification, a Levels Survey as existing and proposed and measures for the protection of existing hedges have been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved Construction Method Statement.
14. No development shall take place until a scheme of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment pertaining to that dwelling has been implemented in accordance with the approved details. The scheme shall make provision, inter alia, for post and wire fencing and native hedge

planting to the north and eastern boundaries with the open space / agricultural land.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) the hedge to the north and eastern boundaries with the open space / agricultural land shall not be replaced with any gates, walls, fences or other means of enclosure normally permitted by Class A of Part 2 Schedule 2 to that Order unless a further planning permission has first been granted on application to the Local Planning Authority.
16. Prior to the commencement of development details of bollards to prevent vehicular use of the pedestrian /cycle ways adjacent to plot 72 and plot 15 shall be submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
17. No dwelling hereby permitted shall be occupied until the parking and vehicle turning areas associated with that dwelling have been constructed in accordance with the details shown on the approved plans. These areas shall be reserved thereafter exclusively for the parking and turning of vehicles and shall not be obstructed in any way.
18. No development shall take place until full details of the construction and surfacing of the access road and shared surfaces have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access road and shared accesses have been laid out to base course level in accordance with the approved drawings and the 95th dwelling shall not be occupied until the access road and shared surfaces have been surfaced in the approved manner.
19. No development shall take place until a drainage scheme for the site, in accordance with the requirements of the approved Flood Risk Assessment (Ironsides Farrah Ltd, 3890/SRG, June 2012) together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved drainage scheme and timetable.
20. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. No development shall take place except in complete accordance with the approved scheme.
21. No development shall take place until an assessment into the potential for disposing of surface water by means of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. In the event that the approved assessment identifies that the site has potential for the use of SUDS, these shall be incorporated within the scheme of drainage to be submitted pursuant to condition 22.

22. No development shall take place until a scheme for the management of overland flow from the surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and proposed building finished floor levels. No development shall take place except in complete accordance with the approved scheme.
23. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority, has been carried out. The work shall be carried out strictly in accordance with the approved scheme.
24. Prior to the development commencing, a detailed Contaminated Land Remediation scheme shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme shall then be carried out and a Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any part of the development hereby approved.
25. No development shall take place until a scheme for the laying out, management and maintenance (including measures associated with the mitigation of ecology issues) of the proposed public open space, areas of wildlife habitat and the recreation area coloured pink on the plan attached to the Section 106 Agreement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site, including the ditches and ponds and shall include, inter alia:
 - the detailed extent and type of new planting (NB planting to be of native species),
 - details of maintenance regimes,
 - details of any new habitat created on the site,
 - details of the treatment of buffers around water bodies,
 - details of all management responsibilities,
 - detailed design and planting specifications for habitat creation, within the open space areas, including the detailed design of the pond,
 - a timetable for implementation,
 - proposals to safeguard the stream,
 - planting to protect the privacy of existing residents,
 - no additional planting shall be undertaken along the banks of the stream;The scheme shall be implemented in its entirety and the open space shall be laid out strictly in accordance with the approved details and in accordance with the approved timetable.
26. No development shall commence until an updated survey to record the presence of any badgers at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person

approved by the Local Planning Authority. If any evidence of badgers is found then the report shall include provisions for the timing of the approved development works, measures for the protection of badgers during development and for the retention of existing or provision of alternative habitat.

27. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results submitted to and approved in writing by the Local Planning Authority. Where nests are found in any, hedgerow, tree or scrub to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
 28. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
 29. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation on occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, so long as any part of the development is occupied.
 30. No development shall take place until a scheme of sustainable design features to be incorporated into the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the features pertaining to that dwelling have been installed in accordance with the approved scheme.
 31. The development hereby permitted shall secure a minimum 10% reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report confirming the achievement of the specified design fabric shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with

the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**54 15/2609C PLOT 74, MIDPOINT 18, ERF WAY, MIDDLEWICH:
PROPOSED BI OFFICE/B2/B8 WAREHOUSE AND YARD FACILITY
FOR SCOTTISH POWER FOR MR BOB NICHOLSON, POCHIN
PROPERTY LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- confirmation from the Council's Nature Conservation Officer that the submitted ecological mitigation is satisfactory
 - the following conditions:
 1. Standard time limit (3 years)
 2. Accordance with plans
 3. Accordance with submitted materials
 4. Parking provided prior to first use
 5. Access constructed in accordance with submitted details prior to first use
 6. Development to be carried out in strict accordance with Ecological mitigation
 7. Survey for nesting birds
 8. Details of foul water drainage to be submitted
 9. Surface water drainage strategy to be submitted
 10. Landscape in accordance with submitted scheme
 11. Landscape implementation
 - an informative with respect to the diversion of the footpath
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with

the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**55 15/2154C FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL:
VARIATION OF CONDITION 13 WITH RESPECT TO
PERMISSION 12/2217C; RESERVED MATTERS APPLICATION
PURSUANT TO OUTLINE PLANNING PERMISSION 11/1682C
PROPOSING FULL DETAILS FOR THE APPEARANCE,
LANDSCAPING, LAYOUT AND SCALE FOR A RESIDENTIAL
DEVELOPMENT COMPRISING 224 DWELLINGS, INTERNAL ACCESS
ROAD, OPEN SPACE AND LANDSCAPING ON THE FORMER FISIONS
SITE, MARSH LANE, HOLMES CHAPEL FOR BELLWAY HOMES
LIMITED**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- discussion with the applicant with respect to the occupation of dwellings prior to completion of remediation
 - the following conditions:
 1. Standard
 2. Approval for reserved matters relates only to Plots A & B (residential element of outline approval 11/1682C)
 3. Approved / Amended Plans & Schemes
 4. Landscaping to be submitted
 5. Landscaping Implementation
 6. Retention of trees and hedgerows
 7. Submission of Arboricultural Impact Assessment
 8. Submission of Arboricultural Method Statement
 9. Submission of Comprehensive tree protection measures
 10. Materials to be submitted including hard-landscaping and surfacing
 11. Recommendations and mitigation within submitted Protected Species survey to be carried out

12. Breeding birds survey
13. Prior to any phase of the development commencing on Plot B (as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C):
 - (a) Supplementary Phase II investigations for that phase shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).
 - (b) If the Phase II investigations indicate that remediation is necessary for that phase, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out for that phase.
 - (c) If remediation is required for the relevant phase, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the relevant phase of the development hereby approved.
14. Detailed design and construction drawings for the proposed access junction, related carriageway widening and footway provision and mini roundabout. Delivered prior to first occupation
15. Submission of Environmental Management Plan
16. Submission of existing and proposed levels survey
17. Removal of Permitted Development Rights Classes A-E on selected plots
18. Removal of Permitted Development Rights for openings including obscured glazing requirement
19. A scheme for the storage of refuse bins to be submitted
20. No Ash trees to be planted on the mounding close to Marsh Lane
21. No construction parking to take place on Marsh Lane

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

56 14/5719C SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD CW12 4SW: RESERVED MATTERS APPLICATION FOR APPROVAL OF ACCESS, APPEARANCE, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL 14/3538C - REPLACEMENT COVERED RIDING ARENA FOR MR SIMON KING

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Accordance with plans
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

57 15/1315N IMPERIAL COURT, NANTWICH: RESERVED MATTERS (RESIDENTIAL DEVELOPMENT) ERECTION OF 41 DWELLINGS FOR CASTLEGATE HOMES

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor A Moran withdrew from the meeting for the duration of the Committee's consideration of this item.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time Limit
 2. Plans
 3. Remove permitted development rights
 4. Construction of access / parking
 5. Tree protection
 6. Implementation of Tree protection
 7. Scheme of arboricultural management works.
 8. Boundary treatments
 9. Revised scheme of landscaping (to include box hedging and trees to parking areas & additional tree plating on the boundary adjacent to gable of plot 41)
 10. Implementation of the landscaping
 11. Materials

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**58 14/5548C LAND OFF DUNNOCKSFOLD ROAD, ALSAGER,
CHESHIRE: ERECTION OF UP TO 89 DWELLINGS AND FORMATION
OF ACCESS POINT FOR P.E JONES (CONSTRUCTORS) LTD**

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

Note: Town Councillor D Longhurst (on behalf of Alsager Town Council), Mr R Wakelin (on behalf of Alsager Residents Action Group), Mr R Peake (objector) and Mr T Loomes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
1. Approved Plans
 2. Materials to be submitted and approved
 3. The future reserved matters application to include an updated Badger Survey
 4. Implementation of the tree and hedge protection measures as proposed
 5. Submission of contact details for the appointed supervising arboricultural consultant and key site personnel.
 6. Adherence to the submitted Arboricultural method statement
 7. Service routes to be submitted and agreed in writing
 8. Bin and cycle storage details for the apartments
 9. Dust control measures
 10. Restriction to the hours of piling works

Informative:

1. PROW advice note
2. Landscape scheme to include footpath along the northern boundary of the site

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

59 15/0556N BASFORD OLD CREAMERY, NEWCASTLE ROAD, CHORLTON, CREWE CW2 5NQ: FULL (RETROSPECTIVE) PLANNING CONSENT IS SOUGHT FOR THE PROVISION OF THE NEW MODULAR BUILDING (TEMPORARY) B1 (BUSINESS) AND CHANGE OF USE OF THE EXISTING B8 (STORAGE OR DISTRIBUTION) UNIT TO B2 (GENERAL INDUSTRIAL) FOR MR JONATHON BEESON

Note: Councillor J Clowes declared that she had called in the application at the request of two parish councils.

Note: Mr A Titterton attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
1. Approved plans
 2. Materials in accordance with the details submitted with the application
 3. Restriction on hours of concrete sawing operations to 9am to 6pm Monday to Friday, 9am to 2pm Saturday and no working on Sundays or public holidays
 4. Restriction on the hours of steelwork fabrication to 8am to 6pm Monday to Friday with no working on Saturdays, Sundays or public holidays
 5. Submission of details of external lighting
 6. Concrete cutting operations that take place outside the buildings shall be restricted to the area surrounded by the concrete screen
 7. While fabrication and concrete work is taking place inside the buildings, all external doors shall remain closed
 8. Submission of a scheme for further acoustic screening measures on the boundaries
- (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 Head of

Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**60 14/4810C 55, WEST STREET, CONGLETON, CHESHIRE CW12 1JY:
DEMOLITION OF NO. 55 WEST STREET AND THE CONSTRUCTION
OF A NEW TWO STOREY BUILDING CONTAINING 10NO. ONE
BEDROOM FLATS WITH ACCOMPANYING AMENITY SPACE FOR
JUSTIN SHEARD**

Note: Mr P Hull (objector) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application.

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

**61 15/2776C 26, ELTON ROAD, SANDBACH CW11 3NE: REAR
EXTENSION AND FIRST FLOOR ENLARGEMENT FOR MR & MRS C &
E SHAWCROSS**

Note: Mr J Burtonshaw (objector) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application.

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

The meeting commenced at 10.00 am and concluded at 2.55 pm

Councillor G Merry (Chairman)

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Application No: 14/5255N

Location: Land West Of, BUNBURY LANE, BUNBURY

Proposal: Detailed planning application for the proposed development of 52 dwellings, access and public open space.

Applicant: Macbryde Homes Ltd

Expiry Date: 13-Feb-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

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

In this case, the development would provide market housing and affordable to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside. Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Bunbury Neighbourhood Plan (NDP); outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

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.

As a result of the above reasons, it is considered that the proposal would represent an unsustainable form of development and is therefore recommended for refusal.

RECOMMENDATIONS

REFUSE

REASON for REFERRAL

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

PROPOSAL

This application seeks full planning permission for the erection of 52 dwellings with access and public open space at land to the west Bunbury Lane, Bunbury.

SITE DESCRIPTION

This application relates to a greenfield site located to the southeast of Bunbury Village. The site measures approximately 2.9 hectares lying to the rear of dwellings on Bunbury Lane which are to the east. The site is bound by open countryside paddocks to the north and south and larger open countryside designated fields to the west. Public Footpath Bunbury No. 14 runs across the site. There are a number of protected trees at the periphery of the site on the northern and western boundaries. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

None

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
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the countryside

56-68 - Requiring good design
69-78 - Promoting healthy communities
216 – Neighbourhood planning

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

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

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:

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 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure

IN1 – Infrastructure
IN2 – Developer Contributions

Draft Bunbury Neighbourhood Development Plan

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

H1 – Housing Development
H2 - Scale of Housing Development
H3/H4 – Affordable Housing
H5 - Design
LC1 - Built Environment
LC2 – Landscape
ENV2 – Countryside & Open Views

Other Material considerations:

SPD2 – Development on Backlands and Gardens
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Interim Affordable Housing Statement: Affordable Housing
Bunbury Village Design Statement

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection

Environmental Protection

No objections, subject to conditions restricting hours of piling; the prior submission of a piling method statement, the prior submission of external lighting, the prior submission of a dust mitigation scheme, a travel plan and the provision of electric vehicle charging points. Informatives relating to; hours of construction and contaminated land are also sought.

United Utilities

No objections, subject to conditions relating to the development being served on a separate drainage system, foul water and surface water.

Education

No objection subject to financial contributions of £130,741.52 towards secondary school provision. Forecasts show that primary provision can accommodate expected primary children.

Public Rights of Way Unit (PROW)

No objection as the developer would divert Bunbury Pubic Footpath no. 14.

Bunbury Parish Council

Object on the following grounds:

- The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy N.E.2
- The design is not in keeping with the local area. There are concerns about the scale, size and density of the development. Against Policy B.E.2
- Concern that the water table is already very high and that there will be increased flooding risk, with additional housing raising the table further
- Concern that valuable hedge rows and trees will be lost as a result of the development. N.E.7
- Concern that the highways issue makes the development unsustainable. Visual splays are already notoriously bad in Bunbury Lane .Impact on Road Safety is a concern. Against Highways Policy B.E.3
- The Parish Council asks that developers take note of, and comply with, the policies in the emerging Bunbury Neighbourhood Plan. The Draft Housing Policy is expected to be published during February 2015

REPRESENTATIONS

Over 190 representations have been received, including a report from the 'Lower Bunbury Action Group' and a letter from Wulvern Housing objecting to this proposal on the following grounds:

- Bunbury is being bombarded with speculative applications
- Loss of land used for recreational purposes
- Impact on historic character of village
- Unsustainable – lack of services, facilities and amenities in area including schools and doctors
- Public transport poor
- Contrary to development plan/ NPPG and PPG
- Contrary to Village Design Statement and Parish Plan
- Outside of settlement boundary
- Loss of greenfield / intrusion into open countryside
- Loss of views
- Standard of design would not enhance the built environment, respect the pattern, character and form of the surroundings
- Too many units / density too high / scale of development too much
- Impact on trees
- Negative impact on local economy / tourism
- Loss of wildlife and impact on protected species
- Lack of parking
- Road is too narrow
- Will be hazardous for young children playing in the area
- Emergency vehicles / service vehicles would not be able to access the site
- Pedestrian environment is poor

- Harm to local listed buildings
- Traffic generation
- Road safety
- Noise, dust and general disturbance during construction
- No alternative sources of energy proposed
- Loss of valuable amenity space including footpaths
- Loss of views
- Impact on property values
- Damage to highway
- Would undermine existing 'Home-Zone' on Oak Gardens
- Impact on historic character and appearance of the village / area
- Impact on listed buildings and conservation areas
- Impact on neighbouring amenity
- Limited public transport
- Council already has a 5 year supply of housing
- Nearby Beeston development already adds huge pressure to local area
- Lack of local employment to service new houses
- Alternative sites should be considered first
- Village does not have the infrastructure to support more houses
- Impact on cyclists
- No demand or demonstrable need for the proposed houses
- Proposed housing is not affordable
- Site suffers from poor drainage
- Cumulative impact of all developments in Bunbury would exceed need
- Proposed open space is small and offers limited benefit

APPRAISAL

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

Principle of Development

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside 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.*

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

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal 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 the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Bunbury Neighbourhood Plan

Bunbury Parish Council has prepared a draft Neighbourhood Development Plan (NDP) for the Parish of Bunbury. The consultation period for the plan has now taken place and ran until 21st May 2015.

Paragraph 216 of the NPPF states *'from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies

in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that '*refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process*'.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 52 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Consequently, the scale of this development in combination with others would prejudice the outcome of the neighbourhood plan making process and as such, the proposal does not accord with NDP, which has been through its formal consultation process.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's 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 of '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.

Accordingly to paragraph 49, where in the absence of a 5-year housing land supply policies for the supply of housing are considered to be out of date and proposals should be considered in the context of the presumption in favour of sustainable development. Previous Appeal decisions and court rulings have established that Open Countryside policies are policies for the supply of housing and therefore it is necessary to consider whether the proposal is sustainable in order to determine whether the presumption applies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment".

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

Environmental role

Open Countryside

Although open countryside policies are policies for the supply of housing and out of date where no 5 year supply is in evidence, these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

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

In this case:

- The appeal site is part of the countryside that envelopes Bunbury.
- It forms an evident rural element from public vantage points
- It accentuates and contributes to the rural ambience and character
- The proposal would result in the loss that segment of the surrounding countryside.
- The scheme would be seen as intrusive and incongruous element within the settlement.
- Such damage would be contrary to the aims of the ‘saved’ and emerging policies cited above and guidance offered by the Framework.

- Transforming fields into houses, which would be evident from nearby properties, would have a significant impact on several classes of receptor including residents, pedestrians, walkers and communities.

These impacts render the proposal unsustainable in environmental terms.

Access to facilities

The application site is located at the rear of residential properties which front onto Bunbury Lane. The proposed housing development will be accessed directly off Bunbury Lane. The application site is located in close proximity to a number of facilities including a local primary school, convenience store, public house and post office which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above, designated of Bunbury as a local service centre, it is therefore considered to be locationally sustainable.

Landscape Impact

The application site is located towards the southern part of Bunbury and covers an area of 2.9 hectares of grazing land that is divided into three fields. The larger field to the west is separated from the remaining two by a hedge that divides the site. The northern and southern boundaries are defined by hedgerows and the western boundary by a small brook; the eastern boundary is bound by properties located on Bunbury Lane. Land towards the western part of the application site slopes down to the level of the brook. Footpath 14 Bunbury traverses the site from north to south and Footpath 15 Bunbury runs to the north of part of the northern boundary of the application site.

The application includes a landscape appraisal that identifies the National Character Area (Cheshire Sandstone Ridge) as well as the Cheshire Landscape Character Assessment which identifies that the application site is located within the East Lowland Plain landscape type and specifically the Ravensmoor Character Area (ELP1). The appraisal also identifies the characteristics of Bunbury and the surrounding area and includes a site analysis and appraisal. The Councils Landscape Officer has confirmed that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

Loss of Agricultural Land

The proposal would result in the loss of an area of agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

Trees

The submitted Arboricultural Impact Assessment has been amended to provide an evaluation of Tree Constraints in terms of the proposed layout design, changes in levels, positions of structures and roads in relation to those trees retained as required by BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations). Para 5.2 of the Standard *Constraints posed by trees* requires that all relevant constraints, including Root Protection Areas (RPAs). In this

regard, the updated Arboricultural Impact Assessment demonstrates that the protected trees as well as those that are categorised as important will be retained as part of the proposed development..

The proposed access into the site will require the removal of three low (C category trees - a Cypress, Pissard Plum and Maple) which presents no significant implications or impact upon the wider amenity of the area. An assessment of the trees has identified that some are worthy of formal protection by a TPO. As these are all located along the boundary, the Councils Tree Officer has confirmed that there should be no major implications for the development proposals.

Ecology

The application is supported by an Extended Phase 1 habitat survey. The Council's Nature Conservation Officer (NCO) has reviewed the submitted information and advised with respect to the following considerations:

Great Crested Newts

A 'Medium' sized breeding population of great crested newts has been recorded some distance from the application site. In the absence of mitigation the proposed development is likely to result in a low level adverse impact upon this species. This impact would occur as a result of the loss of terrestrial habitat and the risk of newts being killed or injured during the construction process. To mitigate the risk of newts being killed or injured during the construction phase the applicant's ecologist is proposing to remove and exclude newts from the footprint of the development using standard best practise methodologies that would be implemented under the terms of a Natural England licence.

To compensate for the loss of amphibian terrestrial habitat the applicant is proposing to enhance an area of habitat within the western portion of the application boundary. Enhancements include hedgerow creation, creation of a number of hibernacula and an attenuation pond which may potentially provide secondary aquatic habitat. The Councils Nature Conservation Officer has confirmed that the submitted great crested newt mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the local great crested newt population.

Hedgerows

Hedgerows are considered to be a priority habitat and hence a material planning consideration. The submitted phase one habitat survey has identified a number of hedgerows which are potentially 'Important' under the hedgerow regulations. The potentially 'Important' hedgerows can be retained as part of the proposed development. However, one hedgerow would be lost as a result of the proposed development. It is considered that suitable native species planting could be incorporated into the submitted layout plan to compensate for this loss. This could be secured by condition.

Reptiles

Grass snakes are known to occur in the broad locality of the application site and the application site has been identified as offering potential habitat for this species group. The application site is considered to provide 'Average-Above Average' value habitats for this species. A full detailed survey has not been undertaken to assess the size of the population on site. However it is likely

that the application site forms only part of the home range of the local grass snake population. The number of animals recorded during the survey does however suggest that the site is of some importance for the local population.

The submitted report assesses the proposed development, in the absence of mitigation, as being likely to have a low-moderate adverse impact upon this species. To address the risk of grass snakes being killed or injured during the construction phase the applicant's ecologist has recommended a suite of 'Reasonable Avoidance Measures' to be implemented together with habitats enhancement measures for the wildlife area in the west of the application site. It is advised that the submitted mitigation and compensation proposals for reptiles are broadly acceptable.

Bats and Barn Owls

No evidence of roosting bats or barn owls was recorded within the buildings on site and these buildings are not considered to be suitable to support these species. The trees on site have been subject to a further assessment and no evidence of roosting bats or barn owls was recorded. Based upon the submitted layout plan it appears feasible to retain the boundary trees on site. It is advised that if planning consent is granted a condition should be attached requiring the retention of the boundaries trees.

Badgers

Evidence of badger activity has been recorded on site, but there is no evidence of a sett being present within the application site boundary or likely to be present within 30 metres of the application site boundary. The proposed development is unlikely to result in an adverse impact upon a badger sett. As badgers are active around the site and can excavate new setts in a short time scale, if consent is granted a condition should be attached requiring an updated badger survey to be completed and a report submitted to the LPA prior to the commencement of development.

Grassland Habitats

Based upon the submitted Phase One habitat Survey 'Field 1' (the large field to the west of the application boundary) is highly likely to qualify as UK BAP restorable grassland and meet the selection criteria for designation as a Local Wildlife Site. A full assessment of the value of this grassland would require an additional botanical survey to be undertaken at the optimal time of year. However, based on the available information it is likely that the current development, in the absence of further mitigation and compensation would result in a significant loss of biodiversity.

The applicant's consultant has undertaken a Biodiversity offsetting calculation using the Defra metric. This calculation has assessed the residual impacts of the proposed development as requiring 18 offsetting units to compensate for the loss of grassland habitats. The Council's Nature Conservation Officer is currently negotiating with the applicant's consultant to agree a suitable level of commuted sum that could be secured by legal agreement to reflect the required offsetting units.

The 'Unimproved' grassland located at the very western boundary of the application site is of substantial nature conservation. It is however feasible for this grassland to be retained as part of the proposed development. If planning consent is granted this area of grassland should be subject to a management plan secured by condition.

Taking the above into account, it is considered that with conditions and a suitable commuted sum (tbc), the proposal would be acceptable in terms of its impacts on species protected by law.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

Given that the proposed development would be sited towards the rear of properties fronting Bunbury Lane, the visual impacts on the existing street-scene would be limited.

The proposed access off Bunbury Lane would be carried into the site with dwellings fronting the internal road along the southern boundary. The main access road would terminate on a proposed area of public open space which would occupy the western portion of the site. There would be a perimeter block located to the north of the main access road into the site which would have a secondary circular road with properties fronting out over it. Properties towards the western edge of the site would overlook the proposed open space.

Following concerns about the treatment of the side elevations of some of the corner plots, the applicant has amended selected plots to provide secondary windows with side facing elevations so as to avoid stretched or blank elevations. These now include feature windows to increase natural surveillance and design details to add visual interest to the street scene.

The general size and scale of the buildings would be two-storey which would accord with the surrounding development. The dwellings would be mixed in terms of form by providing detached, semi-detached and mews style properties. The general appearance of the proposed dwellings and architectural detail would be acceptable.

Access

Access to the site is to be taken directly from Bunbury Lane. The Head of Strategic Infrastructure (HSI) has assessed the application and the submitted Transport Statement.

In terms of junction geometry, the HSI considers that the visibility splay need to measure 2.4 metres by 43 metres. The initial measurement shown was 2.4 metres by 40 metres. However, the applicant has submitted an amended plan which has demonstrated the required visibility splay. As such, the layout and visibility of the access proposals are acceptable in highways terms.

With respect to parking, the HSI expressed concern that the proposals did not meet with standard. The applicant has responded and confirmed that the requisite number of spaces will be provided for each unit and this is demonstrated on the submitted plans. The HSI has not raised any concerns regarding the potential traffic generated by the proposal and therefore the impact on the local highway network is deemed to be acceptable.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. The Environment Agency, the Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and a number of informatives relating to the provision of water metres and general drainage advice.

Public Right of Way

Local Plan Policy RT.9 states that *'permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes'*.

The Council's Public Rights of Way Unit (PROW) has confirmed that the proposed development would lead to the obstruction of Bunbury Public Footpath 14. However, the proposal seeks to divert the footpath under the TCPA 90 as part of this application and as such; the proposal has been confirmed as being acceptable in this regard by the PROW Unit. This would provide suitable alternative provision and therefore the scheme would comply with Local Plan Policy RT.9.

Conclusion

The proposed development would result in the loss of a valuable area of open countryside outside of the settlement boundary for the village which is unsustainable. The impact upon the wider landscape would not be significantly adverse with submission of a suitable landscaping scheme. The proposal would not result in adverse impacts on protected species subject to conditions and a commuted sum towards grassland habitat. The proposal would provide a suitable alternative route within the site for Bunbury Public Footpath 14. There are no objections to the design or matters relating to flooding, drainage and trees. The objections to other environmental considerations outweigh these matters and as such, the scheme is not considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. On this basis, it is considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

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

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 19 applicants who have selected the Bunbury lettings area as their first choice. These applicants require 4 x 1 bed, 12 x 2 bed and 3 x 3 bed units.

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

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The proposal is for 52 dwellings, including 30% affordable dwellings which equates to 16 dwellings which should be provided as 8 x 2 bed and 8 x 3 bed units. The Council's Strategic Housing Section has confirmed that this is acceptable in terms of the quantum of provision. However, they have objected on the grounds that the tenure split has not been specified and also have not specified the location of the proposed affordable units. In response, the applicant has confirmed that the tenure split will be 63% intermediate tenure and 35% social / affordable rent which would meet with policy. These would be arranged across 3 clusters which are considered to be acceptable in terms of distribution.

Residential Amenity

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

The nearest residential properties to the site in question would be the occupiers of the properties to the east fronting Bunbury Lane and those to the north on the Wakes Meadow development.

Plots 3-5 inclusive would back onto some of the properties on Bunbury Lane and would achieve a minimum separation of 21 metres. The other proposed plots along the eastern boundary would be positioned at right angles to the boundary, would not include main windows facing these neighbours and would maintain a separation of at least 18 metres. This separation and relationship would be sufficient to ensure that no material harm to neighbouring amenity was caused by loss of light, visual intrusion or direct overlooking.

Plots 6-14 inclusive would back onto the rear of the properties occupying Wakes Meadow to the north. The separation would be 21 metres which would also be sufficient to ensure that no material harm to neighbouring amenity was caused by loss of light, visual intrusion or direct overlooking.

The scheme would be provide a sufficient standard of amenity for each dwelling and as such including adequate private amenity space. It is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Education

The Council's Education Department have confirmed that the proposed development would generate 10 primary and 8 secondary school places. Forecasts show that the existing primary provision can accommodate the expected primary children and therefore no mitigation is required for primary provision.

With respect to secondary provision, forecasts show that secondary provision cannot accommodate the expected number of secondary children generated by the proposed development without mitigation. On this basis, a contribution for 8 secondary children is required which would amount to £130,741.52.

Public Open Space

The Council's ANSA Section were consulted on this application but have not responded at the time of report writing. An update will be provided to members on this matter.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Council's Education Department and ANSA (who deal with greenspaces) have both advised that the proposed development will need to address a shortfall of school places and public open space. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, these would serve as negative impact and are directly and reasonably related to the scale of development.

With respect to affordable housing, the Strategic Housing Manager has confirmed that there is a need for affordable housing provision in the area. As discussed, this development would go some way in terms of addressing this shortfall by offering all of the units as affordable. This is necessary to help meet an identified need, and is directly and reasonably related to the scale of development.

Planning Balance

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 development would provide market housing and affordable housing to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. There would be no negative impacts relating to trees, highway safety, the existing public right of way and residential amenity.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside. Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Banbury Neighbourhood Plan; outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

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. Accordingly it is recommended for refusal for the reasons set out below.

RECOMMENDATION

REFUSE for the following reason(s):

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local**

Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury 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.**

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

In order to give proper effect to the Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice. Should 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. Financial contribution towards grassland habitat (TBC).**
- 3. Education contribution/s of £130,741.52 towards secondary school provision**
- 4. Public Open Space (TBC)**
- 5. NHS contributions (TBC)**

Application No: 14/5206N

Location: Land Off, HILL CLOSE, BUNBURY CHESHIRE

Proposal: Outline application for proposed residential development for 21no. dwellings and proposed new stable block and paddock

Applicant: CB HOMES

Expiry Date: 03-Mar-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

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

In this case, the development would provide market housing and affordable to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside and the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Bunbury Neighbourhood Plan (NDP); outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

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.

As a result of the above reasons, it is considered that the proposal would represent an unsustainable form of development and is therefore recommended for refusal.

RECOMMENDATIONS

REFUSE

REASON for REFERRAL

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

PROPOSAL

This application seeks outline planning permission for the erection of 21 dwellings with access taken from Hill Close in Bunbury. Details of appearance, layout, scale and landscaping have been reserved for approval at a later stage.

SITE DESCRIPTION

This application relates to a greenfield site located to the southeast of Bunbury Village. The site measures approximately 2.15 hectares lying to the rear of dwellings on Bunbury Lane and Queen Street which are to the west and north respectively. The site is bound by recreational facilities to the northeast, residential development to the northwest and west and open countryside to the south and east. Public Footpath Bunbury No. 16 runs across the site. The Lower Bunbury Conservation Area is located approximately 100m to the northwest of the application site. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

None

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
47-50 - Wide choice of quality homes
55 - Isolated dwellings in the countryside
56-68 - Requiring good design
69-78 - Promoting healthy communities
216 – Neighbourhood planning

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

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

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:

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 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Draft Bunbury Neighbourhood Development Plan

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

H1 – Housing Development
H2 - Scale of Housing Development
H3/H4 – Affordable Housing
H5 - Design
LC1 - Built Environment
LC2 – Landscape
ENV2 – Countryside & Open Views

Other Material considerations:

SPD2 – Development on Backlands and Gardens
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Interim Affordable Housing Statement: Affordable Housing
Bunbury Village Design Statement

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection

Environmental Protection

No objections, subject to conditions restricting hours of piling; the prior submission of a piling method statement, the prior submission of external lighting, the prior submission of a dust mitigation scheme and contaminated land. Informatives sought relate to; hours of construction and contaminated land are also sought.

United Utilities

No objections, subject to conditions relating to foul water and surface water.

Education

No objection subject to financial contributions of £49,028.07 towards secondary school provision. Forecasts show that primary provision can accommodate expected primary children.

Public Rights of Way Unit (PROW)

No objection.

Bunbury Parish Council

Object on the following grounds:

- The diversion of the most heavily used village footpath will be a Loss of Amenity
- The properties are larger than identified need and do not meet requirements for affordable homes. The application is not in line with the adopted Bunbury Village Design Statement 2009
- Access is inadequate due to the restrictions of the site. It is less than the minimum required width of 4.8 metres. The existing access already only allows single file traffic. The large amount of additional vehicles is a concern
- Against Highways Policy B.E.3
- Concern that sewerage system cannot cope and that there will be increased flooding risk, with additional runoff caused by impermeable surfaces
- The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy N.E.2
- Concern at the loss of an important Silver Birch tree that was to be kept as a condition, when the application for the current houses on Hill Close was approved.
- Concern that the proposed development is not sustainable
- The Parish Council requests that Cheshire East Planning asks the Developers to meet with CE to consult on the needs of the Village.

REPRESENTATIONS

Over 180 representations have been received, including a report from the 'Lower Bunbury Action Group' and a letter from Wulvern Housing objecting to this proposal on the following grounds:

- Bunbury is being bombarded with speculative applications
- Loss of land used for recreational purposes
- Impact on historic character of village
- Unsustainable – lack of services, facilities and amenities in area including schools and doctors
- Public transport poor
- Contrary to development plan/ NPPG and PPG
- Contrary to Village Design Statement and Parish Plan
- Outside of settlement boundary
- Loss of greenfield / intrusion into open countryside
- Loss of views
- Standard of design would not enhance the built environment, respect the pattern, character and form of the surroundings
- Too many units / density too high / scale of development too much
- Impact on trees
- Negative impact on local economy / tourism
- Loss of wildlife and impact on protected species

- Lack of parking
- Road is too narrow
- Will be hazardous for young children playing in the area
- Emergency vehicles / service vehicles would not be able to access the site
- Pedestrian environment is poor
- Harm to local listed buildings
- Traffic generation
- Road safety
- Noise, dust and general disturbance during construction
- No alternative sources of energy proposed
- Loss of valuable amenity space including footpaths
- Loss of views
- Impact on property values
- Damage to highway
- Would undermine existing 'Home-Zone' on Oak Gardens
- Impact on historic character and appearance of the village / area
- Impact on listed buildings and conservation areas
- Impact on neighbouring amenity
- Limited public transport
- Council already has a 5 year supply of housing
- Nearby Beeston development already adds huge pressure to local area
- Lack of local employment to service new houses
- Alternative sites should be considered first
- Village does not have the infrastructure to support more houses
- Impact on cyclists
- No demand or demonstrable need for the proposed houses
- Proposed housing is not affordable
- Site suffers from poor drainage
- Cumulative impact of all developments in Bunbury would exceed need#
- Proposed open space is small and offers limited benefit

APPRAISAL

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing

- Residential Amenity

Principle of Development

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside 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.*

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

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal 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 the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Bunbury Neighbourhood Plan

Bunbury Parish Council has prepared a draft Neighbourhood Development Plan (NDP) for the Parish of Bunbury. The consultation period for the plan has now taken place and ran until 21st May 2015.

Paragraph 216 of the NPPF states *'from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of

granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 17 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Consequently, the scale of this development in combination with others would prejudice the outcome of the neighbourhood plan

making process and as such, the proposal does not accord with NDP, which has been through its formal consultation process.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's 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 of '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.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

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

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

Environmental role

The application site is located at the rear of residential properties which front onto Bunbury Lane and Queen Street. The proposed housing development will be accessed directly off Hill Close which in turn takes access off Bunbury Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and post office which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre and is therefore locationally sustainable.

Landscape Impact

The application site is located towards the southern part of Bunbury and covers an area of 2.15 hectares and is divided into three fields. The application site is relatively flat and is used for agriculture and as a paddock; it is bound by hedgerows with a number of hedgerow trees. Footpath 16 Bunbury crosses the eastern part of the application site. The northern boundary of the site is bound by properties along the southern side of Queen Street, the western boundary by properties along the eastern side of Bunbury Lane as well as properties around Hill Close. To the south and east of the application site is the wider rural landscape.

The application does not include a Landscape assessment, although the Design and Access Statement does include a section on Site Analysis and also on Landscape Setting. The area that the site is located is identified in the Cheshire Landscape Character Assessment as being in the East Lowland Plain Character Type, and specifically the 'Ravensmoor Character Area' (ELP1). The landscape Character assessment indicates that this area is predominantly flat with hawthorn hedges and hedgerow trees and that it is an open and expansive landscape in the northern part of the character area. The application site does not have any formal landscape designations.

Whilst this is an outline application, an indicative site layout has been included. This shows that access will be off Hill Close, that there will be an area of public open space along the eastern part of the application site and that the area to the southwest of the application site will remain as a paddock with a stable. It also indicates that the existing perimeter hedgerows will be retained.

The Council's Principal Landscape Officer states the development will have both landscape and visual impacts, since the area currently forms part of the setting of Bunbury. It should also be noted that part of the Bunbury Village Design Statement recommends that any development should, 'Protect existing views within the village and into the countryside'. There will be a visual impact for those residents living in properties adjacent to the northern and western boundaries to the north and also for users of Footpath 16 which is located towards the eastern part of the application site.

The proposed development may cause adverse landscape and visual impacts, but the level of adversity will ultimately depend on the detail, specifically layout, scale and the landscape proposals which are not for consideration as part of this application.

Loss of Agricultural Land

The proposal would result in the loss of an area of agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

Trees

The proposal would require the removal of the three trees on the proposed adopted access to the development. This prompted a request to consider one of the specimens (the silver birch as referenced on; Drawing No. 118.02) for a Tree Preservation Order.

The tree was previously recognised when the access to the properties on Hill Close was first constructed. The conditions associated with this request in 2009 identified the tree within the associated planning conditions and made reference to the tree making a significant contribution to the visual character of the area, thus ensuring that it was not prejudiced by the development at that time. However, whilst the tree does offer some amenity value at present, a full assessment of the tree has determined that it would not be expedient to protect the tree due to identified structural defects limiting its potential life span. As such, the Council's Tree Officer has offered no objection to the proposal.

Ecology

The application is supported by an Extended Phase 1 habitat survey. The Council's Nature Conservation Officer (NCO) has reviewed the submitted information and advised with respect to the following considerations:

Great Crested Newts

Whilst the submitted survey states that there would be no material impact on protected species, the Council's Nature Conservation Officer has advised that the applicant's ecologist confirm whether the presence of 2 additional ponds was considered as part of their assessment. The Council is awaiting further information from the agent.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The development of this site is likely to result in some loss of hedgerow. It advised that if outline planning consent is granted it must be ensured that suitable replacement hedgerow planting is incorporated into the scheme at the detailed design stage. This matter may be dealt with by means of a condition.

Reptiles

Reptiles are known to occur in the broad locality of the application site and the application site has been identified as offering potential habitat for this species group. The submitted survey recommends that a reptile survey be undertaken to determine the presence/absence of this species on the site. This has been requested from the agent.

Barn Owls

Barn owls have been recorded within the broad area of the application site. The application site supports habitats which are likely to offer opportunities for foraging barn owls. The Council's NCO has advised that the loss of this habitat has the potential to have a localised adverse impact upon this species. However, it has been confirmed that this loss could be offset by means of a commuted sum that could be passed onto the local barn owl group in order to facilitate site habitat creation. The required commuted sum would be £2,000.

Bats

The loss of existing hedgerows is likely to have a localised detrimental effect on foraging and commuting bats. If outline planning consent is granted this impact should be mitigated for through

appropriate native species planting incorporated into the open space associated with the proposed development at the detailed design phase.

Taking the above into account, there is insufficient information to determine the impact that the proposals would have on species protected by law, contrary to Policy NE.9 of the Local Plan and advice within the NPPF. This may be addressed by way of an update if the agent clarifies the points raised above and this does not require further assessment.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposal is in outline form and therefore the submitted layout is only indicative. However, the application is supported by an indicative layout which shows that Hill Close would be extended into the site from west to east. The properties shown on the layout would all be mixed in terms of their size and scale with the larger units set within spacious plots fronting the main spinal road. There are also two limbs situated at right angles to the spinal road extending north into the site, the first providing a cul-de-sac arrangement and the second providing a liner row of dwellings overlooking an area of public open space.

The dwellings as shown would be well spaced and would provide a good mix of units and an appropriate basis to arrange 21 no. dwellings without comprising the character or appearance of the built environment to the north and west of the site. The application is considered to be acceptable in this regard.

Access

Access to the site is to be taken from Hill Close which is an existing un-adopted highway benefitting from a junction with Bunbury Lane. The Head of Strategic Infrastructure (HSI) has assessed the application and the submitted Transport Statement and has commented on road safety and the traffic generation.

The road safety record of the of the roads within Bunbury has been reviewed for the period 2009 – 2013, there have been four PIA's recorded during this period, all classified as slight accidents. Three of the accidents are remote from the site, one on Vicarage Lane and two in relatively close proximity to each other on School Lane. The fourth accident occurred in excess of 20m to the north of the Hill Close / Bunbury Lane junction and therefore, is not attributable to the junction. The accidents all appear to be isolated incidents that are unrelated to highway layout. The HSI is satisfied that the development proposals would not be expected to negatively impact on road safety.

Access to the site is taken from Hill Close via a revised Hill Close / Bunbury Lane priority controlled junction. Additionally, it is proposed that Hill Close will be upgraded to include a 2.0m footway on the northern side of the carriageway. The footway will link the site with a proposed uncontrolled pedestrian crossing across Bunbury Lane (located around 10m to the north of Hill Close), which is

designed to link the site with the footway network on the opposite side of Bunbury Lane. The crossing point will have dropped kerbs and tactile paving to assist wheel chair users and the visually impaired. As set out above, it is proposed that the carriageway width of Hill Close will be upgraded in the vicinity of Bunbury Lane to 4.8m, thereafter, a minimum width of 4.5m will be provided towards the site.

In terms of junction geometry, the HSI considers that the overall layout and visibility of the access proposals are an acceptable solution to serve the development proposals as well as the existing houses accessed from Hill Close.

With respect to traffic generation, Bunbury Lane and the surrounding highway network is lightly trafficked. Given the arrival and departure patterns of the traffic associated with this proposal and other proposed in the vicinity, the traffic will be distributed onto Bunbury Lane at two points of access some 60 metres apart. The HSI is satisfied that there will not be a material impact on the operation of the adjacent or wider highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. The Environment Agency, the Council's Flood Risk Team and United Utilities have also reviewed the application and advised that they have no objections, subject to drainage conditions and a number of informatives relating to the provision of water metres and general drainage advice.

Public Right of Way

Local Plan Policy RT.9 states that *'permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes'*.

The Council's Public Rights of Way Unit (PROW) has confirmed that the proposed development would lead to the obstruction of Bunbury Public Footpath 16. The proposal seeks to divert the footpath under the TCPA 90 as part of this application and as such, the proposal has been confirmed as being acceptable in this regard by the PROW Unit. The diversion would be re-routed through the proposed public open space and along the eastern boundary. This would provide suitable alternative provision and therefore the scheme would comply with Local Plan Policy RT.9.

Conclusion

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the impact upon the wider landscape cannot be determined until a detailed design and layout has been submitted together with details of landscaping. The proposal provides insufficient information to determine the impacts on protected species. The proposal would provide a suitable alternative route within the site for Bunbury Public Footpath 16. Thus, whilst there are no objections to the indicative design and matters relating to flooding, drainage and trees, the objections to other environmental considerations outweigh these matters and as such, the scheme is not considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. On this basis, it is considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

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

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 19 applicants who have selected the Bunbury lettings area as their first choice. These applicants require 4 x 1 bed, 12 x 2 bed and 3 x 3 bed units.

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

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The proposal is for 21 dwellings, including 30% affordable dwellings which equates to 6 dwellings which should be provided as 4 affordable or social rent and 2 intermediate. The Council's Strategic Housing Section have confirmed that this is acceptable and as such, the proposal would assist in providing market and affordable housing in this location.

Residential Amenity

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

The nearest residential properties to the site in question would be the occupiers of the properties to the north at Queen Street and those to the west on Hill Close and those fronting Bunbury Lane. As the application is in outline form, the precise position of the proposed dwellings in relation to neighbouring properties is not yet known nor is the position of windows.

Based on the indicative plan submitted, it has been demonstrated that a layout of 21 dwellings could be accommodated on the site without comprising the spacing standards advised between principal to principal elevations and principal to flanking elevations with the neighbouring properties. The minimum separation distances would be exceeded and as far as can be determined at this stage, would not materially harm the amenity afforded to these neighbouring properties.

The scheme would be capable of providing a sufficient standard of amenity for each dwelling and as such, subject to suitable reserved matters detail, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Education

The Council's Education Department have confirmed that the proposed development would generate 4 primary and 3 secondary school places. Forecasts show that the existing primary provision can accommodate the expected primary children and therefore no mitigation is required for primary provision.

With respect to secondary provision, forecasts show that secondary provision cannot accommodate the expected number of secondary children generated by the proposed development without mitigation. On this basis, a contribution for 3 secondary children is required which would amount to £49,028.07.

Public Open Space

The Council's ANSA Section were consulted on this application but have not responded at the time of report writing. An update will be provided to members on this matter.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Council's Education Department and ANSA (who deal with greenspaces) have both advised that the proposed development will need to address a shortfall of school places and public open space. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, these would serve as negative impact and are directly and reasonably related to the scale of development.

With respect to affordable housing, the Strategic Housing Manager has confirmed that there is a need for affordable provision in the area. As discussed, this development would go some way in terms of addressing this shortfall by offering all of the units as affordable. This is necessary to help meet an identified need, and is directly and reasonably related to the scale of development.

Planning Balance

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 development would provide market housing and affordable housing to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. There would be no negative impacts relating to trees, highway safety, the existing public right of way and residential amenity.

Balanced against these benefits must be the negative effects that this proposal would have with respect of the loss of a Greenfield site and open countryside and the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). Together, these negatives all translate to a proposal which is unsustainable in the environmental sense and thus coupled with the conflict with the Banbury Neighbourhood Plan, outweigh the benefits of the scheme.

It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development coupled with others currently being considered by the Council, it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NDP, it is considered that the development is sufficient to threaten the plan-making process in Bunbury.

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. Accordingly it is recommended for refusal for the reasons set out below.

RECOMMENDATION

REFUSE for the following reason(s):

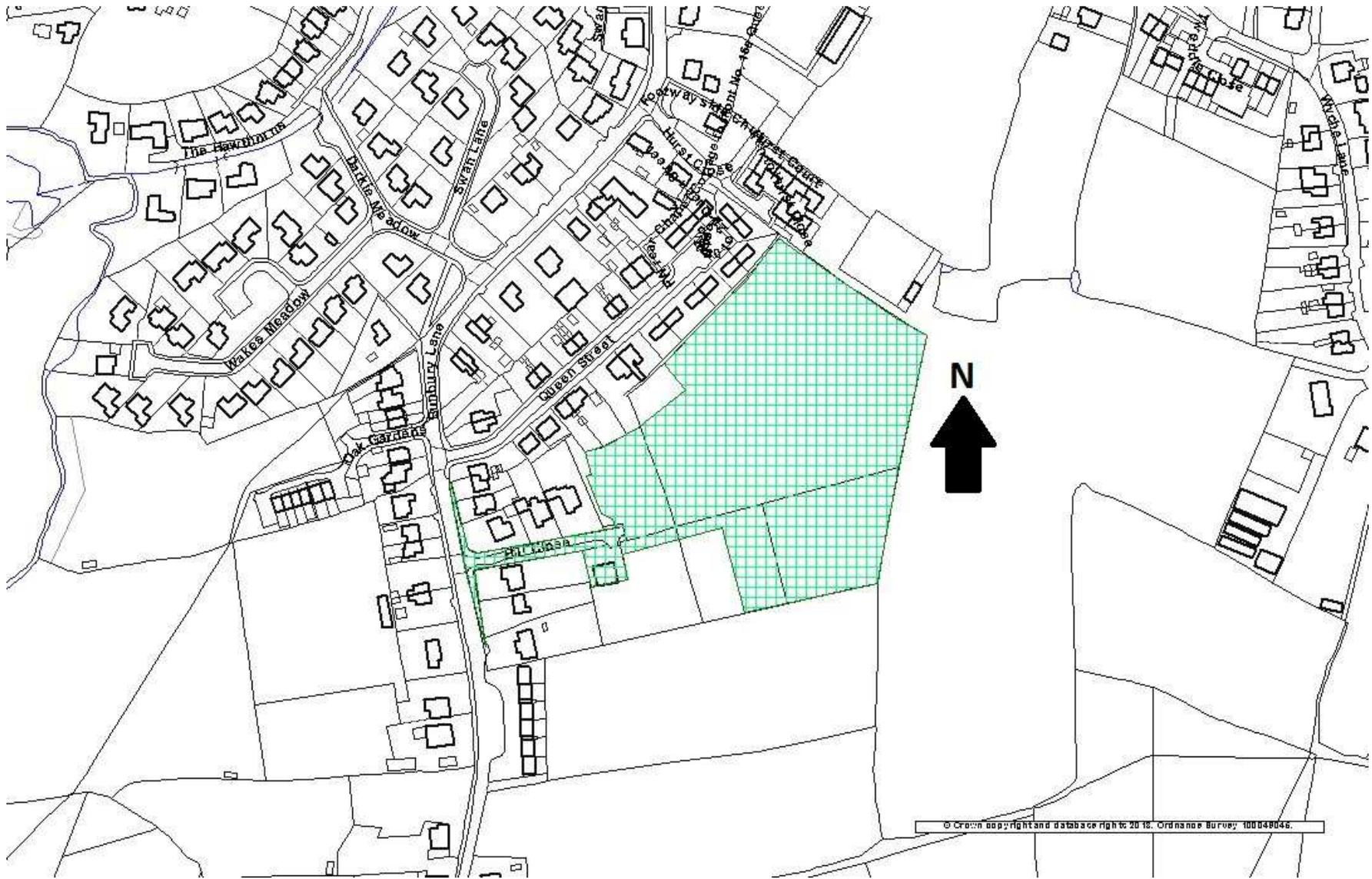
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury 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.**
- 3. 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 Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles). These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of 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 Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

In order to give proper effect to the Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning

Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice. Should 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. Financial contribution of £2000 towards local barn owl group to facilitate site habitat creation.
3. Education contribution/s of £49,028.07 towards secondary school provision
4. Public Open Space (TBC)
5. NHS contributions of £20,350



Application No: 14/4810C

Location: 55 , West Street, Congleton, Cheshire, CW12 1JY

Proposal: Demolition of No. 55 West Street and the construction of a new two storey building containing 10No. one bedroom flats with accompanying amenity space.

Applicant: JUSTIN SHEARD

Expiry Date: 14-Jan-2015

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION:

APPROVE subject to conditions

PROPOSAL:

Full planning permission is sought to demolish an existing two-storey building and to replace it with a two-store building with accommodation within the roof space to provide 10 no. one bedroom apartments at no. 55 West Street, Congleton.

SITE DESCRIPTION:

The application site is situated on the northern side of West Street opposite the junctions with Silk Street and Elizabeth Street in Congleton Town Centre. The site is presently vacant but has been used previously as 2 residential units. The surrounding area is a mix of residential, commercial and retail uses owing to the town centre location. The site falls within the settlement zone line of Congleton and the Congleton West Street Conservation Area as designated in the adopted Congleton Borough Local Plan First Review.

RELEVANT HISTORY:

16760/3 - Change of use to retail shop - Approved 30/05/1985

17157/3 - Proposed conversion of first floor to one flat and one bedsit. Approved 22/10/1985

20080/3 - Extension to shop - Approved 07/09/1988

27204/3- Change of use from shop to 2No. one bedroom flats - Approved 23/05/1995

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Polices are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision

GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
BH4/5	Listed Buildings Impact of Proposals
BH9	Conservation Areas
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

The relevant 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 SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 9 Energy Efficient Development
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy SC 4 Residential Mix

CONSULTATIONS:

Highways:

Object on the grounds that the proposal should provide 12 parking spaces.

Green Spaces (Ansa: Environmental Operations):

No comments received

United Utilities:

No objection subject to conditions requiring submission of foul and surface water drainage scheme schemes.

Cheshire Archaeology Planning Advisory Service:

No objection

VIEWS OF THE CONGLETON TOWN COUNCIL

No objection subject to the height of the building being in keeping and sympathetic with the surrounding properties.

REPRESENTATIONS:

Letters have been received from 5 neighbouring properties objecting to this proposal on the following grounds:

- Density of scheme too high
- Lack of parking in the area
- Will add to congestion in the town centre
- Existing building needs urgent renovation and should be repaired
- Damage to adjoining properties during construction
- Existing infrastructure cannot cope with increase in residents
- Water pressure is low
- Sewers and drainage cannot cope
- Loss of privacy, loss of light, overlooking
- Design of building will have a detrimental effect on the conservation area
- Building too big
- Noise from existing flats has affected neighbouring amenity
- Flats should be soundproofed
- Concerns about safety of demolishing the existing building
- Birds and bats are prevalent in the summer

APPRAISAL:

Principle of Development

The application site is located within the settlement zone line and Town Centre of Congleton, where according to Policy PS4, there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other relevant policies. Of relevance is Policy H4, which states that regard will be had to the location of the site to jobs, shops and services by modes other than the car and Policies S4 and S5 which refer to town centre uses.

Whilst the site is on the edge of the town centre, the predominant uses are residential. In terms of land use therefore, the proposal would conform to the surrounding scale and character of development. The site is in a sustainable location where it is easily accessible and well connected to public transport and community facilities and services.

With respect to town centre policies, proposals for non-retail uses at ground floor level will be permitted where the proposed use is a commercial, leisure, entertainment, community or civic use appropriate to the town centre or for residential use on the periphery of the town centre. This is provided that; the proposal does not detract from the town centre function of the area; does not impact detrimentally on amenities of any future and adjacent occupiers and accords with other policies. Owing to the fact that the existing site has a lawful residential use, is on the edge of the town centre and is not situated in-between retail uses, the proposal would not individually or cumulatively undermine the retail function of the town centre.

Consequently, the proposal is deemed to be compliant with local plan policies PS4, H4 and S5 and S6.

Subject to conformance with other relevant material planning considerations, the principle of 10 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this. The scheme is therefore compliant with national and local policy.

Locational Sustainability

The proposals seek to utilise previously developed land, inside the settlement within a town centre location, which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 10 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

Design and Conservation

This proposal is for the demolition of no. 55 West Street and the construction of a new two storey building containing 10 one bedroom flats with accompanying amenity space. The application is supported by a structural report which evidences the poor condition that the building is in. The Council's Conservation Officer recognises this and the need to redevelop the site.

The proposal calls for the height of the new building to be increased. Amended plans have been received which show a lower roofline than that originally proposed. The lower roofline would be achieved by providing a flat section of roof on top of the proposed building. This would not be evident from the street scene or conservation area. Equally, the rear of the building would not be visible from the street-scene as it is enclosed by other built form.

In terms of size and scale, from West Street, the building would step up from the adjoining property no. 57 but would be lower than the beginning of the properties on the other side, no.s 51-53. The proposal would not over dominate this frontage and would transition well with the appearance of the street-scene. Subject to the use of high quality facing brick, slate roofs, timber windows with a decent reveal and the use of conservation roof lights, it is considered that the proposal would not materially harm the street scene nor would it impact negatively on

the West Street Conservation Area. As such, the design is considered to be acceptable and in compliance with local plan policies GR2 and BH9.

Highways

The Head of Strategic Infrastructure (HSI - Highways) originally objected as there was no parking provision. The required standard was cited as being 12 spaces, 1 per unit plus 2 spaces for visitors. This proposal would offer 3 no. spaces. However, it is important to note that this scheme is for small 1 bed units where the likelihood of car ownership will be less than that of open market housing. Additionally, the site is located in a highly sustainable location where it is accessible by other public transport links serving the wider area. Further, the standard as referred to by highways is not yet formally adopted and as such, a refusal could not be sustained on this basis.

Vehicular access to the rear car park is provided off West Street. The vehicle movements generated by 10 units would not have a 'severe' impact on the local highway network. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

Ecology

The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, on the opposite side of West Street, the proposals would not achieve the minimum interface distances advised within SPG2. However, it is important to note that historic layout and pattern of development in this location is tightly grouped and the existing building does not achieve the recommended separation. It is one of the features that characterises this town centre location. However, the proposal would not increase direct overlooking of the properties on the opposite side of West Street as the proposal would not come any closer than the existing building. Further, the scale of the building fronting West Street would not be significantly greater than at present and as such, it is not considered that these neighbours would incur increased material harm to their amenity.

Turning to the adjoining property, no. 57, the proposal would extend further beyond this neighbour's rear elevation (by 6 metres). However, as amended, the upper floors would be stepped in at the corner and it is important to note that the outrigger attached to the existing building already travels hard-up along the common boundary shared with this neighbour. It is considered therefore that a refusal could not be sustained on the impact on this neighbourly reason of loss of light or visual intrusion. With respect to direct overlooking, no windows are proposed in the side elevation facing this neighbour and as such, there would be no direct overlooking.

Turning to the neighbouring property on the other side, no 51-53, the proposal would enjoy a gap of 2.6 metres between the side of the proposed building and the main side elevation of

no. 53. The proposed building would extend 4 metres beyond the main rear wall of no. 53 and as such would not cause material harm in terms of loss of light or visual intrusion. An application of the 45-degree test would support these conclusions. No 53 also benefits from a two-storey outrigger at the rear which hosts some side facing windows. However, the ground floor windows would be screened by the existing boundary wall, and the 2 upper floor windows are secondary. Whilst the proposal would include side facing windows facing the side of no, 53, the upper floor side windows could be obscured to ensure no direct overlooking as they are also secondary.

With regard to the amenities of the occupiers of the proposed units, the units have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. It is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the terraced nature of the area. Subject to obscured glazing, the proposal is found to be acceptable in terms of residential amenity.

Public Open Space Provision

According to the Council's Supplementary Planning Guidance, developments of 7 or more dwellings will generate a requirement for public open space and children's play space. The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. However, this scheme is only for 10x no. 1 bedroom. As such, they are not family dwellings and therefore the demands on local play space and open space will be low.

Given that this scheme is very small, it is deemed to be impractical to provide the open space on site and therefore consideration needs to be given to off-site works at a suitable local facility. A further update on this matter will be provided to Members when the Greenspaces officer has confirmed the exact requirements.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. Standard time limit 3 years**
- 2. Development to be carried out in accordance with approved / amended plans**
- 3. Submission / approval and implementation of environmental management plan**
- 4. Submission / approval and implementation of demolition strategy**
- 5. Drainage - Foul drainage should be connected to foul sewer**
- 6. Drainage – surface water drainage scheme to be submitted**
- 7. Materials to be submitted and approved (Cheshire brick and slate roof)**
- 8. Windows to be timber and set behind 100mm reveal**
- 9. Drawings of window detail to be submitted**
- 10. Brick bond to match existing**
- 11. Roof lights to conservation style**
- 12. Notwithstanding submitted detail, rainwater goods to be cast metal and painted black**
- 13. Parking to be provided as per approved plan prior to first occupation**
- 14. Obscured glazing requirement for upper floor side facing windows**
- 15. Provision of cycle parking**
- 16. Provision of bin storage**

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

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



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Application No: 15/0001C
Location: Land off, Goldfinch Close and Kestrel Close, Congleton
Proposal: Reserved Matters following Outline Approval of 12/3025C
Applicant: Mrs A Oakden, Seddon Homes Ltd
Expiry Date: 17-Apr-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

Economic Sustainability

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

RECOMMENDATIONS

APPROVE subject to conditions & S106 Agreement

REASON for REFERRAL

This application is referred to the Southern Planning Committee as it is a small-scale major development.

PROPOSAL

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 38 dwellings at land to the west of Goldfinch Close, Congleton. Following revision, this has been revised down from 40 units, as originally submitted.

Two accesses are provided via Kestrel Drive and Goldfich Close, both of which were previously granted permission at the outline stage.

The development would consist of 1 to 4 bedroom units including some apartments. The entire development is proposed to be 2 storeys in height.

SITE DESCRIPTION

The application site measures some 1.83 hectares in size and is situated to the west of the residential development on Goldfinch Close and Kestrel Close, Congleton.

The application site is surrounded by open countryside to the north, south and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul de sacs adjacent to the eastern boundary of the site. Both roads lead to Canal Road further to the east. Lamberts Lane is located to the south of the field on the southern boundary of the site.

The site has a network of existing hedgerows and trees and although it is agricultural land, it has not been managed for a period of time. The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

RELEVANT HISTORY

12/3025C - ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS – granted on appeal 4 February 2014

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – refused 16 May 2014 (subject to appeal with Public Inquiry to commence 9 September 2015)

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-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, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congelton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
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
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 Material considerations:

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

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

Environmental Protection

No objection subject to conditions as detailed in the outline permission.

REPRESENTATIONS

Objections have been received from 18 different local addresses on the basis of the following:

- Does not comply with planning policy or Town Plan
- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at its access
- Potential for serious injury to children playing in the local area
- Lack of parking
- Loss of property values
- Location of the affordable houses within the layout – smaller units clustered close to existing 4 bed dwellings in Goldfinch Close
- Provision and necessity of affordable housing / provision of bungalows

- The affordable housing is not pepper-potted in accordance with the SPD
- Lack of parking/ creation of bottleneck
- Overshadowing of existing dwellings due to higher land level of site adjoining Goldfinch Close
- Out of keeping with area
- Increase in density / scale / levels
- Unneighbourly / loss of privacy / overlooking
- Local infrastructure cannot cope
- Will require extra bus services
- Impact on local wildlife
- Proposal does not comply with outline
- Maintenance issues with apartments
- Local pedestrian access is poor

Fiona Bruce MP has written to support the points made by the objectors.

APPRAISAL

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- Education
- S106 contributions Levy (CIL) Regulations

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site via the 2 access points via Goldfinch and Kestrel Close was fully approved as part of the outline scheme for up to 40 units granted outline permission at appeal.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme, the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Design Standards

The numbers of units have been reduced by 2 since the original submission of this application. This is now a scheme of 38 dwellings, comprising a mix of detached, semi-detached, terraced units and apartments arranged in two cul de sacs with 3 areas of incidental open space, one being located to

the western boundary of this site and formed of a re-enforced earth embankment/retaining bund, whereas the other comprises the northern side of the continuation of Kestrel Drive.

The land falls away steeply towards Lamberts Lane, hence the need for the retaining structure. The assessment of this element of the scheme will be considered in the landscape section of this report.

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. A parking court has been provided behind the apartment blocks, thus leaving the frontages of the units at the entrance of the site free of car parking. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch.

The layout is in keeping with the residential layout and vernacular in the existing Goldfinch/Kestrel Close estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable. Some comments have been raised by neighbours concerning rising land levels in the site; however, this is no different than the existing rising land level in the estate and the spacing of the plots relative to each other and the existing residential housing estate is not dissimilar to that proposed.

Compared to the layout of the Illustrative Masterplan submitted as part of the outline application there has been some revision of heights. The masterplan originally indicated blocks of some two and a half storey development. This layout has a looser, less engineered character, where buildings and spaces more effectively determined layout. The street arrangement follows through from the indicative blocks and comprises the inclusion of the feature landscape spaces.

It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing to the east of the site.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with character of the existing estate.

The detailed design and layout has been the subject of negotiation during this application, which has resulted in the reduction in units and consequently it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

Landscape Impact and trees/hedgerows

The site is currently unused agricultural land located immediately adjacent to a residential area. An overgrown mound of spoil left over from the previous housing development adjoins the residential boundary. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

There are seven protected trees within and immediately adjacent to the application site (assessed as A and B moderate high category trees) in addition to a number of other unprotected trees and hedgerows. The proposed site layout illustrates three of these protected trees (two Oak and a Sycamore) are to be located within formal public open space which is to be welcomed. It would appear that the internal road infrastructure generally respects root protection areas of retained trees.

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points) and would allow for landscape and biodiversity enhancement measures to be realised. As mended, the Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring residential units to the site are those occupying land at Partridge Close, Kestrel Drive and Goldfinch Drive to the east. The properties on Partridge Close would back onto the side elevation of plot 19 and would achieve a distance of 15 metres. Plot no. 30 would side onto the nearest property on Goldfinch Close and would achieve a distance of 13.3 metres. Such distances would be sufficient to ensure that the proposed development does result in a loss of amenity to the nearest neighbouring properties by reason of direct overlooking, visual intrusion or loss of light. Elsewhere, the proposed development would meet or exceeded the minimum separation distances.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Affordable Housing

The proposal incorporates 11 affordable units, of which 8 are 1 bedroom apartments and the remainder are 3 bed roomed mews houses located to the north of the site. The apartments are designed to appear as a pair of semi-detached dwellings or a small terrace. The Council's Strategic Housing Officer has confirmed that the quantum of affordable units, the tenure split, the size and location of the affordable units are acceptable and as such, the scheme as amended would provide the requisite level and type of affordable housing to assist the continuing need in the locality.

Highways

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

Vehicular access to the site is to be taken from Goldfinch Close and Kestrel Drive, precise details of which were granted on appeal. This assessment therefore addresses the internal layout.

The proposed internal road layout would provide two cul-de-sacs with no highway link between. The Council's Head of Strategic Infrastructure (HIS – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each. This provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

Ecology

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer.

Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The Council's ecologist therefore considers that the proposed development is unlikely to have a significant adverse impact upon bats. A number of trees have been identified within the submitted surveys as offering potential roosting opportunities for bats. Given that the proposed layout will enable these tree specimens to be retained and having regard to the submitted mitigation/compensation, the favorable conservation status of the species will be maintained.

Habitats

The site exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds. The impacts of the layout of the proposed development upon the badger are significant so that a Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted ecological information and mitigation.

The proposed development site is likely to support breeding birds as well as provide badger habitat. The retention of the hedgerows within the proposed areas of open space (as ecological enhancement) will mitigate the impact of the development on breeding birds and badgers to some extent. The Council's Ecologist has queried the ecological buffer to the western boundary of the site and this has been addressed through submission of an amended plan.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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 allowing the outline application, the Inspector has already considered the relevant contributions and mitigation required to offset impacts relating to affordable housing, public open space and urban realm works. These were deemed necessary and reasonably related to the development and it is not the purpose of this reserved matters to revisit this. However, a formal deed of variation will need to be entered into to link the original obligation with this reserved matters.

Planning Balance

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure a formal deed of variation to original legal agreement.

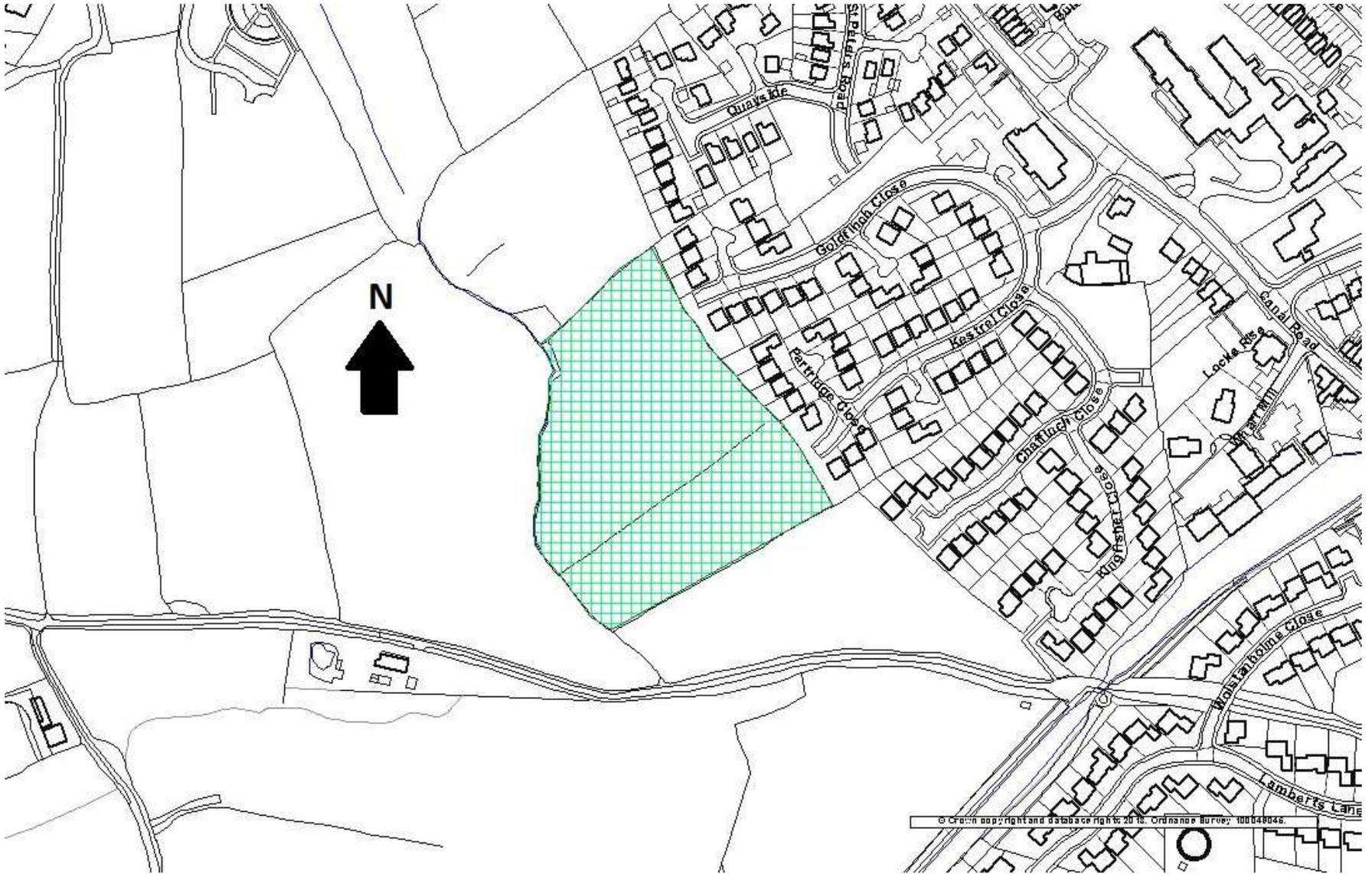
And the following conditions

1. Development to be carried out in accordance with approved / amended plans
2. Accordance with submitted ecology reports / mitigation / recommendations
3. Accordance with details of boundary treatments
4. Accordance with levels
5. Details of bin storage
6. Accordance with 5m buffer zone along watercourse
7. Removal of permitted development rights classes A-E (extensions and outbuildings)
8. Materials to be submitted and approved
9. Obscured glazing on selected plots
10. Removal of permitted development rights for openings on selected plots.
11. Accordance with updated arboricultural report
12. Accordance with Tree / hedgerow protection

* * * * *

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

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



Application No: 15/1545N

Location: Site of 2 and 4 Heathfield Avenue and 29, 29A and 31 Hightown, Crewe, Cheshire, CW1 3BU

Proposal: Construction of 9 houses and 5 apartments with associated parking and access provision

Applicant: Nick Morgan, R.G. Harris Ltd

Expiry Date: 02-Jul-2015

SUMMARY

The proposed development seeks to utilise a previously developed site within the settlement boundary for Crewe and therefore benefits from a presumption in favour of development under local plan policy RES.2 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Para 14 goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The proposed development would provide market housing to meet an acknowledged shortfall in a highly sustainable location which would be of social benefit. The proposal would also have economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. In environmental terms, the proposal would bring forward a redundant brownfield site therefore making efficient use of the land and would also improve the character and visual appearance of the area through redevelopment. The scheme is well designed and would provide a range mix of residential units which would be in keeping with the character of the area.

There would be a shortfall in parking provision and a shortfall in separation distances between some proposed units and neighbouring properties; however, owing to the town centre location and the context of the site within a 'tightly knit' area, the proposal would not be incongruous or harmful in these regards. The proposal would provide sufficient amenity for the new occupants. Together, the benefits of the scheme all translate to a proposal which is sustainable both in the environmental, economic and social sense and far outweigh any adverse impacts of the scheme.

The applicants have demonstrated general compliance with national and local guidance. On this basis, the application is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation to secure contributions towards local primary school places.

RECOMMENDATIONS

APPROVE subject to conditions & S106 Agreement

REASON for REFERRAL

This application is referred to the Southern Planning Committee as it is a small-scale major development.

PROPOSAL

This application seeks full planning permission for the erection of 9 houses and 5 apartments with associated parking and access provision at the site of '2 and 4' Heathfield Avenue and '29, 29A and 31' Hightown, Crewe.

SITE DESCRIPTION

The application site occupies a corner position at the junction where Hightown meets with Heathfield Avenue, Crewe. The site measures 0.17 ha in size and comprises a redundant brownfield site which previously accommodated a row of shops with lock up garages to the rear. The site has been cleared in recent years.

The surroundings are predominantly residential although there are some small scale retail and other commercial premises nearby.

The site is located within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

P09/0014 - Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure – Resolved to approve but then withdrawn 04-Oct-2014

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, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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:

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE 1 – Design
SE 2 - Efficient Use of Land
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Material considerations:

SPD2 – Development on Backlands and Gardens

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

Comments will be reported to Members by update.

Environmental Protection

No objections, subject to conditions / informatives restricting hours of piling; the prior submission of a piling method statement, construction hours, a scheme to minimise dust and contaminated land.

United Utilities – No objections, subject to conditions relating to foul water and surface water.

Education

No objection subject to a financial contribution towards primary school provision. This development of 10 dwellings with 2+ bedrooms is expected to generate 2 primary and 2 secondary aged pupils. There are insufficient places in the primary schools however there is capacity in the local secondary schools. The contributions required would be: 2 primary children x £11,919 x 0.91 x 2 = £21,692.58

REPRESENTATIONS

None

APPRAISAL

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- Education
- S106 contributions Levy (CIL) Regulations

Principle of Development

The site is located within the Crewe Settlement Boundary where Policy RES.2 of the adopted local plan allows for residential development on unallocated sites in Crewe. Accordingly, the principle of residential development on the site is acceptable under local plan policy subject to other material considerations. Such material considerations relate to whether the development represents a sustainable form of development, integral to which are considerations relating to the impact on the character and appearance of the area, highway safety, residential amenity and impacts on local infrastructure (in this case education).

Whilst the development would exceed the residential densities suggested by policy RES.3 this policy is out of date and is not consistent with The Framework - Para 214 of The Framework indicates that where policies have not been adopted under the Planning and Compulsory Purchase Act 2004 due weight should be given to policies according to their degree of consistency with The Framework. As this policy is not consistent, limited weight is afforded to it.

Locational Sustainability

The proposals seek to utilise previously developed land, inside the settlement boundary in close proximity to Crewe Town Centre, which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and in this regard adheres with para 14 of the National Planning Policy Framework (NPPF) which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. However, locational factors are all but one factor of sustainability and regard must be had to the social, economic and environmental roles of sustainability.

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 14 no. residential units within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed. As such, the proposal would bring social benefits in the form of market housing.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the street-scene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version largely support this local plan policy.

The application site occupies a prominent position at the corner where Hightown meets with Heathfield Avenue. The frontage with Hightown measures approximately 23 metres in length and would host a row of 4 mews properties with a three storey apartment block turning the corner and fronting both Hightown and Heathfield Avenue. To the side of the apartment block, along Heathfield Avenue, there would be vehicular access to a rear parking court. The remaining frontage to Heathfield Avenue would be given over to 5 mews properties which would be split up into 2 blocks. In terms of layout, the proposed development would provided active frontages to each street and would follow the general pattern of development in the area, which is characterised by a Victorian / Edwardian 'grid-iron' pattern.

In terms of treatment of the elevations, the proposed mews properties would be two-storey with accommodation in the roof space. They would be of simple and modest proportions and would include architectural details such as recessed porches, bay windows, chimney details and contrasting brick cills and headers. This would make for an attractive scheme which would be similar in character to the Victorian / Edwardian style properties which characterise Heathfield Avenue in particular.

With respect to the proposed apartment block, this would be three-storey in height and would turn the corner with feature full height glazing and a roof form that would ease the transition with the adjoining proposed mews properties. In the vicinity of the site, there are a number of three storey elements and as such, the scale and general design of the apartment block would not appear

incongruous in the area. The application is considered to be acceptable in design terms and would improve the appearance of the area by redeveloping an existing brownfield site that fails to enhance the quality of the area in its present vacant state.

Residential Amenity

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

The main consideration in respect of amenity is direct overlooking between the proposed units and neighbouring properties. The proposed units fronting Hightown would achieve a separation of 15 metres with the front elevations of no.s 42-38 (inclusive) Hightown. This would be reduced to 14 metres between the proposed units and those nearest properties on Heathfield Avenue.

Whilst this falls below the minimum separation expected between main elevations, this is consistent with the existing terraces along Heathfield Avenue. As these properties co-exist without detriment to the amenities of occupants it is considered unreasonable to impose greater separation distances in this location given the established tight knit pattern of development within the locality. Furthermore, it is important to note that there was resolution to approve a scheme for 27 residential units at this site with similar separation distances. As such, it is not considered that refusal could be sustained on this basis.

With respect to the properties at the rear, and the relationship between the proposed units themselves, separation distances would be met and would not therefore result in direct overlooking.

The proposed development would not result in loss of light to neighbours by virtue of visual intrusion or the orientation and location of buildings. The site is located in an inner urban location where development densities are high. This development is consistent with the character of the area and would not significantly adversely impact upon neighbouring levels of amenity.

Highways

Vehicular access to the site is to be taken from Heathfield Avenue in the approximate position of an existing dropped kerb access. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the access arrangements are acceptable. However, the HSI has expressed concern about the level of parking provision. According to parking standards, the proposed development would be expected to provide 24 no. spaces.

The application has been amended to provide 18 no. parking spaces (previously 16). Whilst this would result in 6 spaces less than the level desired by the parking standards, it is important to note that the site is well located close to the town centre. The proposal would take advantage of the town centre facilities and would benefit from the opportunities to use sustainable means of transport. Further, owing to the small size of some of the units (1 bed apartments), car ownership will not be as high. As such, as amended, it is not considered that the proposed parking provision would sustain a reason for refusal in this case.

Education

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 14 units is expected to generate 2 primary and 2 secondary aged children. The Council's Education Department has confirmed that there are insufficient primary school places in the local vicinity to absorb the 2 primary aged children generated by this development as well as other developments which have been approved. There is sufficient capacity within the local secondary schools. In order to offset the deficit at primary level, the development would need to provide financial contributions towards the local primary schools to facilitate additional school places. This should form part of a s106 agreement.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Council's Education Department have advised that the proposed development will need to address a shortfall of primary school places. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, this would serve as negative impact and are directly and reasonably related to the scale of development and is necessary to help meet an identified need.

Planning Balance

The proposed development seeks to utilise a previously developed site within the settlement boundary for Crewe and therefore benefits from a presumption in favour of development under local plan policy RES.2 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Para 14 goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The proposed development would provide market housing to meet an acknowledged shortfall in a highly sustainable location which would be of social benefit. The proposal would also have economic benefits in terms of jobs in construction, spending within the construction industry supply

chain and spending by future residents in local shops. In environmental terms, the proposal would bring forward a redundant brownfield site therefore making efficient use of the land and would also improve the character and visual appearance of the area through redevelopment. The scheme is well designed and would provide a range of residential units which would be in keeping with the character of the area.

There would be a shortfall in parking provision and a shortfall in separation distances between some proposed units and neighbouring properties; however, owing to the town centre location and the context of the site within a tight knit area, the proposal would not be incongruous or harmful in these regards. The proposal would provide sufficient amenity for the new occupants. Together, the benefits of the scheme all translate to a proposal which is sustainable both in the environmental, economic and social sense and far outweigh any adverse impacts of the scheme.

The applicants have demonstrated general compliance with national and local guidance. On this basis, the application is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation to secure contributions towards local primary school places.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

- **£21,692.58 commuted sum towards education**

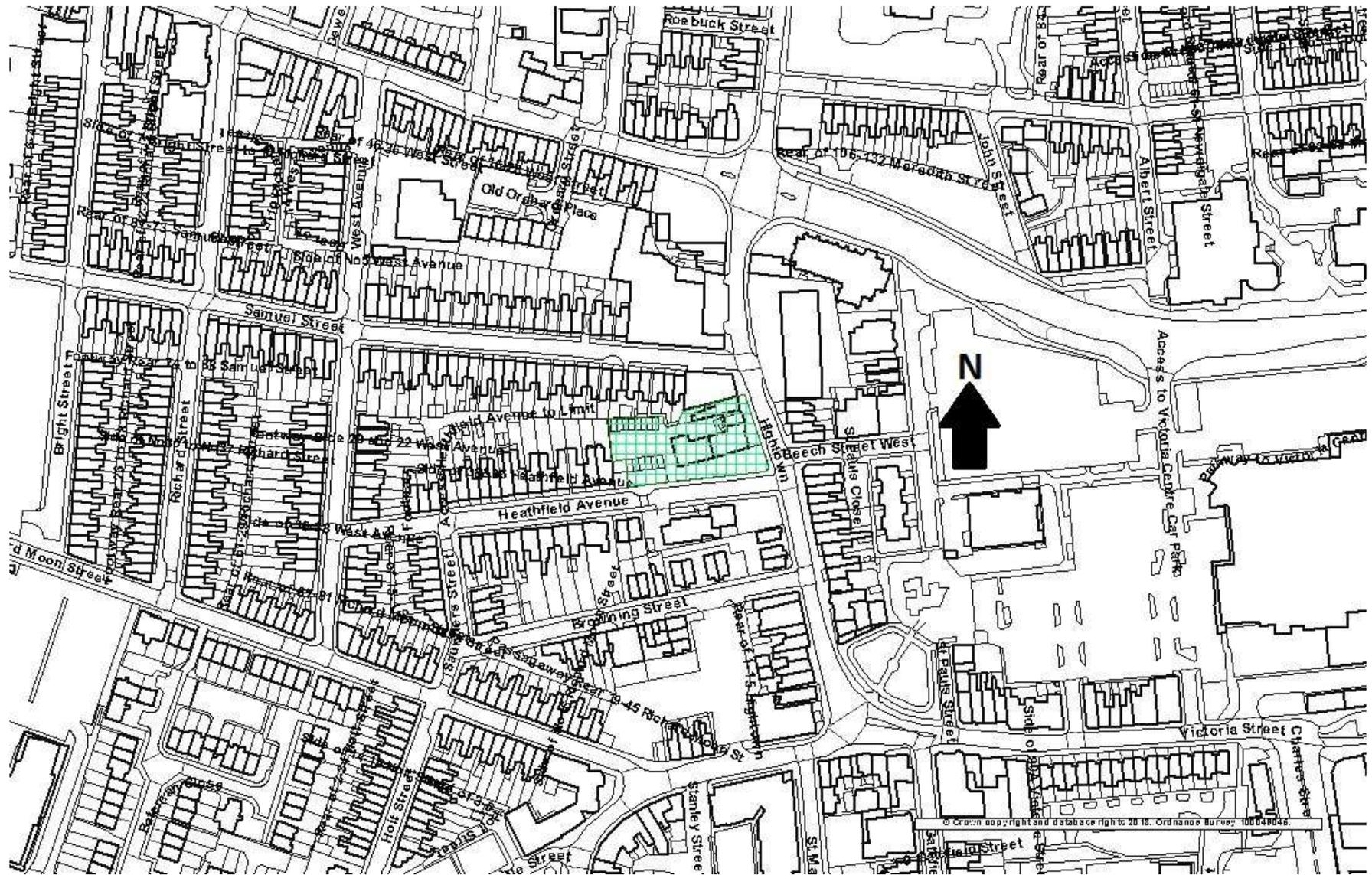
And the following conditions

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Submission of contaminated land report
4. Submission / approval and implementation of environmental management plan
5. Piling method statement to be submitted Limited
6. Submission / approval and implementation of scheme to minimise dust emissions
7. Drainage – scheme for foul drainage submitted to and approved
8. Drainage - scheme for surface water drainage submitted to and approved
9. Construction of approved access
10. Materials to be submitted and approved
11. Landscaping scheme to be submitted including boundary treatments
12. Landscaping implementation
13. Parking to be provided as per approved plan prior to first occupation
14. Removal of permitted development rights Classes A-E for mews properties
15. Provision of cycle parking
16. Provision of 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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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



Application No: 15/2783N

Location: ADJ 16, HUNTERSFIELD, SHAVINGTON, CW2 5FB

Proposal: Variation of Condition 3 on Application 14/2082N - 2 no. semis and 2 no. detached houses and ancilliary works- resubmission of 14/0183N

Applicant: Renew Land Developments Ltd

Expiry Date: 11-Aug-2015

SUMMARY

The proposal is considered to be acceptable in principle, given the acceptability of development on the site has already been established under previous approved application 14/2082N and the allowed appeal under 14/0183N.

The proposal is considered to be acceptable in terms of its impact on residential amenity and its design and layout would respect the character and appearance of the surrounding area.

The proposal would not detrimentally impact on existing levels of highway safety and the proposed landscaping is considered to be acceptable subject to conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL:

The proposal is for the variation of condition 3 (plans) attached to approved application 14/2082N, granted on 18th January 2015.

The application involves revising the site layout to involve the alteration of the site access and parking layout, the reconfiguration of Plots C3 and C4 and a change in external appearance to the dwellings.

It should be noted that a portion of land to the west of Plot C3 has been omitted from this application, given there is a neighbouring dispute ongoing. The land still forms part of the application site as a whole, as demonstrated on the submitted Site Location Plan.

SITE DESCRIPTION:

The application site is a portion of land which forms part of the Shavington/Wybunbury triangle which benefits from outline planning permission for up to 365 no. new dwellings. The site is located immediately south of Huntersfield which is a relatively modern close of dwellings located south of Newcastle Road.

RELEVANT HISTORY:

14/2082N - 2 no. semis and 2 no. detached houses and ancillary works- resubmission of 14/0183N. Approved 18th January 2015.

14/0183N – 4 detached houses and ancillary works – Refused 24/4/14. Appeal Allowed 24/9/14. (Full costs awarded to the appellant against Cheshire East Council)

12/3114N – Outline Application for Residential Development of up to 360 Dwelling, Local Centre of up to 700 sq m. Etc – Approved 23/01/14

P95/0310 - 4 detached dwellings – Refused (Restraint Policy and Proximity to Rear elevations) 01/06/95

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

17, 49 & 55

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open Countryside

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

TRAN.9 – Car Parking Standards

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 PG 5 - Open Countryside

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy SE 1 – Design

Policy SE 4 - The Landscape

Policy CS 6 – The Shavington/Wybunbury Triangle

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highway Authority: No objection.

Environmental Health: No objection.

CEC Drainage: No comments received at the time of writing.

United Utilities: No comments received at the time of writing.

View of the Parish/Town Council:

Shavington Parish Council:

Comments submitted in regards to previous application 14/2082N remain unchanged. Object to the proposal based on impacts in terms of privacy and overlooking into neighbouring properties, removal of a hedgerow prior to the submission of a formal application, removal of land which would create a buffer between the approved Shavington/Wybunbury Triangle and access into the site needs to be investigated.

Wybunbury Parish Council:

No comments received at the time of writing.

REPRESENTATIONS:

16 representations received, objecting to the proposal.

Concerns raised include increased noise and light pollution, adverse impact on the existing drainage system, increased traffic, adverse impact on the existing character and appearance of the area, adverse impact on overlooking and overshadowing, incorrect plan showing proposed access road, inadequate vehicular access and parking, damage to the existing hedgerow and wildlife.

OFFICER ASSESSMENT

Principle of Development

The principle of development has already been established under the previous application 14/0183N for 4 no. detached houses and ancillary works, which was allowed on appeal on 24th September 2014. A subsequent application under 14/2082N to amend the layout of the approved scheme was granted on 18th January 2015.

The application site also forms part of the Shavington/Wybunbury Triangle which, under Policy CS 6 of the emerging Cheshire East Local Plan Strategy, the site forms part of a wider allocated site for 350 no. dwellings including retail provision.

In taking the above into account, the principle of development is considered to be acceptable.

Character and Appearance

The revised site layout would involve the removal of the turning head upon entrance into the site and reconfiguration of the parking layout and Plot C3.

The proposal for 4 no. two storey dwellings with integral garages, private driveways and front and rear gardens would be commensurate to the plot size and the revised layout would not appear cramped, sitting comfortably within the sites parameters.

The re-siting of Plot C3 would not appear discordant in the context of its position directly adjacent to No 16 Huntersfield and would result in a natural continuation of the existing building line which extends directly north of Plot C3.

Proposed principal windows would face onto the access road providing natural surveillance and active frontages.

It is considered that the appearance of the dwellings broadly reflect those which have been previously approved under 14/2082N, with retained features such as pitched roofs, chimneys and bay windows.

Planting including the retention of existing hedgerows and proposed new hedgerows along the site boundaries would help to soften the impact of the development, as would varying surface materials. Landscaping details would be secured by condition.

Overall, the scale and design of the proposed development is considered to integrate with the established character and appearance of the locality.

Residential Amenity

Separation distances between existing neighbouring properties and the proposed dwellings is considered to be appropriate in the context of the Authorities guidance on spacing standards within the 'Development on Backland and Gardens' SPD.

Plot C3 is sited in the western end of the plot, in a similar position to the dwellings allowed on appeal under application 14/0183N to which the Inspector concluded that impacts on existing levels of residential amenity to the adjacent property at No 16 Huntersfield was considered to be acceptable.

This is in the context that the existing window and door to the ground floor of the side elevation are considered to be secondary and the angle of overlooking into the rear garden is considered to be relatively acute and not uncommon in this type of residential development. The first floor side window to Plot 16 is an obscure glazed bathroom window.

The distance between the bay window serving the family room to Plot C3 to the rear principal window and door serving the kitchen and family room to Plot C4 would measure 20.2m. This is considered to be acceptable given the plots would be off-set from one another and in the context of the proposed boundary treatment running between both plots, which is indicated as a 1.8m high timber fence as well as some tree planting.

It is acknowledged that the rear (west) elevation of property C3 would be sited approximately 1.5m from the rear boundary fence. However, the property has been design to have a dual aspect style elevational treatment, with adequate sized windows and doors also positioned on the side (southern) elevation of the property, to which serve principal rooms. This is considered would help to mitigate against any overbearing or overshadowing impacts the fence would have on ground floor principal windows, to the rear of the property, particularly in the context of the adequately sized side garden serving the plot.

The submitted floor plan shows an open plan dining and living room serving Plot C3, to which the living room is served by a large principal window to the east. This would further help to mitigate against any loss of light to the dining room, in the context of the door sited to the rear elevation, to which it serves.

Proposed gardens and amenity space would exceed the Authorities recommended area of 50m², as set out in the 'Development on Backland and Gardens' SPD, accommodating basic amenity requirements.

Boundary fencing would help to provide screening between plots and defensible boundaries. Existing and proposed hedgerows would further soften the impact of the development and would provide clear delineation between the application site and adjacent properties.

Given the confines of the site, it is considered appropriate to attach a condition for the removal of permitted development rights.

Environmental Health raises no objections to the revised layout.

The proposed development would be in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Access and Parking

The revised site layout has removed the previously approved turning head and provision of parking bays, which were originally sited towards the east of the site.

The revisions are considered to be acceptable and the proposal would accord with the Authorities Maximum Car Parking Standards.

Highway Authority raises no objections.

The proposal would accord with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011.

Landscaping

The proposed hawthorn hedge would extend along the complete length of the southern boundary which would help to achieve an appropriate landscaping treatment between the application site and adjacent field.

Proposed landscaping and boundary treatments would be secured by condition.

The proposal would accord with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011.

Ecology & Trees

The Biodiversity Officer confirmed in the previous application that the proposal would be unlikely to have an adverse impact upon the features for which Wybunbury Moss was designated. The extent of the application site remains the same as the previous application and it is considered therefore that the same conditions would apply for this application which would include provision for breeding birds and roosting bats.

Comments made under 14/0183N in regards to trees are applicable to this application. Landscaping conditions are recommended to secure site enhancement.

Planning Balance

In the context of the site history and this application to vary condition 3 of approved application 14/2082N, the principle of development is considered to be acceptable.

The revised site layout and appearance of the proposal is considered to be acceptable and would not result in adverse impacts on existing and proposed visual or residential amenities, sufficient to warrant refusal of the application.

The proposal would be acceptable in terms of highway implications.

Conditions to secure boundary treatments, landscaping, provision for nesting and breeding birds are considered to be appropriate.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard time 3 years**
- 2. Plans**
- 3. Materials**
- 4. Landscaping Scheme**
- 5. Implementation of Landscaping Scheme**
- 6. Boundary Treatments**
- 7. Removal of P.D Rights**
- 8. Hours of Construction**
- 9. Nesting Bird Survey**
- 10. Breeding Birds**

* * * * *

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

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



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Application No: 15/2232C

Location: LAND AT, MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CHESHIRE, CW12 3LQ

Proposal: Full planning application for the erection of 10 no. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure.

Applicant: Elan Homes Ltd

Expiry Date: 14-Aug-2015

SUMMARY:

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development. There is also an extant approval for a 52 apartment block on the site, which would have a much greater impact than the proposed 10 residential dwellings.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape, trees and design.

RECOMMENDATION:

Approve subject to conditions and a s106 Agreement to secure payment for off site tree planting.

PROPOSAL

Full planning permission is sought for the erection of 10 dwellings, with associated garages, car parking, landscaping, means of access and associated infrastructure. Access would be taken from Biddulph Road using a one-way entry/exit arrangement, leading to a main spine road to serve the dwellings.

SITE DESCRIPTION

The site previously housed the dwelling known as Mossley House, which has now been demolished in line with the approval of previous planning applications (09/1127C & 11/3695C). It is located on Biddulph Road approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha.

The site contains many mature trees around the edge and to the front, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge'. There are two other disused access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

The site is located within a residential area, characterised mainly by detached single storey and two-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

RELEVANT HISTORY

11/3695C Approval for C2 residential accommodation with care comprising 52 apartments

09/1127C Approval for demolition of Mossley House and erection of C2 residential accommodation comprising 43 apartments

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

PS4 – Towns
H1 & H2 – Provision of New Housing Development
H4 – Residential Development in Towns
H13 – Affordable and Low Cost Housing
GR1 – New Development
GR2 – Design
GR3 – Density, Housing Mix and Layout
GR4 – Landscaping
GR6 – Amenity and Health
GR7 – Pollution
GR9 - Accessibility, Servicing and Parking Provision
GR22 – Open Space Provision
NR1 – Trees and Woodlands
NR2 – Statutory Sites
NR3 - Habitats

SPG1 – Provision of Public Open Space in New Residential Development
SPG2 – Provision of Private Open Space in New Residential Developments
SPD14 – Trees and Development

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:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SC 4 Residential Mix
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG6 Spatial Distribution of Development
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

The Head of Strategic Infrastructure (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 subject to conditions and an informative.

Environmental Protection:

No objection subject to conditions and informatives relating to noise and disturbance, contaminated land and electric vehicle charging points.

United Utilities:

No objection subject to conditions relating to foul and surface water drainage.

Town Council:

No objection.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. One supports the application subject to ecology and tree issues. The other objects to the development on the grounds of loss of privacy and property price depreciation.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, 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.

ENVIRONMENTAL SUSTAINABILITY

Trees and Hedgerows

The site is covered by two Tree Preservation Orders (Congleton Borough Council (Henshall Hall) Tree Preservation Order 1978 (Group G10) and Congleton Borough Council (Congleton – Henshall Hall No.2) TPO 1995 (Group G3 and Woodland W1)

Originally the proposal was for 12 dwellings on the site. However, due to the significant constraints that trees on the site present, this was revised down to 10 dwellings. This was due to issues posed by existing trees with regard to shading, low daylight and sunlight levels and private amenity space.

The revised layout provides for an improved relationship in terms of Plots 1 to 5 and the TPO trees to the northern east boundary and Plot 7 has been revised to provide an improved relationship to the protected Sycamore (T7), providing a distance of 12 metres on a north facing aspect, which is considered to be acceptable. Some pruning of the crown of a protected Lime tree (T8) will be necessary to provide a 2 metre clearance from the garage of Plot 7, to allow for construction space and it is not considered that this would be detrimental to the health of the protected tree.

There is a proposed no-dig method to be used for the access off Biddulph Road and a detailed Construction Method Statement should be secured by condition. In addition, the access must be completed prior to any other development taking place on the site, to ensure protection of the trees.

Following discussions with the Principal Forestry and Arboricultural Officer, it has been agreed that there is not sufficient space for large canopy planting along the north east section of the site. As such it has been agreed with the developer that a commuted sum of £5,000 will be provided for off site planting within the immediate area to compensate for tree loss. This should be secured by a legal agreement and the developer has offered to submit a Unilateral Undertaking to secure this. At the time of report writing it has not been possible to discuss this with the Legal Section of the Council and an update will be provided to clarify this matter prior to the meeting.

Subject to conditions and the delivery of the commuted sum for off-site planting, the proposal is considered to be acceptable in terms of impact on trees and in accordance with Policy NR1 of the adopted local plan.

Ecology

The ecological field work undertaken to inform the submitted assessment was undertaken in January a very poor time of year to undertake assessments of this type. However, considering the nature of the habitats present on site this does not present a significant constraint on the assessment of the sites nature conservation value.

The desk top survey undertaken as part of the submitted assessment has failed to identify Dane in Shaw Brook Meadows Local Wildlife Site which is located 120m north of the application site. However, it is considered that the proposed development is not likely to have a significant adverse impact upon this designated site.

No evidence of protected species activity was recorded on site during the latest survey. Some limited evidence of activity was previously recorded on site during earlier ecological appraisals. The reduction in activity may reflect the clearance works undertaken on site.

A number of bat boxes were previously attached to trees on site to mitigate for the loss of a bat roost associated with the previously demolished buildings. One of these bat boxes was identified as supporting an active roost in 2011. The submitted ecological appraisal states that the tree with bat boxes attached would be retained as part of the proposed development. The precise location of the bat boxes is not provided with the ecological assessment however the submitted tree survey identifies two trees (Tree 43 and 45) with 'objects' attached to them which relates to the bat boxes.

A record for White Letter Hairstreak was provided 100m north of the site. The absence of Elm trees probably means that the development site is not important for this species. However, it is recommended that English Elm of a suitable type is included in the landscaping of the site to enhance the habitat of this species.

The Common Toad, which is a local BAP species and hence a material was previously recorded as breeding at a pond near to the proposed development however it appears unlikely that that proposed development will have a significant adverse impact upon this species.

If planning consent is granted it is recommended that the conditions are imposed to safeguard nesting birds.

Design & Layout

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

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

The proposed dwellings would be of a traditional design with gable features, some bay windows and a variety of finishes including red brick, off-white render and grey concrete roof tiles. Both the design and finish of the proposed dwellings would be appropriate in the context of the site and in keeping with the character and appearance of the site.

The layout is largely dictated by the constraints that protected trees on the site present and following the submission of the revised layout and reduction in the number of dwellings, it is considered that the layout is now acceptable.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

The site is considered to be in a sustainable location, a number of facilities are within reasonable walking and cycling distance of the site including the town centre of Congleton which offers sustainable access to a range of retail and leisure facilities; and employment opportunities. There are a number of bus stops within reasonable walking distance of the site and Congleton railway station is within the maximum recommended walking distance of 800m to a fixed public transport node providing sustainable access to a range of local and regional destinations.

The internal layout of the site has been reviewed and is considered suitable for a development of 10 dwellings, furthermore, vehicle swept path analysis has been submitted to demonstrate that a large refuse vehicle can serve the site safely.

The proposed pedestrian and vehicular access arrangements for the site are the same as those submitted for the two previously consented planning applications i.e. separate points of one-way access and egress; although, the access proposals associated with this application have a minor amendment to ease access to the site for a refuse vehicle.

A development of up to 10 dwellings would be expected to generate less than 10 two-way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI is therefore satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions relating to the access and an informative relating to a s278 Agreement.

Air Quality

The cumulative impact of a number of developments in the area (regardless of their individual scale) has potential to significantly increase traffic emissions, change the character of traffic in an area, increase HGV movements and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. As such a condition should be imposed requiring electric vehicle charging points to be provided to all the dwellings.

ECONOMIC SUSTAINABILITY

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’

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 Congleton, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The site is within walking distance of Congleton Station and bus services, and Congleton offers a wide range of essential facilities and the development would contribute to the supply of housing in the local area.

Affordable Housing

The proposal is for less than the threshold for a requirement for affordable housing, therefore no affordable housing should be sought within the development.

Residential Amenity

The proposal is for 10 detached dwellings on this site. The required separation distances of 21.3m between principal elevations and 13.7m between principal elevations and flank elevations would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy or light levels.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Following the submission of the revised layout, it is considered that there would no longer be issues of overshadowing of gardens and properties by existing trees within the site.

Should the application be approved a condition should be imposed relating to piling operations.

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. There is an objection on the grounds of loss of privacy, however the proposed development would meet all the required separation distances. In addition there is already approval for a block of 52 apartments on the site and this proposed development would have a significantly lower impact. The matter of property prices is not a material planning consideration.

S106 Contributions:

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, replacement tree planting to mitigate for the loss of some trees within the site is necessary, directly related to the development and fairly and

reasonably related in scale and kind to the development. It would help to make the development sustainable and is a requirement of Policy NR1 an Supplementary Planning Document No.14: Trees and Development.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development. There is also an extant approval for a 52 apartment block on the site, which would have a much greater impact than the proposed 10 residential dwellings.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape, trees and design.

RECOMMENDATION

Approve subject to the completion of a s106 Agreement to secure £5,000 for the provision of off-site, replacement tree planting and the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with details submitted with the application**
- 4. Retention of trees identified for retention within the site**
- 5. Submission of tree and hedgerow protection measures**
- 6. Submission of a Construction Method Statement for the no-dig access off Biddulph Road**
- 7. Submission of a tree pruning/felling specification, including a 10 year management plan for the protected woodland fronting Biddulph Road**
- 8. Submission of an Arboricultural Method Statement**
- 9. The proposed access off Biddulph Road shall be constructed in accordance with the agreed specification (condition 6) and constructed prior to the commencement of any other development on the site**
- 10. Submission and approval of a Construction Management Plan including a construction compound within the site**
- 11. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 12. Submission of an updated Remediation Strategy for contaminated land**
- 13. Provision of electric vehicle charging points for each dwelling**
- 14. Breeding bird survey for works in the nesting season**
- 15. Submission of details of features suitable for use by breeding birds including Sparrows and Swifts for inclusion within the site**
- 16. Submission of details of bat boxes for inclusion within the site**

Informatives:

1. It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

2. The developer will be required to enter into section 278 agreement of the Highways Act 1980 with the Highway Authority for the proposed works (illustrated in ashleyhelme drawing number 1087/SP/04 rev A but revised to include pedestrian crossings as conditioned above) that are within the existing highway boundaries.

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) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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Application No: 15/3336N

Location: ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE, CW2 5ED

Proposal: Removal of condition 10 (Dwelling Type) on approval 15/0482N - Outline application for 3-4 bedroom detached dwelling with access from existing private driveway.

Applicant: Mark Beeston

Expiry Date: 16-Sep-2015

SUMMARY:

Outline consent was approved by Southern Planning Committee on 10th June 2015 (15/0482N) and Members added an extra condition, in addition to those recommended in the report, restricting the reserved matters application to being only for a bungalow.

The proposed dwelling would be sited in excess of the 21m required separation distance from the nearest residential property and number 50 Stock Lane is also a two storey dwelling.

It is therefore considered that this condition is not '*necessary*', and as such would fail to adhere to the conditions tests within paragraph 206 of the National Planning Policy Framework. As such the condition should be removed.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This is an application for the removal of condition 10 on planning application 15/0482N which is as follows, '*Notwithstanding any details submitted with this application, the reserved matters application shall be for a bungalow or dormer bungalow.*'

The original application was for the erection of one detached dwelling with all matters reserved apart from access.

The **indicative** layout showed a detached dwelling in the centre of the plot with a detached garage and the Design and Access Statement refers to a '*detached single or two storey dwelling of 3 or 4 bedrooms*'.

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Shavington. It is an area of garden land to the rear of a linear form of development along Stock Lane. The housing fronting Stock Lane, adjacent to the site comprises largely bungalows and number 50 is a two storey dwelling.

RELEVANT HISTORY

15/0482N Outline approval for a detached dwelling

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraph 206.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.3 – Housing Densities

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:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity

SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

CONSULTATIONS:

Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

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

At the time of report writing 3 representations, including one from the local ward councillor, have been received which can be viewed on the Council website. They express several concerns including the following:

- Impact on the amenity of the occupiers of 46 and 48 Stock Lane
- Overdevelopment
- A two-storey dwelling would be out of keeping
- Loss of privacy
- Overlooking
- Loss of outlook
- Drainage issues
- It should be a bungalow

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

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

Outline approval for a detached dwelling was granted by Southern Planning Committee in June 2015, subject to 10 conditions.

Condition 10 of the permission stated:

'Notwithstanding any details submitted with this application, the reserved matters application shall be for a bungalow or dormer bungalow.'

Reason: In the interests of amenity in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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

The applicant is seeking to remove this condition. The principle of the erection of a dwelling on this site has therefore been established and the main issue is whether this condition meets the tests for a condition as set out in the NPPF.

Residential Amenity

The reason given for the condition was residential amenity. The Crewe and Nantwich Borough Council Supplementary Planning Document relating to infill and backland development recommends a minimum separation distance of 21m between principal elevations and 13m between and principal and a flank elevation for 2 storey properties.

The separation distance between number 48 Stock Lane and the proposed dwelling would be in excess of 25m and therefore there would be no significant adverse impact on residential amenity caused by the proposed development.

It is acknowledged that the properties in front of the site, facing Stock Lane are bungalows. However it is not considered, given the separation distances between them and the approved new dwelling, that a restricting any development to being a bungalow is either reasonable or necessary.

Furthermore, as this application relates to an outline planning application and the scale of the development is yet to be agreed. This issue would be considered under further reserved matters applications or via a new full planning application and would remain within the control of the Council, even if the condition were removed.

Given that such matters are not for consideration at this stage of the application process, and given that there be a separation distance well in excess of the required 21m, between the proposed dwelling and the closest neighbouring properties, it is not considered that this condition is *'necessary'* and as such, would fail to adhere with the conditions tests within the NPPF.

There were no design reasons for the inclusion of this condition.

As such, it is considered that this condition is unnecessary and its removal recommended.

Response to Objections

Councillor Clowes has put forward that the condition should be retained due to the impact on residential amenity and because it would adhere to the design principles of the outline approval

for development on 'Shavington Triangle' (12/3114N). However the condition requiring only bungalows adjacent to properties on Stock Lane (14/1160N), was removed by Strategic Planning Board in August 2014 as it was not considered to be necessary on an outline application where these issues would be dealt with at reserved matters stage.

The issues raised by the other two objectors relate to the principle of allowing a dwelling on the site and this was established when Southern Planning Committee approved the previous application (15/0482N). This application does not present an opportunity to revisit that issue.

Conclusion – The Planning Balance

Outline consent was approved by Southern Planning Committee in June 2015 and Members added an extra condition, in addition to those recommended in the report, restricting the reserved matters application to being only for a bungalow.

As this application relates to an outline planning application and the scale of the development is yet to be agreed. This would be considered under further reserved matters applications or via a new full planning application.

The proposed dwelling would be sited in excess of the 21m required separation distance from the nearest residential properties and number 50 Stock Lane is also a two storey dwelling. It is therefore considered that this condition is not '*necessary*' and as such would fail to adhere to the condition tests within paragraph 206 of the NPPF.

Therefore the condition should be removed.

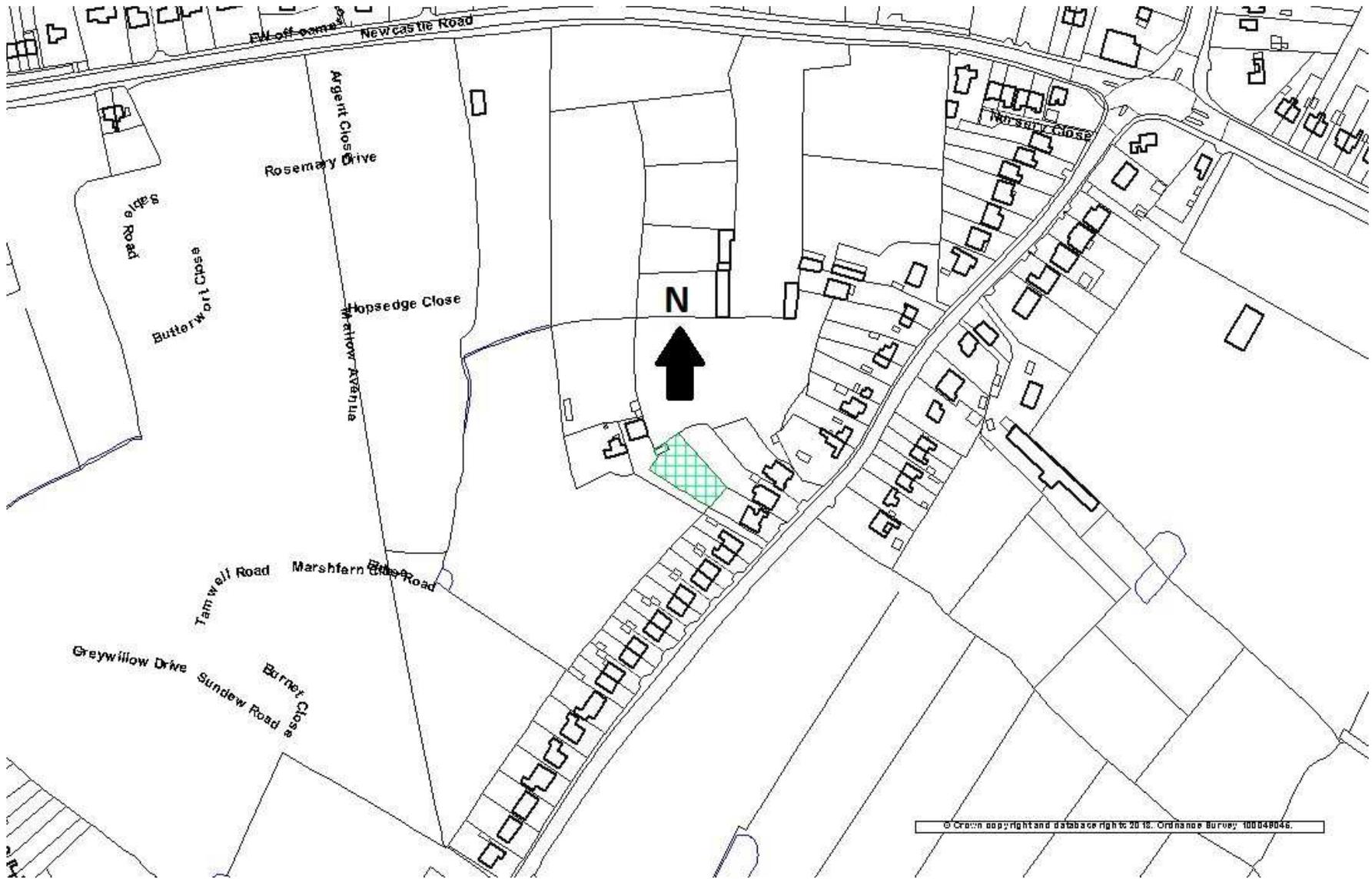
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 6. Reserved matters to include details of any external lighting.**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree and hedgerow protection measures**
- 9. Breeding bird survey for works in the nesting season**

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) has delegated authority to do so in consultation with the Chairman of the Southern Planning

Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 15/2776C
Location: 26, ELTON ROAD, SANDBACH, CW11 3NE
Proposal: Rear extension and first floor enlargement
Applicant: Mr & Mrs C & E Shawcross
Expiry Date: 11-Aug-2015

SUMMARY

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the existing dwellinghouse, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Wait for the following reasons:

'Loss of privacy, sunlight and daylight, visual intrusion. GR6 of the Congleton Borough Local Plan 2005'

Prior to committee on the 5 August 2015 Cllr Wait has visited the site and has made further comment withdrawing the call in on grounds that residential amenity would not be significantly impacted. Following the approval of the original call in the application is to be determination by committee.

The application was deferred at Southern Planning Committee on the 5 August 2015 due to inaccuracies in the site plans and a request for a committee site visit to be undertaken. The applicant has now provided updated plans showing a revised block layout of neighbouring property no. 28 Elton Road.

DETAILS OF PROPOSAL

This application seeks householder planning permission for the erection of two storey rear extension and first floor enlargement / raising of existing building to be finished with cream render with white uPVC windows under a tiled roof.

The proposal would raise the existing dwelling by 0.8 – 2 metres to form a second storey with a maximum ridge height of 7.8m and maximum eaves height of 4.6 metres. In addition to the first floor extensions the proposal incorporates both front and rear two-storey extensions to the original floor plan and a front porch. The rear extension would project approximately 3.3 metres, measure 7.6 metres in width and would be tied in with the first floor extension. The front extension would project approximately 1.7 metres, measure 3.3 metres in width and would be tied in with the first floor extension with front facing dormer window.

SITE DESCRIPTION

The application unit is a single-storey, detached dwelling, situated on Elton Road, within the Sandbach Settlement Zone Line.

The property has a brick finish, a dual-pitched tiled roof and white uPVC fenestration.

The site is not located within a Conservation Area and is not a Listed Building.

RELEVANT HISTORY

None Relevant

NATIONAL & LOCAL POLICIES

National policy

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

Of particular relevance to this application are paragraphs; 17 (Core planning principles) and 56-68 (Good design).

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan 2005.

The relevant Saved Policies are:

PS4 Towns
GR6 (Amenity)
GR1 (New Development)
GR2 (Design)
GR9 (Access and Parking)

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:

SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS

Brine board: No objection subject to the inclusion of informative

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council: No Objection

Councillor Wait: Following site visit no longer holds an objection to the proposal.

OTHER REPRESENTATIONS

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

Neighbour comments have been received raising objection to the proposal on the grounds of the following reasons:

- Loss of residential amenity
- Loss of privacy
- Loss of natural daylight.
- Design
- Inaccuracies in plans and statement

Neighbour comment has also been received in support of the proposals on the grounds that there would be adequate spacing of the property and the finish would be acceptable.

(A full record of received comments can be found on the Cheshire East Borough Council web site)

APPRAISAL

The key issues are:

- The principle of the development
- The impact upon neighbouring amenity
- The impact of the design

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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;

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

Environmental Role

Design

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Whilst the overall footprint of the dwelling would not be greatly increased in area the proposed development would significantly increase the volume. Therefore the scale and height of the dwelling would change from a modest single storey bungalow to a four bed two storey dwelling with an overall height of 7.4 metres to the proposed highest part of the roof line.

The proposed extensions would create a dwelling of a scale and form not dissimilar to nearby properties. In addition it is considered that the design and form of the proposals with lower height facing gables to the front elevation which would sit approximately 1.3 metres below the main ridge line and a lower eaves height of 3.2 metres, would help reduce the impact of the scale and massing of the proposed extensions when viewed from the street scene.

It is advised within the planning statement that the proposed extensions would be finished with cream render walls, a pitched tiled roof and uPVC fenestration. There is a variety of building forms and finishes within the vicinity including the use of render finish, it is considered that the proposed choice of materials and external design features would not appear in discord to the locality, it is therefore considered that the proposed choice of materials would be acceptable.

As a result of the above, it is considered that the proposed extensions would be sympathetic to the form of the site and surrounding area and would adhere with Policy GR2 of the Local Plan, and that the proposed development would be considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of an extension would bring the usual but limited economic benefit to the closest shops in nearby Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light or visual intrusion.

The Location of the proposed extensions would mean that both neighbouring properties no. 24 and no. 28 Elton Road have the potential to be impacted.

Representations have been received raising concerns over loss of privacy and daylight to neighbouring properties and inaccuracies in the plan with relation to the rear elevation of no. 28 Elton Road.

Neighbouring property no. 24 Elton Road is significantly set forward from the front elevation of no. 26 Elton Road and nearest side elevation is located approximately 7.5 metres from the NW elevation of no. 24 Elton Road, and is separated in part by a detached garage to the rear. The proposal would include two first floor side elevation windows facing no. 24 Elton Road, it is considered that should approval be granted any overlooking impacts from these windows would be mitigated by the attachment of a condition for obscure glazing to be used on all first storey side elevation windows. With regards the potential loss of light and outlook it is considered that the orientation of no. 24 Elton Road and separation distances would mitigate any significant loss of residential amenity.

Neighbouring property no. 28 Elton Road has a side elevation approximately 4.3 metres from the eastern side elevation of no. 26 Elton Road, and is separated by 1.8 metre close board fence. Concern has been raised regarding the loss of outlook and light and that the plans do not accurately show the rear elevation of no. 28 Elton Road. Following the deferral of the decision at Planning Committee held on the 5 August 2015, revised plans have been submitted by the applicant showing the relationship of the proposals with the rear elevation of no. 28 Elton Road.

From the revised plans and following the previously held site visit the case officer remains satisfied that the proposed rear extension would not project so far as to cause significant loss (not cut within 45 degrees of the south facing window) of light and outlook to neighbouring property no. 28 Elton Road. With regards side facing windows of no. 28 Elton Road it is noted that they only serve non principle rooms and therefore would not be considered to be adversely impacted.

Concern has ben received relating to loss of privacy from overlooking into rear gardens by the inclusion of two Juliette balconies on the first floor rear elevation. It is considered that as the proposed openings would cause no more significant impact than normal full height windows and therefore is considered acceptable.

As a result of the above reasons, it is considered that the development adheres with Policy GR6 (Amenity and Health) of the Local Plan as such it is considered that the development would be socially sustainable.

Planning Balance

The site lies within the Sandbach Settlement Zone Line where there is a general presumption in favour of development. As such, the principle of single and two storey rear extensions is considered acceptable subject to compliance with other relevant development plan policies which in this case, relate to design and residential amenity.

The NPPF largely supports the above Local Plan policies that apply in this case.

From an economic sustainability perspective, the scheme will assist in the local building business.

From an environmental and social perspective the proposal would be of an acceptable design that would have a minimal impact upon the amenities. As such, the proposal would adhere to Policies GR6 (Amenity), GR1 (Design Standards) of the Congleton Borough local Plan 2005. The proposal would also accord with the NPPF.

As such, it is considered that the development would be sustainable and is therefore recommended for approval.

RECOMMENDATION

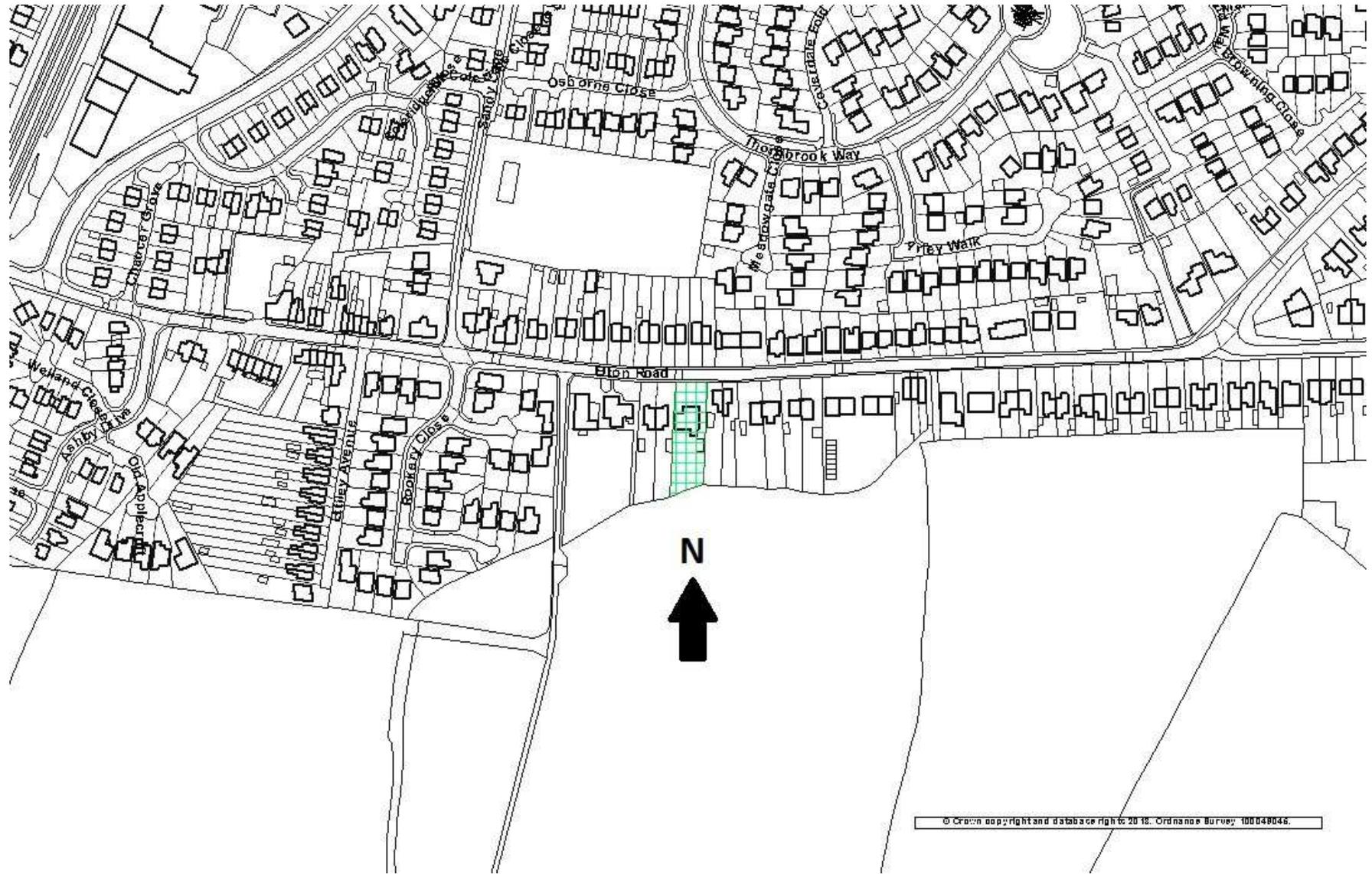
APPROVE subject to conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Obscure Glazing – First Floor windows to the side elevation facing No 24 Elton Road**

Informatives:

- 1. NPPF**
- 2. Brine Board recommendations**

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



Application No: 15/2421C
Location: 13, VICARAGE LANE, SANDBACH, CHESHIRE, CW11 3BW
Proposal: Replacement workshop/garage at the rear of the property
Applicant: Miss Kerry Thomas
Expiry Date: 31-Jul-2015

SUMMARY:

The replacement building is not considered to be incongruous within its setting nor detrimental with regard to amenity for any surrounding properties. The proposed development is of an acceptable design and is therefore in accordance to Local Plan Policies and the NPPF.

The application site is within the settlement boundary for Sandbach and the scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve with conditions

REASON FOR REPORT:

This application has been called in to be determined by Southern Planning Committee by Cllr Merry as representations have been made stating that the application represents a change of use, there is a significant impact on neighbouring amenity, that Vicarage Lane is unsuitable for large vehicles and that the proposal is too large and is not in keeping with the surrounding area.

PROPOSAL:

Householder planning permission is sought for a replacement workshop/garage at the rear of No. 13, Vicarage Lane, Sandbach. The replacement building would be approximately 4.5 metres (m) in height to ridge and 3.5 m in height to eaves, 6.0 m in width and a length of 12 m.

SITE DESCRIPTION:

The application site is a roughly rectangular shaped piece of land, located to the west of Vicarage Lane. The site comprises a detached, two storey dwelling, detached garage/workshop to the rear and associated curtilage. The surrounding area is residential in character.

The site falls within the Sandbach settlement zone line.

RELEVANT HISTORY:

08/1579/FUL – extension to the side and rear – approved 28th October 2008

11/4121C – extension in time to application 08/1579/FUL – approved 22nd December 2011

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (2012)

Development Plan:

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Congleton Borough Local Plan First Review 2005:

Sandbach Settlement Zone Line

PS4 - Towns

GR1 – New Development

GR2 - Design

GR6 – Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

CONSULTATIONS:

Highways: No comment.

Environmental Health: No comment.

Sandbach Town Council: No objection.

REPRESENTATIONS:

5 letters of representation have been received from local residents and are summarised below:

- Access arrangements and impact on parking and traffic
- The intended use is incorrect on the forms
- The building is not in keeping with the area
- The building is too large in terms of scale and massing
- Concerns over land use to the rear
- Inaccuracies on the planning application form
- Inappropriate land use
- Pollution and impact on amenity

APPRAISAL:

Principle of Development

The proposal is for a replacement workshop/garage at the rear of a dwelling within the settlement boundary for Sandbach which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

The existing building is approximately 4.5 m in height to ridge and 2.3 m to eaves, 4.7 m in width and 6 m in length.

The proposal is considered to be in accordance with Policy PS4 (Towns) and is acceptable in principle.

Amenity

In terms of neighbouring residential amenity the closest neighbouring dwellings are No. 11 and No. 15, Vicarage Lane. It is not considered that the proposal would have any significant impact on the amenity of No. 6, Vicarage Gardens (the neighbouring dwelling to the west/rear of the application site) as the proposed replacement building would be situated approximately 16 m from the rear elevation of No. 6, Vicarage Gardens.

The proposed building would replace an existing garage/workshop that is in a state of disrepair. As detailed above, the replacement building will be the same height as the existing building, approximately 1.3 m wider than the existing building and approximately 6 m longer than the existing building. Due to the positioning of the building (at the rear of the dwelling and set back from the host dwelling by approximately 10 metres) and the fact that the building would replace an existing building that is the same height, it is not considered that the proposal would significantly harm any amenity in terms of loss of light, overshadowing or visual intrusion.

It is therefore considered that the proposed replacement building would not have any significant adverse impact on the residential amenity of the closest neighbouring properties. The proposal is therefore considered to be in compliance with GR6 (Amenity and Health) of the adopted local plan.

Design

The garage has been designed to be subservient to the host dwelling and the design is considered to be appropriate and in line with the purpose it will serve and is acceptable. The workshop/garage is to be located at the rear of the dwelling and will not be clearly visible from Vicarage Lane. The scale and massing of the proposed garage is considered acceptable and therefore the impact on the streetscene (which is residential in character) would not be significant.

The proposed openings are considered to be in keeping with the area and are acceptable in design terms.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies GR1 (New Development) and GR2 (Design) of the adopted Local Plan.

Access and Car Parking

The proposed development seeks the erection of a replacement workshop/garage building. There is enough room to park three cars at the front/side parking area of the property and this provision is acceptable.

The proposal is considered in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision).

Other Matters

Land ownership

Concerns have been raised by local residents relating to the ownership of the application site. This is considered to be a civil matter and, subject to planning permission, will be a matter for the Applicant and any interested third party land interest to address.

Proposed use

Further concerns have been raised relating to the use contained within the building. The Applicant has advised that:

“There is no commercial enterprise of any type whatsoever...the activity will be no different to that of the last 3 months since moving into Vicarage Lane”.

The use is considered to be incidental to the residential dwelling and it is not considered that a change of use is required.

The application has been submitted on a householder planning application form. If approved, there would be no permission for anything other than a domestic garage and workshop for the residence. For the avoidance of doubt (as the site edged red does not encompass the existing dwellinghouse), a condition could be imposed that would ensure the building is used only for purposes incidental to the enjoyment of the dwellinghouse known as No. 13 Vicarage Lane.

Permitted development position

A building of this footprint could be achieved under householder permitted rights. The height of the proposal is not in accordance with Part 1, Class E hence the requirement for a planning application. As detailed above, the height of the proposal matches the height of the existing building.

Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is in within the settlement zone line for Sandbach and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Plans**
- 3. Materials as per application**
- 4. Building to be used only as a garage/workshop incidental to the enjoyment of the dwellinghouse**

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



Application No: 15/2879C

Location: 49, PIKEMERE ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2SE

Proposal: Two Storey Side Extension with Internal Alterations

Applicant: Mr A Buckley

Expiry Date: 20-Aug-2015

SUMMARY:

No objections have been received and the proposed extension is not considered to be incongruous within its setting nor detrimental with regard to amenity for any surrounding properties. The proposed development is of an acceptable design and is therefore in accordance to Local Plan Policies and the NPPF.

The application site is within the settlement boundary for Alsager and the scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve with conditions

REASON FOR REPORT: This application has been called in to be determined by Southern Planning Committee by Cllr Hough: *"The planning reason is the lack of information regarding the effect on the neighbouring property. No distances are given to show the distance to No 47 nor the scale of the extension to the neighbour."* **PROPOSAL:**

Householder planning permission is sought for a two storey side extension with internal alterations.

The extension would be approximately 8 metres (m) in height to ridge and 5.0 m in height to eaves, 5.8 m in width and a depth of 10.1 m.

SITE DESCRIPTION:

The application site is a roughly rectangular shaped piece of land, located to the north of Pikemere Road. The site comprises a detached, two storey dwelling, detached garage to the rear and associated curtilage. The surrounding area is residential in character.

The site falls within the Alsager settlement zone line.

RELEVANT HISTORY:

None relevant.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (2012)

Development Plan:

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Congleton Borough Local Plan First Review 2005:

Alsager Settlement Zone Line

PS4 - Towns

GR1 – New Development

GR2 - Design

GR6 – Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

CONSULTATIONS:

Highways: No comment.

Environmental Health: No comment.

Alsager Town Council: Object as the development will cause a loss of amenity.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for a two storey side extension to a dwelling within the settlement boundary for Alsager which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

The proposal is considered to be in accordance with Policy PS4 (Towns) and is acceptable in principle.

Amenity

In terms of neighbouring residential amenity the closest neighbouring dwelling is No. 51, Pikemere Road (the neighbouring dwelling to the west). It is not considered that the proposal would have any significant impact on the amenity of No. 47, Pikemere Road (the neighbouring dwelling to the east of the application site) as the proposed development would be situated on the western elevation of the host dwelling and the existing built form would serve to separate No. 47 from the proposed extension.

The extension follows the ridge and eaves height of the host dwelling. It is not considered to be excessive in terms of scale and massing. There are two windows proposed on the side elevation of the proposed extension facing No. 51, both at ground floor and both serving the garage. As such the impact on amenity would be limited. It is not considered that the new windows on the front elevation would have any impact on the amenity of the opposite dwellings as there are already windows facing these dwellings and the relationship is established.

The proposed extension maintains a gap of 2.3 m to the shared boundary of No.51. This provides an acceptable spacing between buildings. The extension slopes down from 2 storey to single storey at the rear, such that the proposal will not be overly dominant to the neighbouring dwelling. When considering the proposed extension in relation to any potential overshadowing of principal windows and any potential overbearing effect on the neighbouring properties, the proposed extension complies with the unofficial 45 degree guideline that is used as a benchmark to assess the implications of such developments. Adequate space, light and privacy would be maintained between the two properties.

Whilst the objections of the Town Council are noted, it is considered that the proposed extension would not have any significant adverse impact on the residential amenity of the closest neighbouring properties. The proposal is therefore considered to be in compliance with GR6 (Amenity and Health) of the adopted local plan.

Design

The proposed two storey extension would match the height of the existing roof line and the extension has been designed to mirror the host dwelling with the introduction of a new hipped roof facing Pikemere Road, mirroring the existing hip.

It is considered that the design and proportions of the proposed apertures are in keeping with the existing property and will not appear as alien or obtrusive features.

As such it is not considered that there would be any significant negative impact on the street scene.

Overall it is considered that the proposed extension is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies GR1 (New Development) and GR2 (Design) of the adopted Local Plan.

Access and Car Parking

The proposed development includes a double garage. There is enough room to park two cars at the front/side parking area of the property and, when taking into account the provision of two garage parking spaces, this provision is acceptable.

The proposal is considered in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision).

Planning Balance

The proposal is in accordance with relevant policies of the development plan. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted unless material consideration indicate otherwise. The objections from the Town Council in respect of amenity issues have been considered but there is not considered to be a significant and demonstrable impact that would justify a refusal of planning permission.

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is in within the settlement zone line for Alsager and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Plans**
- 3. Materials as per application**

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



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Application No: 15/3339C

Location: 22, BOLLIN CLOSE, SANDBACH, CW11 1WZ

Proposal: Change of use of land from amenity to garden/ drive. Double existing drive width. Remove existing boundary fence and erect new boundary fence on new boundary line

Applicant: Mr Anthony Elliott

Expiry Date: 11-Sep-2015

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

- Principle of Development
- Design – Character and appearance
- Residential Amenity
- Highway safety

REASON FOR REFERRAL:

The application has been 'called-in' to Southern Planning Committee by Councillor G. Merry for the following reasons;

'Impact on street scene, amenity, permitted uses. This should be a retrospective application as there is already a shed on the land, and the applicant is using the land to store materials.'

DESCRIPTION OF SITE AND CONTEXT

The site comprises of an elongated parcel of amenity land, which lies to the east of and adjacent to No.22 Bollin Close, Sandbach within the Sandbach Settlement Zone Line.

DETAILS OF PROPOSAL

Planning permission is sought to change the use of the land from 'amenity land' to 'residential garden land' (Use Class C3), serving as an extension to the garden associated with No. 22 Bollin Close.

It should be noted that the land is already fenced off with low-level, temporary plastic fencing.

RELEVANT HISTORY

14/1402C - Demolish existing garage. Construct a new double garage and rear ground floor extension – Approved 16th May 2014

13/1602C - Extension incorporating a double garage, shower & utility facilities. Change of use from surplus land to residential garden. Removal of an existing boundary fence & its re-erection on the new boundary line. Demolition of existing garage – Withdrawn 6th June 2013

POLICIES

Local Policy

PS4 – Towns, GR1 - General Requirements for New Development, GR2 - Design
GR4 & GR5 – Landscaping, GR6 - Amenity and Health

National Planning Policy

National Planning Policy Framework (NPPF)
Planning Policy Guidance (PPG)

Cheshire East Local Plan Strategy – Submission Version

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

CONSIDERATIONS (External to Planning)

N/a

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council – Object to change of use due to detrimental impact on visual amenity for residents.

OTHER REPRESENTATIONS

1 letter of objection has been received. The main areas of concern raised include;

- Amenity – Loss of light, outlook, privacy (assuming erection of shed on land)
- Design – Fence out of keeping, visual amenity impact generally
- Trees - Loss of trees on land
- Highway safety - Parking
- Flooding

APPLICANT'S SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Sandbach where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. These are considered below.

Design

The estate was built in the 1970s and is made up of a number of cul-de-sacs that are accessed off Grange Way and St Peter's Rise. The layout of the estate has been designed to be open plan with limited boundary treatments at the front of dwellings and buffers of open grassed amenity land in other areas. These spaces serve to soften the impact of the built development and allow for open views and aspects within the estate.

It is recognised that a number of other parcels of land have been granted planning permission to be used for residential use on this estate over the past few years. However, each case has been considered on its own merits as this application must also be.

The application site comprises of an elongated parcel of open grassed amenity land, which lies on the eastern side of No.22 Bollin Close and adjacent to a public footpath to the west, the other side of which is a school.

The application site is partially visible in the streetscene, but more so from the adjacent public footpath which links Weaver Close to Bollin Close.

For the full length of this section of footpath there is an area of amenity green space to the western side of the footpath when travelling in a northern direction from Weaver Close.

The first element of this green space within this corridor when travelling in a northern direction is to the eastern side elevation of No.23 Weaver Close. This property and its domestic curtilage is fenced off from the amenity land by a 1.8 metre-tall boundary fence. Between this fence and the footpath is a retained strip of green amenity space between approximately 3.4 and 3.8 metres in width.

Beyond this point, this parcel of amenity space widens to approximately 8.9 metres and narrows to approximately 3 metres at the northern end. It is triangular in shape. All of this space lies adjacent to the applicant's property, No.22 Bollin Close and forms the parcel of land sought for a change of use.

The proposed change of use is sought for the entire parcel of land. However, the proposed boundary fence is sought within the site itself, not on its boundary. The proposed fence would follow the existing line of the fence adjacent to No.23 Weaver Close, and as such, would leave a green gap next to the footpath of between approximately 3.3 metres at the southern most end and approximately 0 metres at the northern end.

As the site extends to the north, the width of the amenity space narrows adjacent to the applicant's property. However, it should be noted that at the northern end, where the fence would be sited close to the footpath itself, the site opens up and becomes wider to the western side of the footpath, and as such a degree of openness is retained, even at this section.

The introduction of further residential paraphernalia, such as sheds and green houses and fencing closer to the footpath than proposed, is likely to have a detrimental impact upon the streetscene which should be considered on its own merits. It is therefore considered that the removal of

Permitted Development Rights for structures and fences etc would be acceptable to allow the Council some control over future development on the site should the application be approved.

Subject to this condition, it is considered that an acceptable level of openness would be retained at this location for the reasons detailed and therefore, the impact upon the character and appearance would not be significant.

As such, it is considered that the change of use would adhere with Policy GR2 of the Local Plan.

Residential Amenity

The site enjoys sufficient separation with neighbouring buildings and therefore the residential amenity afforded to neighbouring residents would not be materially harmed with regards to privacy, light or visual intrusion.

No built form other than the proposed boundary fence is proposed.

As such, it is considered that the change of use of this parcel of land and the erection of the proposed fence would adhere with Policy GR6 of the Local Plan.

Highways

The site is set back far enough from the edge of the highway to ensure that the proposal will not cause detriment to highway safety.

The widening of the applicant's driveway, also sought as part of this application, would also not create any significant highway safety concerns.

Other matters

Matters of drainage, flooding and trees are considered to be acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that on balance, and in this instance the proposed change of use of amenity land to residential is acceptable. The area of land relates to a triangular parcel of land adjacent to a public footpath. As a strip of this land would remain 'open' which would be in line with the adjacent parcel of land to the south, a degree of openness would be retained and the change of use would not significantly impact on the visual amenity of the area. The removal of permitted development rights from the land will afford the LPA some control over future development of the land and therefore the proposal is recommended for approval.

APPROVE WITH CONDITIONS

- 1. Time**
- 2. Plans**
- 3. Removal of PD, fences, outbuildings e.t.c**

Informatives:

- 1. NPPF**



Application No: 15/2058C
Location: School Farm, Alsager, Hassall, CW11 4SA
Proposal: Proposed Agricultural Building
Applicant: Miss Lowe
Expiry Date: 12-Aug-2015

REFERRAL

The application is to be determined by the Southern Planning Committee as it relates to the creation of more than 1000 sq. m of agricultural floorspace.

SUMMARY: The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, or open countryside, it would not have a detrimental impact on the public right of way adjacent and is therefore considered to be acceptable and to comply with the relevant policies of the Local Plan and a recommendation of approval is made

RECOMMENDATION: APPROVE Subject to conditions

PROPOSAL:

The proposal is for the construction of a steel framed farm building with fibre cement roof sheeting and box profile cladding. The proposal would measure approximately 71metres long, 22 metres wide and 7.2 metres high to the ridge. The floor plans show that the building will be used as a milking parlour, with 128 head to head cubicles.

The amended plans show the building protruding into the open countryside to the north of the existing farmstead but within the context of the existing farm. The building will be sited a minimum of 5m away from the Public Right of Way which runs north to south and to the east of the building. All access is proposed from within the farm complex by farm employees only. It would provide safe and dry accommodation for cattle required by welfare regulations.

SITE DESCRIPTION:

The application site is within a 126 hectare farm stead and the proposal would be specifically located in open countryside off Alsager Road. The farm is a mix of traditional and modern farm buildings. Access to the building will be through the existing farmstead, and the building will be constructed adjacent to the Hassall Footpath 9.

RELEVANT HISTORY:

None

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance to this application are paragraphs; Para 17 (Core Principles), 28 (Supporting a prosperous rural economy),

Local Plan Policy

GR.1 (New Development)

GR.2 (Design)

BH.13 (New Agricultural Buildings)

PS.4 (Open Countryside)

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:

PG5 Open Countryside

SE1 Design

CONSULTATIONS:

Highways – No objection

Environmental Health – No objection, subject to an informative for hours of operation

Public Right of Way (6th August) – No objection subject to informative

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the adopted Congleton Borough Local Plan First Review 2005, where new development is not normally permitted unless it falls within one of a number of categories of development including development which is essential for the purposes of agriculture. Therefore there is a presumption in favour of the development in principle.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, 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.

SOCIAL SUSTAINABILITY

Amenity

The closest residential building is over 140metres from the proposed building, and there are a small number of other residential properties within the area. It is considered that they will not be in such a close proximity to the proposed agricultural building that it would cause a detrimental impact on the amenity of occupiers, given the existing use of the site. It is considered that the application complies with the requirement of policy GR1 and GR6 of the local plan.

ENVIRONMENTAL SUSTAINABILITY

Landscape and ecology

The proposed agricultural building will be constructed within a rural landscape, viewed against the back drop of an existing farmstead. The building will be sited on existing pasture land which is regularly grazed, and will have no impact on ecological habitat or trees. Existing mature trees, hedges and shrubs will also help screen the proposal from views to the east and west.

Design

Policy BH13 allows for the erection of new agricultural buildings provided that it is essential for agricultural operations and that they are sited so as to minimise intrusiveness in the landscape. This is a building that although of standard design would seamlessly integrate into the rural landscape and farm complex. It will be sited to the rear of a collection of buildings on the site and will be seen in the context of the existing farmstead.

ECONOMIC SUSTAINABILITY

Highways

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

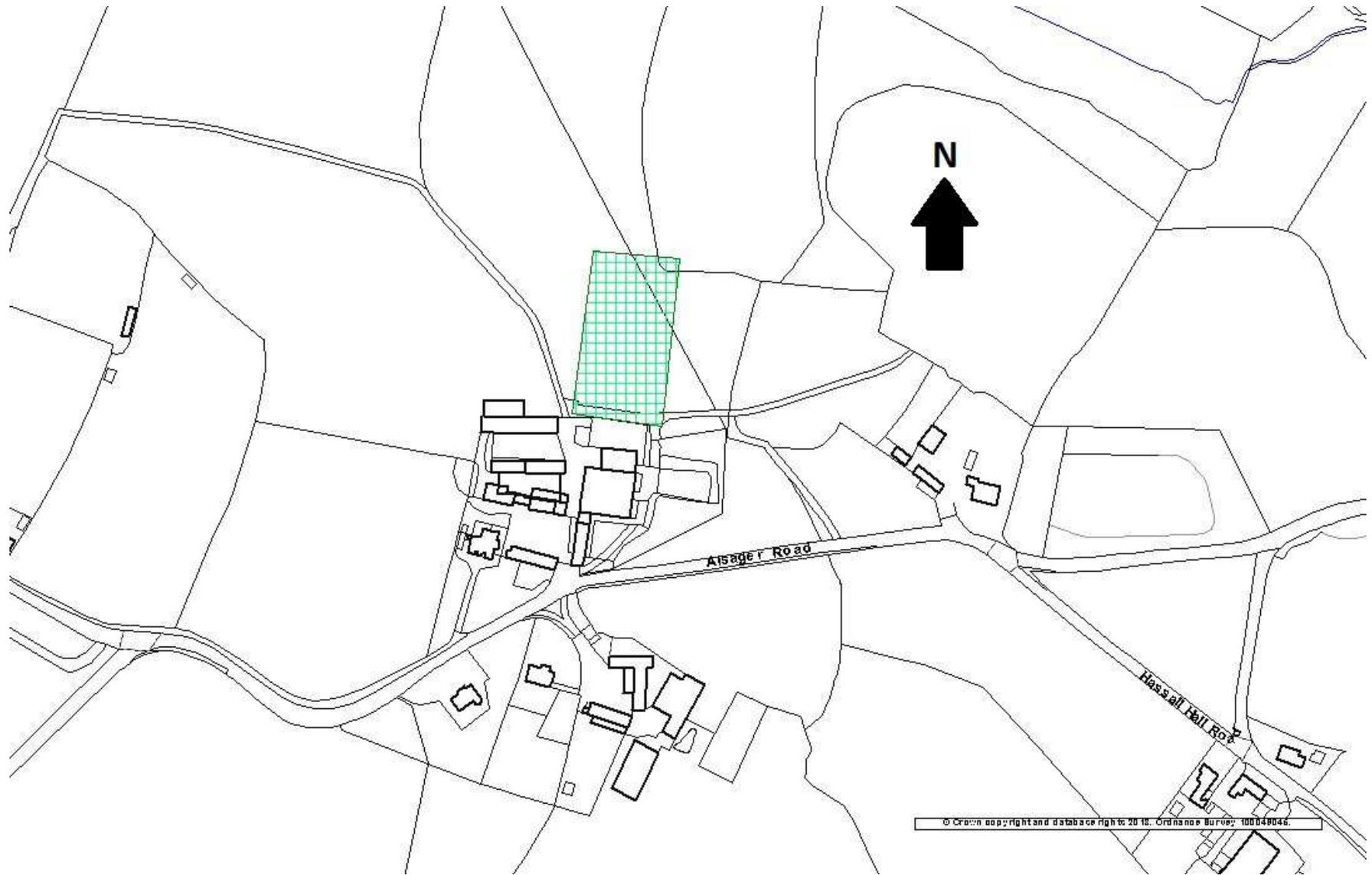
CONCLUSION

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, or open countryside; it would not have a detrimental impact on the public right of way adjacent and is therefore considered to be acceptable and to comply with the relevant policies of the Local Plan.

RECOMMENDATIONS

APPROVE Subject to conditions:

- 1. Standard**
- 2. Approved plans**
- 3. Materials as stated**



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 2nd September 2015
Report of: David Malcolm – Head of Planning (Regulation)
Title: Land to the east of Hermitage Lane, Goostrey

1.0 Purpose of Report

- 1.1 To consider the withdrawal of the Housing Land Supply (HLS) reason for refusal relating to planning application 14/1964C. This was an outline application for 26 dwellings at land to the east of Hermitage Lane, Goostrey.

2.0 Decision Required

- 2.1 To agree to the part withdrawal of the reason for refusal 1 in respect of HLS and to instruct the Head of Planning (Regulation) not to contest this issue in the forthcoming appeal. The appeal will still be contested on all other grounds detailed below.

3.0 Background

- 1.2 An application for 26 dwellings on Land to the east of Hermitage Lane, Goostrey was refused by the Cheshire East Council's Southern Planning Committee on the 29th October 2014. The application was refused for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework. These policies seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance, including the landscape. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.*

3.1 The application is now the subject of an Appeal. However, since the determination of the planning application, the Local Plan Inspectors interim report has been received which warrants the reconsideration of the HLS aspect of the reason for refusal.

3.2 The appeal is to be heard by means of Public Inquiry (date to be confirmed).

Housing Land Supply

3.3 Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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.

3.9 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 and therefore the housing land supply issue be effectively withdrawn.

Open Countryside

- 3.10 The site is located within the open countryside. As Members will be aware, there have been a number of recent appeal decisions where the open countryside has been lost due to the shortfall of housing land. Officers have recommended decisions accordingly. At the recent appeal decisions at Audlem Road, Broad Lane and Peter Destapleigh Way, Stapeley (12/3747N) the Secretary of State disagreed with the inspectors recommendation and stated that he did not consider that the appeal site is one of the most appropriate sites to take forward and that it should not be assumed at this stage that the development of this site within the open countryside should proceed on a piecemeal basis and that the development does not constitute sustainable development.
- 3.11 Conflict with objectives relating to the protection of the countryside, may properly outweigh the benefits of boosting housing land supply along with the other sustainability credentials of the proposals, as confirmed by the recent Appeal Decision at "The Gables". In that case Inspector Cullingford recognised at paragraph 26 that whilst settlement boundaries were out of date and in need of review:

"that does not mean that the severe restrictions designed to protect the character of the countryside should be wholly discarded, especially where the aims of that policy continue to chime with the advice of the Framework. So, while an outdated policy might not of itself justify protection for this settlement boundary, the clear natural distinction between the character of the western and eastern sides of Back Lane, as well as the enveloping nature of the countryside around this small settlement and its contribution to the character of the place, might well be worth maintaining for sound planning reasons. The proposal would irrevocably alter those features and, for the reasons outlined above, be seen as an intrusive and incongruous element encroaching into the countryside that envelopes the settlement, contrary to several core planning principles set out in the Framework."

- 3.12 It is considered that these comments would apply to the current application site and as such the appeal will still be defended on the basis of the harm to the character and appearance of the open countryside and the impact upon Jodrell Bank Radio Telescope.

4 Planning Balance and Conclusion

- 4.1 The proposal is contrary to development plan policies PS8 (Open Countryside), H6 (Residential development in the Open Countryside and the Green Belt) and PS10 (Jodrell Bank Radio Telescope Consultation Zone) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

- 4.2 The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.3 The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 relates to Jodrell Bank and is not therefore a policy for the supply of housing.
- 4.4 Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy PS8 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to “flex” in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting 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.”*

- 4.5 It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweigh the negative in order to reach an eventual

judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

- 4.6 In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.
- 4.7 Balanced against these benefits must be the negative effects of this incursion into Open Countryside by built development and the impact upon the Jodrell Bank Radio Telescope. It is considered that the negative aspects of the scheme in relation to the harm to the open countryside and Jodrell Bank would be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.
- 4.8 On the basis of the above, it is considered that the Council should withdraw part of the reason for refusal which relates to HLS and to contest the issue at Appeal on open countryside and Jodrell Bank grounds only.

5.0 Recommendation

- 5.1 To agree to the part withdrawal of the reason for refusal 1 in respect of housing land supply and to instruct the Head of Planning (Regulation) not to contest this issue at the forthcoming Appeal. The appeal will still be contested on open countryside and Jodrell Bank grounds. The appeal will be defended on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework. These policies seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance, including the landscape and there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton*

Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

6.0 Risk Assessment and Financial Implications

- 6.1 There is a risk that if the Council continues to pursue the Appeal on housing land supply grounds, in the light of the Local Plan Inspectors Interim findings, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

7.0 Consultations

- 7.1 None

8.0 Reasons for Recommendation

- 8.1 To avoid the costs incurred in pursuing an unsustainable reasons for refusal at Appeal

For further information:

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Background Documents:

Application: 14/1964C